



Republic of the Philippines  
**CENTRAL BOARD OF ASSESSMENT APPEALS**  
M a n i l a

**DIGITAL TELECOMMUNICATIONS  
PHILIPPINES, INC.**

Petitioner-Appellant,

-versus-

**THE LOCAL BOARD OF ASSESSMENT  
APPEALS OF BATANGAS CITY,**

Appellee,

-and-

**BATANGAS CITY TREASURER,  
BATANGAS CITY ASSESSOR,  
BATANGAS CITY LEGAL OFFICER,  
BATANGAS CITY MAYOR,**

Respondents-Appellees.

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**CBAA CASE NO. L-117**

(LBAA Case No. 2010-01)

Batangas City

## **O R D E R**

On September 13, 2011, Petitioner-Appellant DIGITAL TELECOMMUNICATIONS PHILIPPINES, INC. ("Digitel") filed with this Board the instant Appeal from the Resolution of the Local Board of Assessment Appeals of Batangas City (the "LBAA") dated August 1, 2001, a copy of which was received by Digitel on August 12, 2011.

The dispositive portion of which LBAA Decision reads:

"WHEREFORE, premises considered, this Board resolves that:

- "1) The Protest of the Appellant dated June 7, 2010 is hereby DISMISSED as the assailed Tax Declarations mentioned therein were already voided and cancelled, and therefore, the Protest is now moot and academic;
- "2. The claim of Appellant for tax exemption from payment of realty taxes on their properties is DENIED for lack of merit and as

decided by the Supreme Court in G.R. No. 156040, December 11, 2008;

- “3. The Protest dated September 6, 2010 is DISMISSED for lack of jurisdiction as the properties involved are the same properties which are now subject of Writ of Execution, approved and issued by the Regional Trial Court, Branch 8, Batangas City on June 17, 2011 in which this Board can no longer disturb.

“Batangas City, August 1, 2011.”

**ANTECEDENTS**

On September 4, 1998, Respondent City Assessor assessed the real properties of Digitel and accordingly issued the following Tax Declarations, thus:

TAX DEC. NO.	DATE ISSUED	EFFECTIVITY	KIND OF PROPERTY	ACTUAL USE	MARKET VALUE	ASSESSMENT LEVEL	ASSESSED VALUE
035-01934	09/04/98	1999	Building	Com.	10,836,131.00	75%	8,127,100.00
035-01935	09/04/98	1999	Machines	Com.	7,091,123.90	80%	5,672,900.00
035-01936	09/04/98	1999	Machines	Com.	7,253,989.00	80%	5,803,190.00
035-01937	09/04/98	1999	Machines	Com.	28,812,570.00	80%	23,050,060.00
035-01938	09/04/98	1999	Building	Com.	48,801,589.00	80%	39,041,270.00

On April 8, 2010, Respondent City Assessor issued Tax Declaration Nos. 035-03450 to 035-03454, inclusive, cancelling Tax Declaration Nos. 035-01934 to 035-01938, inclusive, thus:

TAX DEC. NO.	DATE ISSUED	EFFECTIVE	CANCELS TD NO.	KIND OF PROPERTY	ACTUAL USE	MARKET VALUE	ASSESSMENT LEVEL	ASSESSED VALUE
035-03450	04/08/10	2011	035-01934	Building	Com.	9,752,517.90	70%	6,826,7606.00
035-03451	04/08/10	2011	035-01937	Machines	Com.	23,050,056.00	80%	18,440,040.00
035-03452	04/08/10	2011	035-01935	Machines	Com.	5,672,899.12	80%	4,538,320.00
035-03453	04/08/10	2011	035-01936	Machines	Com.	5,803,191.20	80%	4,642,550.00
035-03454	04/08/10	2011	035-01938	Machines	Com.	39,041,271.20	80%	31,233,020.00

In its Letter-Protest to the LBAA dated 07 June 2010, Digitel challenged the validity of the assessments under Tax Declaration Nos. 035-03450 to 035-03454 on the ground that (1) the Respondent City Assessor did not furnish Digitel with “Written Notices of Assessment” as required under Section 223 of the Local Government Code of 1991; and (2) the Respondent City Assessor

failed to provide for depreciation allowance in computing the fair market values of the subject properties, as required under Section 225 of the LGC.

In a letter dated 05 July 2010 addressed to Digitel, the City Legal Officer of Batangas City stated that because it finds the protest filed by Digitel to be meritorious, the Tax Declaration Nos. 035-03450 to 035-03454, subject matter of the protest, were cancelled and nullified. The previous tax declarations, Nos. 035-01934 to 03-01938, were reinstated but with different values resulting in increased tax liability due allegedly from Digitel.

In its Letter-Protest to the LBAA dated 06 September 2010, Petitioner questioned the reinstatement of the previous tax declarations as to valuations, absence of written notices of assessment and Respondent City Assessor's failure to inform the LBAA on the fact that Respondent City Legal Officer considered Digitel's Protest to be meritorious.

In a Motion for Postponement dated July 9, 2012, Counsel for Respondents moved that the hearing scheduled for July 12, 2012 be postponed to September 20, 2012 because the "Philippine Long Distance Telephone (PLDT) Co., as successor of DIGITAL Telecommunications Philippines, Inc., and the City Government of Batangas are in the process of having the instant case settled."

On September 17, 2012, this Board received a "Joint Motion to Dismiss" dated September 10, 2012, which is quoted hereunder:

**"THE PARTIES,** Petitioner-Appellant, **DIGITAL TELECOMMUNICATIONS PHILIPPINES, INC. ("DIGITEL")** and Respondents-Appellee, **CITY TREASURER, ASSESSOR, LEGAL OFFICER AND MAYOR OF BATANGAS CITY ("BATANGAS CITY"),** assisted by their respective

counsels, unto this Honorable Court, most respectfully submit this joint motion to dismiss and state:

"1. The parties have mutually agreed that the total real property tax liabilities of DIGITEL due to the Batangas City for the years 1999 to 2012 amounts to ₱21,591,504.10 which pertains to all real properties covered by Tax Declaration Numbers 035-3906, 035-03908, 035-03909, 035-03907 and 035-03910 which superseded Tax Declaration Numbers 035-01934 to 035-01938 which are the subject of the case.

"Attached herewith as **Annex "A"** of this motion is the Statement of Account issued by Batangas City through its City Treasurer Maria Teresa T. Geron.

"2. On August 23, 2012, DIGITEL has paid the assessment contained in the said Statement of Accounts as evidenced by Official Receipts Nos. 1539135, 1539136, 1539137, 1539138, 1539139, 1539140 and 1539141, all dated August 23, 2012 issued by Batangas City which are attached hereto as **Annexes "B", "C", "D", "E", "F", "G" and "H"**, respectively.

"3. The settlement was reached to maintain the good relationship of the PARTIES and to support the programs of the PARTIES for the development and improvement of Batangas City."

At the hearing of this case on September 20, 2012, counsels for the Appellant, Attys. Alejandro M. Tupas III and Catherine Zarate, appeared. Respondents or their counsels did not appear although they were duly notified.

At said hearing, this Board, through Member Camilo L. Montenegro, asked counsels for the Appellant if there was a compromise agreement and, if so, if it was approved by the City Council of Batangas City. Appellant's counsels answered that the instant joint motion is not based on a compromise agreement; that the Respondent City Treasurer issued a revised Statement of Account which covered the taxes due from 1999 up to 2012; that Appellant already paid the amount of P21,591,504.10, the total amount stated in said Statement of Account, as shown by Official Receipts attached to the Joint Motion as Annexes "B" to "H"<sup>1</sup>.

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<sup>1</sup> TSN September 20, 2012, pp. 1-6.

Under the circumstances, the instant Joint Motion to Dismiss is equivalent to Withdrawal of Appeal as provided for under Sec. 10, Rule VII of the Rules of Procedure before the Central Board of Assessment Appeals, which provides:

“SEC. 10. **Withdrawal of Appeal.**— The appellant may withdraw his appeal at any time before the resolution thereof by the Central Board by filing a written notice of withdrawal with the Central Board which shall enter a memorandum thereof upon the docket of the case. The parties shall forthwith be advised in writing by the Central Board of such withdrawal. No further proceedings shall be taken on the appeal, the withdrawal having the same effect as that of dismissal of the appeal.”

There is no showing that Respondents made any counterclaims against Appellant. In fact, Respondents joined Appellant in asking this Board to dismiss the Appeal, although such action was not even necessary.

WHEREFORE, premises considered, the instant Joint Motion to Dismiss is hereby considered a Withdrawal of Appeal on the part of Appellant. Accordingly, the instant Appeal is hereby DISMISSED with prejudice.

SO ORDERED.

Manila, Philippines, January 10, 2013.

SIGNED  
**OFELIA A. MARQUEZ**  
Chairman

**ROBERTO D. GEOTINA**  
Member

SIGNED  
**CAMILO L. MONTENEGRO**  
Member