



REPUBLIC OF THE PHILIPPINES  
COURT OF TAX APPEALS  
QUEZON CITY

**EN BANC RESOLUTION NO. 02-2015**

**WHEREAS**, SEC. 11 of Republic Act No. 1125 otherwise known as “An Act Creating the Court of Tax Appeals” as amended by Republic Act No. 9282, and further amended by Republic Act No. 9503, provides, in part, as follows:

“SEC. 11. *Who May Appeal; Mode of Appeal; Effect of Appeal.* -

xxx xxx xxx

No appeal taken to the CTA from the decision of the Commissioner of Internal Revenue or the Commissioner of Customs or the Regional Trial Court, provincial, city or municipal treasurer or the Secretary of Finance, the Secretary of Trade and Industry or the Secretary of Agriculture, as the case may be, shall suspend the payment, levy, distraint, and/or sale of any property of the taxpayer for the satisfaction of his tax liability as provided by existing law: *Provided, however*, That when in the opinion of the Court the collection by the aforementioned government agencies may jeopardize the interest of the Government and/or the taxpayer, the Court at any stage of the proceeding may suspend the said collection and require the taxpayer either to deposit the amount claimed or to file a surety bond for not more than double the amount with the Court.

xxx xxx xxx” (*underscoring supplied*)

**WHEREAS**, the “amount claimed” in said provision has been interpreted as the total amount of deficiency taxes including interest, penalties, and surcharges;

**WHEREAS**, the taxpayers have found the foregoing interpretation as unreasonable and prohibitive thereby negating the utility of the remedy of suspension of collection of tax;

**WHEREAS**, no less than the Supreme Court itself appears to be cognizant of this fact when it granted a Temporary Restraining Order upon this Court in G.R. No. 213394 captioned *Spouses Emmanuel D. Pacquiao and Jinky J. Pacquiao vs. The Court of Tax Appeals-First Division and the*

*Commissioner of Internal Revenue* even without requiring the petitioners to post the bond;

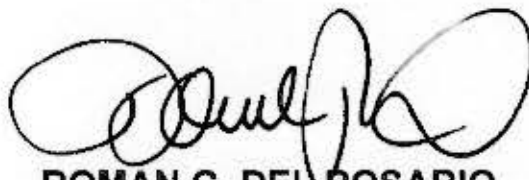
**WHEREAS**, SEC. 8 of Republic Act No. 1125 otherwise known as “An Act Creating the Court of Tax Appeals” as amended by Republic Act No. 9282, and further amended by Republic Act No. 9503, provides, in part, as follows:

“SEC. 8. *Court of Record; seal; proceedings.* – The Court of Tax Appeals shall be a court of record and shall have a seal which shall be judicially noticed. It shall prescribe the form of its writs and other processes. It shall have the power to promulgate rules and regulations for the conduct of the business of the Court, and as may be needful for the uniformity of decisions within its jurisdiction as conferred by law, but such proceedings shall not be governed strictly by technical rules of evidence.” (*underscoring supplied*)

**NOW, THEREFORE**, pursuant to its authority under SEC. 8 of Republic Act No. 1125, as amended, the Court *En Banc* RESOLVES, as it is hereby RESOLVED, TO LIMIT THE MEANING of the “**amount claimed**” found in SEC. 11 of RA 1125 TO THE PRINCIPAL AMOUNT OF THE DEFICIENCY TAXES ONLY, excluding penalties, interests, and surcharges.


This Resolution shall take effect upon its approval by the Supreme Court and its publication in two (2) newspapers of general circulation.

January 12, 2015.



**ROMAN G. DEL ROSARIO**  
Presiding Justice


*Juanito C. Castañeda, Jr.*  
**JUANITO C. CASTAÑEDA, JR.**  
Associate Justice



**LOVELL R. BAUTISTA**  
Associate Justice

  
**ERLINDA P. UY**  
Associate Justice

  
**CAESAR A. CASANOVA**  
Associate Justice

  
**ESPERANZA R. FABON-VICTORINO**  
Associate Justice

  
**CIELITO N. MINDARO-GRULLA**  
Associate Justice

  
**AMELIA R. COTANGCO-MANALASTAS**  
Associate Justice

  
**MA. BELEN M. RINGPIS-LIBAN**  
Associate Justice