REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

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COMMISSIONER OF INTERNAL REVENUE, Petitioner,	**CTA EB No. 1202** (CTA Case No. 8239)
	Present:
- versus -	**DEL ROSARIO,** *P.J.*, **CASTAÑEDA, JR., BAUTISTA, UY, CASANOVA, FABON-VICTORINO, MINDARO-GRULLA, COTANGCO-MANALASTAS,** and **RINGPIS-LIBAN,** *JJ.*
AR REALTY HOLDINGS, INC., Respondent.	***Promulgated:*** MAY 30 2016 3:10 p.m.

x - x

RESOLUTION

UY, *J.*:

For resolution is petitioner's **"MOTION FOR RECONSIDERATION (of the Decision dated 28 January 2016)"**[1] filed on February 24, 2016, with respondent's **"COMMENT/OPPOSITION (to the Motion for Reconsideration dated 24 February 2016)"** filed on April 8, 2016, praying for the reversal and setting aside of this Court's Decision dated January 28, 2016, the dispositive portion of which reads:

> "**WHEREFORE,** all the foregoing considered, the Petition for Review is hereby **DENIED** for lack of merit.
>
> **SO ORDERED.**"

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[1] Docket, pp. 120 to 123.

In support of her Motion, petitioner raises the following arguments, to wit:

1. Excess tax credits carried over to the succeeding years should be disallowed for failure to support the same with BIR Form 2307 (Certificate of Creditable Tax Withheld at Source).

2. Claims for tax credit of any creditable income tax is established by a copy of the withholding tax statement duly issued by the payor to the payee showing the amount paid and the amount of tax withheld therefrom, pursuant to Section 2.58.3 (A)(B) of Revenue Regulations No. 2-98, as amended.

3. Excess tax credits carried over to the succeeding year in the amount of ₱837,589.42 should be disallowed in order to recapture the benefit derived in crediting the same. To allow respondent to carry-over the excess tax credit and the MCIT and credit it in the succeeding years and of the same be credited in the year the MCIT was paid by offsetting the same from deficiency income tax would result to double benefit.

4. Finally, taxes are important because it is the lifeblood of the government and so should be calculated without necessary hindrance.

In its Comment, respondent counters that the issues raised by the petitioner in her Motion for Reconsideration are merely rehash of issues already presented, which have been duly resolved and passed upon by this Court. Petitioner failed to allege new matters as to show a reversible error to warrant a modification, much less a reversal of its earlier findings and conclusion.

THE COURT *EN BANC'S* RULING

Petitioner's Motion lacks merit.

A careful perusal of the Motion for Reconsideration shows that the arguments raised therein are mere reiterations of matters which have already been considered, weighed, passed upon and resolved by the Court *En Banc* in the assailed Decision.

Thus, finding no compelling reason to reconsider, modify or reverse the said Decision, We shall no longer belabour, in this Resolution, to repeat the disquisitions made therein.

WHEREFORE, premises considered, the instant Motion for Reconsideration is hereby **DENIED** for lack of merit.

SO ORDERED.

ERLINDA P. UY
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

JUANITO C. CASTAÑEDA, JR.
Associate Justice

LOVELL R. BAUTISTA
Associate Justice

CAESAR A. CASANOVA
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

(On Leave)
CIELITO N. MINDARO-GRULLA
Associate Justice

(On Official Business)
AMELIA R. COTANGCO-MANALASTAS
Associate Justice

(On Official Business)
MA. BELEN M. RINGPIS-LIBAN
Associate Justice