

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

COMMISSIONER OF
INTERNAL REVENUE,
Petitioner,

CTA EB NO. 3395
(CTA Case No. 10968)

Present:

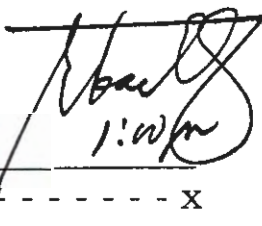
-versus-

RINGPIS-LIBAN, P.J.,
BACORRO-VILLENA,
MODESTO-SAN PEDRO,
REYES-FAJARDO,
CUI-DAVID,
FERRER-FLORES,
ANGELES,
TESTON, and
CENTENO-DIJAMCO, JJ.

HEALTH PRODUCTS AND
SERVICES B.V.,
Respondent.

Promulgated:

OCT 01 2026



X- ----- X

RESOLUTION

CUI-DAVID, J.:

Before the Court is petitioner's *Motion to Admit Petition for Review (Motion)* filed on July 9, 2026, praying that the attached *Petition for Review* be admitted notwithstanding his filing beyond the reglementary period.

Petitioner attributes the delay to an "isolated and inadvertent oversight" in the calendaring and monitoring of the appeal period and invokes the liberal application of procedural rules in the interest of substantial justice.

The *Motion* is without merit.



RESOLUTION

CTA EB NO. 3395 (CTA Case No. 10968)

Commissioner of Internal Revenue v. Health Products and Services B.V.

Page 2 of 5

x-----x

Under Section 3(b), Rule 8¹ of the Revised Rules of the Court of Tax Appeals, a petition for review before the Court *En Banc* must be filed within fifteen (15) days from receipt of the assailed resolution. Corollarily, it is settled that the perfection of an appeal in the manner and within the period prescribed by law is not only mandatory but also **jurisdictional**. Failure to perfect an appeal within the reglementary period renders the assailed judgment or resolution final and executory and deprives the appellate court of jurisdiction to alter the same.²

In this case, petitioner admits that his failure to timely file the *Petition for Review* resulted from counsel's inadvertence in calendaring and monitoring the appeal period. Such explanation does not constitute the compelling, exceptional, or persuasive circumstance that would justify a relaxation of procedural rules.

It is settled that a client is generally bound by the mistakes, negligence, and procedural omissions of counsel. Only where counsel's negligence is so gross, reckless, or deprives the client of due process have the courts recognized exceptions to this rule. No such circumstance is present here.

The records show that petitioner received the *Resolution* dated May 7, 2026, denying his *Motion for Reconsideration*, on **June 1, 2026**,³ while his counsel of record, the Office of the Solicitor General (OSG), received the same earlier, on **May 29, 2026**.⁴

Considering that notice to the OSG constitutes notice to its deputized lawyers, the 15-day period to appeal commenced from the OSG's receipt of the *Resolution*.⁵ Thus, petitioner had

¹ SEC. 3. *Who may appeal; period to file petition.* –

(b) A party adversely affected by a decision or resolution of a Division of the Court on a motion for reconsideration or new trial may appeal to the Court by filing before it a petition for review within fifteen days from receipt of a copy of the questioned decision or resolution. Upon proper motion and the payment of the full amount of the docket and other lawful fees and deposit for costs before the expiration of the reglementary period herein fixed, the Court may grant an additional period not exceeding fifteen days from the expiration of the original period within which to file the petition for review.

² *Aguilar v. Court of Appeals*, G.R. No. 172986, October 2, 2009 [Per J. Brion, J., *En Banc*].

³ Division Docket – Vol. III, unpagged.

⁴ *Id.*

⁵ In *Denila v. Republic*, G.R. No. 206077, July 15, 2020 [Per J. Gesmundo, Third Division], the Supreme Court held that “copies of orders and decisions served on the deputized counsel, acting as an agent or representative of the Solicitor General, are not binding until they are actually received by the latter”; all in acknowledgement of the OSG's principal role as the ‘principal law officer and legal defender of the Government’ as provided under Section 35(1), Chapter 12, Title III, Book IV of the Administrative Code of 1987. This means that the proper basis for computing a reglementary period and for determining whether a decision had attained finality is service on the OSG.”

RESOLUTION

CTA EB NO. 3395 (CTA Case No. 10968)

Commissioner of Internal Revenue v. Health Products and Services B.V.

Page 3 of 5

x-----x

until **June 15, 2026⁶** to file his *Petition for Review* before the Court *En Banc*. However, petitioner filed the instant *Motion* only on **July 9, 2026.⁷** Thus, the *Petition for Review* sought to be admitted was filed **twenty-four (24) days beyond the reglementary period.**

The Court underscores that this is not a case of a minimal or excusable delay. Petitioner was not late by merely a day or two. Rather, he filed his *Petition for Review* twenty-four (24) days after the lapse of the appeal period. By then, the *Resolution* sought to be reviewed had already attained finality. Accordingly, the Court finds no basis to disregard such substantial delay solely on the ground of counsel's alleged inadvertence in calendaring and monitoring the appeal period.

To excuse such delay on account of counsel's oversight would effectively render the reglementary period for appeal discretionary, contrary to the established doctrine that procedural periods exist to ensure the orderly administration of justice and the stability of judicial proceedings.⁸

Liberal construction of the rules is the exception, not the rule.⁹ It may be invoked only upon a showing of highly exceptional, compelling, and persuasive reasons.¹⁰ In the present case, petitioner has shown none. Other than invoking counsel's inadvertence, petitioner failed to demonstrate any circumstance that prevented him from filing his appeal on time, or that would justify setting aside the consequences of his failure to comply with the Rules.

Independently, the Court *En Banc* finds that the *Petition for Review* suffers from a separate procedural infirmity. Neither the *Motion to Admit Petition for Review* nor the attached *Petition for Review* was accompanied by a written deputation or authority from the OSG. Absent such deputation, the *Petition for Review* is procedurally dismissible for lack of authority to file, consistent with settled jurisprudence recognizing the OSG as the statutory counsel of the CIR before the CTA.¹¹

⁶ The 15th day to file an appeal fell on a Saturday, June 13, 2026; thus, the last day of filing is on the next working day.

⁷ *En Banc* Docket, unpagged.

⁸ *Sindophil, Inc. v. Republic*, G.R. No. 204594, November 7, 2018 [Per J. Leonen, Third Division].

⁹ *Tible & Tible Company, Inc. v. Royal Savings and Loan Association*, G.R. No. 155806, April 8, 2008 [Per J. Reyes, R.T., Third Division].

¹⁰ See *Estrella v. SM Prime Holdings, Inc.*, G.R. Nos. 257814 & 257944, February 20, 2023 [Per J. Lopez, J., Second Division].

¹¹ *People v. Tuyay*, G.R. No. 206579, December 1, 2021 [Per J. Hernando, Second Division].

RESOLUTION

CTA *EB* NO. 3395 (CTA Case No. 10968)

Commissioner of Internal Revenue v. Health Products and Services B.V.

Page 4 of 5

X-----X

The right to appeal is a mere statutory privilege that must be exercised strictly in the manner and within the period prescribed by law. It is not a natural right nor a component of due process. Thus, parties seeking appellate review must faithfully comply with the requirements laid down by the rules.¹²

Accordingly, petitioner failed to demonstrate any compelling, equitable, or exceptional circumstance that would warrant a departure from the mandatory rules governing appeals. Having allowed the reglementary period to lapse without perfecting his appeal, petitioner lost his statutory right to seek appellate review, and the *Resolution* sought to be assailed became final and executory. The Court therefore has no basis, either in law or equity, to admit the belated *Petition for Review*.

WHEREFORE, the *Motion to Admit Petition for Review* is **DENIED** for having been filed out of time. Accordingly, the attached *Petition for Review* is **DISMISSED** for lack of jurisdiction.

SO ORDERED.


LANEE S. CUI-DAVID
Associate Justice

WE CONCUR:


MA. BELEN M. RINGPIS-LIBAN
Presiding Justice


JEAN MARIE A. BACORRO-VILLENA
Associate Justice

¹² *Brual v. Contreras*, G.R. No. 205451, March 7, 2022 [Per J. Hernando, Second Division].

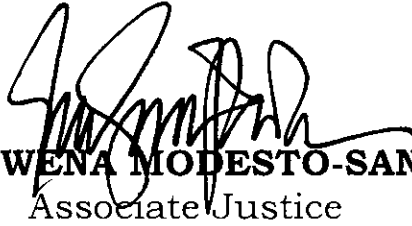
RESOLUTION

CTA EB NO. 3395 (CTA Case No. 10968)

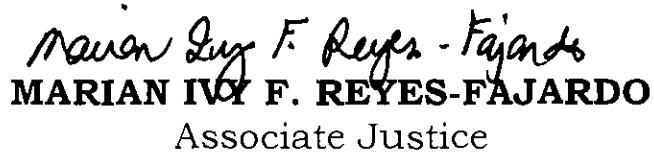
Commissioner of Internal Revenue v. Health Products and Services B.V.

Page 5 of 5

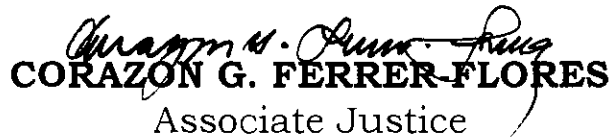
X-----X



MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice



MARIAN IVY F. REYES-FAJARDO
Associate Justice



CORAZON G. FERRER-FLORES
Associate Justice



HENRY S. ANGELES
Associate Justice



PAOLO S. TESTON
Associate Justice



DEBBIE JEAN I. CENTENO-DIJAMCO
Associate Justice

