REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

NIPPON EXPRESS PHILIPPINES CORPORATION,
Petitioner,

- versus -

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA EB No. 2875
(CTA Case No. 10450)

Present:

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

Promulgated:
MAR 24 2026 11:50am

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RESOLUTION

REYES-FAJARDO, *J.*:

For resolution is petitioner's Motion for Reconsideration (Motion)[1], filed on July 31, 2025, with respondent's Opposition (Re: Motion for Reconsideration of the Decision dated 14 July 2025), filed on August 11, 2025.[2]

In the Decision dated July 14, 2025 (assailed Decision),[3] the Court *En Banc* upheld the ruling of the Court in Division, which denied petitioner's claim for unutilized input VAT attributable to its zero-rated sales for the period April 1, 2018 to June 30, 2018, amounting to ₱43,068,252.54. The Court ruled that petitioner is not

[1] *Rollo*, pp. 116-126.
[2] *Id.* at pp. 131-137.
[3] *Id.* at pp. 100-109.

entitled to a refund of ₱3,171,796.58, as the valid input VAT attributable to its zero-rated sales/receipts was insufficient to fully offset its outstanding output VAT liability. The dispositive portion of the assailed Decision reads:

> **WHEREFORE,** the Petition for Review, filed by the Nippon Express Philippines Corporation on February 20, 2024 in CTA EB No. 2875, is **DENIED,** for lack of merit. The Decision dated September 28, 2023 and the Resolution dated January 29, 2024 in CTA Case No. 10450 are **AFFIRMED.**
>
> **SO ORDERED.**

In the present Motion, petitioner argues that although the official receipts (ORs) covering its sales of services to non-resident foreign corporations amounting to ₱818,761.62, as well as to the Philippine Amusement and Gaming Corporation, Japan Embassy, Asian Development Bank, Board of Investments and Ecozone-registered enterprises amounting to ₱101,621,396.40, failed to specify the nature of services rendered, such omission is immaterial. Petitioner contends that the services may be presumed from its primary purpose, which is to engage in the business of a forwarder for the combined transportation of goods by air, sea or land.

This contention is unavailing. Such presumption cannot substitute for strict compliance with the invoicing requirements under Section 113 (A) and (B), in relation to Section 237 of the National Internal Revenue Code of 1997 (NIRC), as amended. As the Court already held in the assailed decision, the law requires ORs to clearly state the nature of the services rendered, and failure to do so bars entitlement to zero-rating.

Petitioner likewise asserts that the issuance of the BIR Letter of Authority for 2018 prevented it from amending its Amended 2nd Quarter VAT Return to reflect input VAT on domestic purchases amounting to ₱13,269,047.01. The Court, however, categorically ruled in the assailed Decision that the disputed amount, having been omitted from petitioner's VAT return, cannot be refunded. To validly claim a tax credit, a taxpayer must not only declare such input VAT in its returns but also present sufficient documentation and strictly comply with reporting requirements under Section 4.110-8 of Revenue Regulations No. 16-2005.

By way of Opposition, respondent reiterates the rulings of both the Court in Division and the Court *En Banc,* emphasizing that petitioner's valid input VAT attributable to zero-rated sales/receipts remains insufficient to offset its outstanding "Output VAT Still Due."

Accordingly, the Motion is denied.

A reading of petitioner's Motion shows that no new matter or substantial issue has been raised to warrant the reversal or modification of the assailed Decision. Petitioner's arguments are merely a reiteration of the contentions raised in its Petition for Review, all of which were already considered and rejected by the Court *En Banc.* To repeat, petitioner's claim for unutilized input VAT attributable to its zero-rated sales for the period April 1, 2018, to June 30, 2018, amounting to ₱43,068,252.54, must be denied because no amount is available for refund.

There is no need to reiterate pertinent portions of the Decision or re-write the *ponencia* in accordance with the outline of the instant motion.[4] The pronouncement in *Social Justice Society (SJS) Officers, et al. v. Lim*[5] on the effect and disposition of a motion for reconsideration is instructive:

> The filing of a motion for reconsideration, authorized by Rule 52 of the Rules of Court, does not impose on the Court the obligation to deal individually and specifically with the grounds relied upon therefor, in much the same way that the Court does in its judgment or final order as regards the issues raised and submitted for decision. This would be a useless formality or ritual invariably involving merely a reiteration of the reasons already set forth in the judgment or final order for rejecting the arguments advanced by the movant; and it would be a needless act, too, with respect to issues raised for the first time, these being, as above stated, deemed waived because not asserted at the first opportunity. It suffices for the Court to deal generally and summarily with the motion for reconsideration, and merely state a legal ground for its denial (Sec. 14, Art. VIII, Constitution); *i.e.*, the motion contains merely a reiteration or rehash of arguments already submitted to and pronounced

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4 G.R. Nos. 187836 & 187916, March 10, 2015.
5 *Id.*

> without merit by the Court in its judgment, or the basic issues have already been passed upon, or the motion discloses no substantial argument or cogent reason to warrant reconsideration or modification of the judgment or final order; or the arguments in the motion are too unsubstantial to require consideration, etc.

WHEREFORE, petitioner's Motion for Reconsideration, filed July 31, 2025 is **DENIED,** for lack of merit.

SO ORDERED.

MARIAN IVY F. REYES-FAJARDO
Associate Justice

We Concur:

MA. BELEN M. RINGPIS-LIBAN
Presiding Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

LANEE S. CUI-DAVID
Associate Justice

CORAZON G. FERRER-FLORES
Associate Justice

HENRY S. ANGELES
Associate Justice