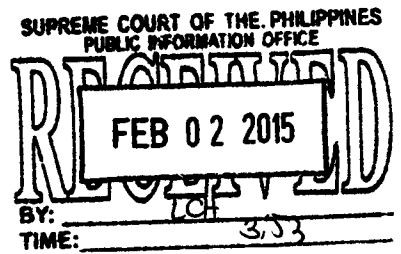




Republic of the Philippines  
Supreme Court  
Manila  
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 10, 2014** which reads as follows:*

**“G.R. No. 204715 (Republic Cement Corporation [as surviving corporation in a merger involving FR Cement Corporation] v. Commissioner of Internal Revenue).**

After a careful perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the July 18, 2012 Decision<sup>1</sup> and November 21, 2012 Resolution<sup>2</sup> of the Court of Tax Appeals (CTA) *En Banc* in CTA EB No. 821 for failure of Republic Cement Corporation (petitioner) to show that the CTA *En Banc* committed any reversible error in assessing it for deficiency *creditable withholding value-added tax* (CWWAT) for taxable year 1999 in the amount of ₱10,044,824.64, inclusive of 25% surcharge, and in imposing *deficiency interest* of 20% *per annum* on the basic deficiency CWWAT of ₱8,035,859.71 from January 25, 2000 until full payment thereof, as well as *delinquency interest* of 20% *per annum* on the total deficiency taxes of ₱10,044,824.64 and on the 20% *deficiency interest* that have accrued from January 31, 2005 until full payment thereof.

- over – three (3) pages .....

212


<sup>1</sup> *Rollo*, pp. 22-41. Penned by Associate Justice Caesar A. Casanova with Associate Justices Juanito C. Castañeda, Jr., Lovell R. Bautista, Erlinda P. Uy, Olga Palanca-Enriquez, Esperanza R. Fabon-Victorino, Cielito N. Mindaro-Grulla, and Amelia R. Cotangco-Manalastas, concurring; Presiding Justice Ernesto D. Acosta with a separate Concurring and Dissenting Opinion (see *id.* at 42-46).

<sup>2</sup> *Id.* at 9-14. Penned by Associate Justice Caesar A. Casanova with Associate Justices Juanito C. Castañeda, Jr., Lovell R. Bautista, Erlinda P. Uy, Olga Palanca-Enriquez, Esperanza R. Fabon-Victorino, Cielito N. Mindaro-Grulla, and Amelia R. Cotangco-Manalastas, concurring; Presiding Justice Ernesto D. Acosta with a separate Concurring and Dissenting Opinion (see *id.* at 15-20).

As correctly ruled by the CTA *En Banc*, the simultaneous imposition of *deficiency* and *delinquency interests* are sanctioned under Section 249<sup>3</sup> of the National Internal Revenue Code (NIRC), which explicitly provides that *deficiency interest* shall be reckoned from the date prescribed for payment of the deficiency tax until full payment thereof while *delinquency interest* shall also be collected computed from the due date prescribed under the Assessment Notice until the full payment thereof.”

**SO ORDERED.” SERENO, C.J.**, on official travel; **DEL CASTILLO, J.**, acting member per S.O. No. 1862 dated November 4, 2014. **BERSAMIN, J.**, on official travel; **VELASCO, JR., J.**, acting member per S.O. No. 1870 dated November 4, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court *ff ulr*  
**212**

BANIQUED & BANIQUED  
Counsel for Petitioner  
Suite 803, 8<sup>th</sup> Flr.  
Jollibee Centre  
San Miguel Ave., Ortigas Center  
1605 Pasig City

Court of Tax Appeals  
National Government Center  
Diliman 1128 Quezon City  
(CTA EB No. 821; CTA Case  
No. 7114)

The Solicitor General (x)  
Makati City

- over -

<sup>3</sup> Section 249 of the NIRC reads:

SEC. 249. Interest. –

- (A) In General. – There shall be assessed and collected on any unpaid amount of tax, interest at the rate of twenty percent (20%) per annum, or such higher rate as may be prescribed by the rules and regulations, from the date prescribed for payment until the amount is fully paid.
- (B) Deficiency Interest. – Any deficiency in the tax due, as the term is defined in this Code, shall be subject to the interest prescribed in Subsection (A) hereof, which interest shall be assessed and collected from the date prescribed for its payment until the full payment thereof.
- (C) Delinquency Interest. – In case of failure to pay:
- (1) The amount of the tax due on any return to be filed, or
  - (2) The amount of the tax due for which no return is required, or
  - (3) A deficiency tax, or any surcharge or interest thereon on the due date appearing in the notice and demand of the Commissioner, there shall be assessed and collected on the unpaid amount, interest at the rate prescribed in Subsection (A) hereof until the amount is fully paid, which interest shall form part of the tax. (Emphases and underscoring supplied)

x x x x

The Hon. Commissioner  
Bureau of Internal Revenue  
Litigation Division  
BIR Bldg., Diliman  
1128 Quezon City

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-1-7-SC)

Judgment Division (x)  
Supreme Court

212

SR