REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SPECIAL THIRD DIVISION
****

ZUELLIG PHARMA CORPORATION, Petitioner,	**CTA Case No. 9030**
	Members:
- versus -	**UY,** *Chairperson,* **RINGPIS-LIBAN,** *and* **MODESTO-SAN PEDRO,** *JJ.*
COMMISSIONER OF INTERNAL REVENUE, Respondent.	***Promulgated:*** MAR 0 2 2023 8:02 a.m.

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DECISION

UY, *J.*:

Before this Court is a *Petition for Review*[1] filed on April 14, 2015 by petitioner, Zuellig Pharma Corporation, against respondent Commissioner of Internal Revenue (CIR), praying that respondent be ordered to refund or issue in favor of petitioner a Tax Credit Certificate (TCC) in the amount of ₱467,578,787.20, representing petitioner's excess and unutilized creditable withholding taxes (CWT) for the calendar year (CY) ended December 31, 2012.

THE PARTIES

Petitioner is a corporation duly organized and existing under the laws of the Republic of the Philippines, with principal place of business at Km. 14 West Service Road, South Superhighway corner Edison Avenue, Barangay Sun Valley, Parañaque City.[2]

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[1] Docket – Vol. 1, pp. 10 to 18.
[2] *Joint Stipulation of Facts and Issues (JSFI)*, Stipulation of Facts, par. 1, Docket – Vol. 1, p. 238.

Petitioner is primarily engaged in the business of manufacturing, preparing, compounding, processing, packing, buying, and selling at wholesale and retail, importing and exporting, and otherwise dealing in all kinds of drugs, chemicals, patent, proprietary and other medicines, biological products, oils, dyestuffs, perfumeries, toilet and fancy articles, fancy goods, cosmetics, druggists, sundries, soaps, veterinary products, and generally dealing in goods, wares, merchandise, and personal property of every kind.[3]

Petitioner is registered with the Bureau of Internal Revenue (BIR) Large Taxpayers Service with Taxpayer Identification Number (TIN) 000-172-443-000.[4]

On the other hand, respondent is the duly appointed CIR vested with authority to carry out all the functions, duties, and responsibilities of said office, including, inter alia, the power to decide, approve, and grant claims for refund of, or issuance of TCC for, overpaid or erroneously paid or collected internal revenue taxes, including excess and unutilized CWT. Respondent holds office at the 5th Floor, BIR National Office Building, Agham Road, Diliman, Quezon City, where he may be served summons and other legal processes of this Court.[5]

THE FACTS

On April 15, 2013, petitioner filed with the BIR, through the Electronic Filing and Payment System (eFPS), its Annual Income Tax Return (ITR) for the CY ended December 31, 2012.[6]

In its Annual ITR for CY 2012, petitioner reported a gross income of ₱3,206,575,464.00[7] and net taxable income of ₱602,462,128.00.[8] Consequently, petitioner reported a Regular Corporate Income Tax (RCIT) liability of ₱180,738,638.40[9] for CY 2012.

Petitioner also had income tax credits in the total amount of ₱788,081,111.80,[10] consisting of prior year's excess credits in the

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[3] *JSFI*, Stipulation of Facts, par. 2, Docket – Vol. 1, p. 238.
[4] *JSFI*, Stipulation of Facts, par. 3, Docket – Vol. 1, p. 239; Exhibit "P-2", Docket – Vol. 1, p. 440.
[5] *JSFI*, Stipulation of Facts, par. 4, Docket – Vol. 1, p. 239.
[6] *Petition for Review (PFR)*, par. 4, Docket – Vol. 1, p. 11 *vis-à-vis* Exhibit "P-3", Docket – Vol. 1, pp. 441 to 448.
[7] *PFR*, par. 5, Docket – Vol. 1, p. 11 *vis-à-vis* Exhibit "P-3", Line 20C, Docket – Vol. 1, p. 443.
[8] *PFR*, par. 5, Docket – Vol. 1, p. 11, *vis-à-vis* Exhibit "P-3", Line 26, Docket – Vol. 1, p. 443.
[9] *PFR*, par. 5, Docket – Vol. 1, p. 11, *vis-à-vis* Exhibit "P-3", Line 32, Docket – Vol. 1, p. 443.
[10] *PFR*, par. 6, Docket – Vol. 1, pp. 11 to 12, *vis-à-vis* Exhibit "P-3", Line 33R, Docket – Vol. 1, p. 443.

amount of ₱320,502,324.60[11] and CWT accumulated during the four quarters of CY 2012 in the aggregate amount of ₱467,578,787.20.[12]

After deducting its RCIT liability against its income tax credits for CY 2012, petitioner reported a tax overpayment of ₱607,342,473.40,[13] computed as follows:

Total Gross Income		₱ 3,206,575,464.00
Less: Itemized Deductions		2,604,113,336.00
Net Taxable Income		₱ 602,462,128.00
RCIT Due (30%)		₱ 180,738,638.40
Less: Tax Credits/Payments		
Prior Year's Excess Credits		₱ 320,502,324.60
CWT withheld for the First 3 Quarters	₱255,616,507.30	
CWT withheld for the 4th Quarter	211,962,279.90	467,578,787.20
Total Tax Credits/Payments		₱ 788,081,111.80
Tax Overpayment		**(₱ 607,342,473.40)**

Petitioner indicated on the face of its Annual ITR for CY 2012 its option to claim for refund of its excess and unutilized CWT for CY 2012.[14] Consequently, petitioner did not carry over its excess and unutilized CWT for CY 2012 in the amount of ₱467,578,787.20 to the succeeding taxable year.[15]

Petitioner utilized its "prior year's excess credits" for CY 2012 in the amount of ₱320,502,324.60 to pay for its RCIT for CY 2012 amounting to ₱180,738,638.40. The balance of its prior year's excess credits in the amount of ₱139,763,686.20 was carried over as "prior year's excess credits" in CY 2013.[16] The amount of ₱139,763,686.20 was computed as follows:

Prior year's excess credits for CY 2012	₱ 320,502,324.60
Less: RCIT Due for CY 2012	180,738,638.40
Remainder of "prior year's excess credits" as of December 31, 2012 (carried over to CY 2013)	**₱ 139,763,686.20**

[11] *PFR*, par. 6, Docket – Vol. 1, pp. 11 to 12, *vis-à-vis* Exhibit "P-3", Line 33A, Docket – Vol. 1, p. 443.
[12] *PFR*, par. 6, Docket – Vol. 1, p. 11 to 12, *vis-à-vis* Exhibit "P-3", Lines 33F and 33H, Docket – Vol. 1, p. 443.
[13] *PFR*, par. 7, Docket – Vol. 1, p. 12, *vis-à-vis* Exhibit "P-3", Line 37, Docket – Vol. 1, p. 444.
[14] *PFR*, par. 8, Docket – Vol. 1, p. 12, *vis-à-vis* Exhibit "P-3", Docket – Vol. 1, p. 444.
[15] *PFR*, par. 8, Docket – Vol. 1, p. 12, *vis-à-vis* Exhibit "P-14", Schedule 7, Line 1, Docket – Vol. 2, p. 527.
[16] *PFR*, par. 9, Docket – Vol. 1, p. 12, *vis-à-vis* Exhibit "P-14", Schedule 7, Line 1, Docket – Vol. 2, p. 527.

On May 20, 2013, petitioner filed with the Office of the CIR and the Office of the Deputy CIR-Operations Group a letter dated April 15, 2013 requesting the refund of its excess and unutilized CWT for CY 2012 in the amount of ₱467,578,787.20.[17]

On June 13, 2013, the BIR Large Taxpayers Service issued a Letter of Authority authorizing the revenue officers of Large Taxpayers Regular Audit Division I to examine petitioner's books of accounts and accounting records for the period January 1, 2012 to December 31, 2012 in relation to its claim for refund of excess and unutilized CWT for CY 2012.[18]

On April 10, 2015, petitioner filed with the BIR, Large Taxpayers Service a letter supplementing its claim for refund dated April 15, 2013 and prayed for the refund of its excess and unutilized CWT for CY 2012 in the amount of ₱467,578,787.20, with attached Application for Tax Credits/Refunds (BIR Form No. 1914).[19]

With the two (2)-year prescriptive period under Sections 204 (C) and 229 of the National Internal Revenue Code (NIRC) of 1997, as amended, nearing its end, and considering that petitioner has yet to receive respondent's approval or denial of its administrative claim for refund, petitioner filed the instant *Petition for Review*[20] on April 14, 2015, which was raffled to the Third Division of this Court.

On May 5, 2015, respondent filed his *Answer*[21] interposing special and affirmative defenses, which include, among others, the following:

1) The amount of ₱467,578,787.20 allegedly representing excess and unutilized CWT for CY 2012 was not properly documented;

2) It is incumbent upon petitioner to discharge its burden of proving entitlement to its claim for refund of alleged excess and unutilized CWT for CY 2012, which includes the fact of withholding of taxes and their subsequent remittance to the BIR;

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[17] *PFR*, par. 10, Docket – Vol. 1, p. 13, *vis-à-vis* Exhibits "P-9-a" and "P-9-b", Docket – Vol. 2, pp. 508 to 509.
[18] *PFR*, par. 11, Docket – Vol. 1, p. 13, *vis-à-vis* Exhibit "P-11", Docket – Vol. 2, pp. 514 to 517.
[19] *PFR*, par. 12, Docket – Vol. 1, p. 13, *vis-à-vis* Exhibit "P-10", Docket – Vol. 2, pp. 510 to 513.
[20] Docket – Vol. 1, pp. 10 to 18.
[21] Docket – Vol. 1, pp. 82 to 86.

3) Petitioner must prove that it has complied with the following: a) the claim is filed with the CIR within the two (2)-year period from the date of payment of the tax; (b) it is shown on the return of the recipient that the income payment received was declared as part of the gross income; and (c) the fact of withholding is established by a copy of a statement duly issued by the payor to the payee showing the amount paid and the amount of the tax withheld therefrom; and

4) Petitioner must prove that it has not exercised the option to carry over any excess credits in the succeeding quarters.

After the Pre-Trial Conference held on September 1, 2015, the parties filed their *Joint Stipulation of Facts and Issues* on September 16, 2015.[22] Subsequently, the Court issued the *Pre-Trial Order* on October 27, 2017.[23]

During trial, petitioner presented the following witnesses: 1) Joel R. Ducut, petitioner's Assistant Corporate Controller; 2) Leah A. Estolano, petitioner's Accounts Receivable and Collections Manager; and 3) Katherine O. Constantino, the Court-commissioned ICPA.

On the other hand, respondent filed his *Manifestation*[24] via e-mail on October 8, 2021 stating that he will no longer be presenting any witness, and requesting for a period of thirty (30) days within which to file his Memorandum. The *Manifestation* was noted in the *Resolution*[25] dated October 15, 2021 and the parties were given thirty (30) days from notice to submit their respective Memorandum.

On December 9, 2021, respondent filed his *Memorandum*[26] which was noted in the *Minute Resolution*[27] dated December 11, 2021. On January 10, 2022, petitioner filed its *Memorandum*[28] via registered mail. On March 11, 2022, petitioner filed a *Manifestation*[29] with attached copy of the *Memorandum*[30] filed via registered mail on January 10, 2022.

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[22] Docket – Vol. 1, pp. 238 to 245.
[23] Docket – Vol. 1, pp. 252 to 259.
[24] Docket – Vol. 4, pp. 1785 to 1787.
[25] Docket – Vol. 4, p. 1797.
[26] Docket – Vol. 4, pp. 1799 to 1808.
[27] Docket – Vol. 4, p. 1810.
[28] Docket – Vol. 4, pp. 1814 to 1846.
[29] Docket – Vol. 4, pp. 1850 to 1852.
[30] Docket – Vol. 4, pp. 1853 to 1884.

Considering the filing of the parties' respective *Memorandum*, the instant case was submitted for decision in the *Resolution* dated March 23, 2022.[31]

Hence, this *Decision*.

THE ISSUE

As stipulated by the parties, the main issue [32] to be resolved by the Court is:

> "Whether or not petitioner is entitled to its claim for refund of alleged excess and unutilized CWT for CY 2012 in the amount of ₱467,578,787.20."

Petitioner's arguments:

Petitioner argues that it filed its administrative and judicial claims for refund of excess and unutilized CWT for CY 2012 within the two (2)-year prescriptive period provided under Sections 204 (C) and 229 of the NIRC of 1997, as amended.

Allegedly, its excess and unutilized CWT for CY 2012 in the amount of ₱467,578,787.20 are duly substantiated by documentary evidence.

Petitioner likewise asserts that the income, upon which the CWT being claimed for refund were withheld, were reported as part of petitioner's declared revenues in its Annual ITR.

Finally, petitioner claims that it did not carry over its excess and unutilized CWT for CY 2012 to the succeeding taxable periods.

Respondent's counter-arguments:

Respondent counter-argues that petitioner failed to exhaust administrative remedies before elevating the case to the Court; thus, the case should be dismissed for prematurity or lack of cause of action.

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[31] Docket – Vol. 4, pp. 1889 to 1890.
[32] *JSFI*, Stipulated Issues for Resolution, Docket – Vol. 1, p. 239.

Respondent also claims that petitioner is not entitled to the claim for refund of CWT because it failed to prove by clear and preponderance of evidence its right to the claim, and to comply with Revenue Memorandum Order (RMO) No. 53-98[33] and Revenue Regulations (RR) No. 2-2006.[34]

Lastly, respondent asserts that petitioner should prove actual remittance to the BIR of the taxes withheld.

THE COURT'S RULING

The *Petition for Review* is partly meritorious.

Section 76 of the NIRC of 1997, as amended, enumerates the options given to a taxpayer in the event that the sum of the quarterly tax payments during the taxable year is not equal to the total tax due on the entire taxable income of that year, to wit:

> "SEC. 76. *Final Adjustment Return.* — Every corporation liable to tax under Section 27 shall file a final adjustment return covering the total taxable income for the preceding calendar or fiscal year. **If the sum of the quarterly tax payments made during the said taxable year is not equal to the total tax due on the entire taxable income of that year, the corporation shall either**:
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> (A) Pay the balance of the tax still due; or
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> (B) **Carry-over the excess credit**; or
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> (C) **Be credited or refunded with the excess amount paid**, as the case may be.
>
> In case the corporation is entitled to a tax credit or refund of the excess estimated quarterly income taxes

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[33] SUBJECT: Checklist of Documents to be Submitted by a Taxpayer upon Audit of his Tax Liabilities as well as of the Mandatory Reporting Requirements to be Prepared by a Revenue Officer, all of which Comprise a Complete Tax Docket.

[34] SUBJECT: Mandatory Attachments of the Summary Alphalist of Withholding Agents of Income Payments Subjected to Tax Withheld at Source (SAWT) to Tax Returns With Claimed Tax Credits due to Creditable Tax Withheld At Source and of the Monthly Alphalist of Payees (MAP) Whose Income Received Have Been Subjected to Withholding Tax to the Withholding Tax Remittance Return Filed by the Withholding Agent/Payor of Income Payments.

> paid, the excess amount shown on its final adjustment return may be carried over and credited against the estimated quarterly income tax liabilities for the taxable quarters of the succeeding taxable years. **Once the option to carry-over and apply the excess quarterly income tax against income tax due for the taxable quarters of the succeeding taxable years has been made, such option shall be considered irrevocable** for that taxable period and no application for cash refund or issuance of a tax credit certificate shall be allowed therefor." *(Emphasis supplied)*

Based on the foregoing, two options are available to a corporation whenever it overpays its income tax for the taxable year: (1) to carry over and apply the overpayment as tax credit against the estimated quarterly income tax liabilities of the succeeding taxable years (also known as automatic tax credit) until fully utilized (meaning, there is no prescriptive period); and (2) to apply for a cash refund or issuance of a tax credit certificate within the prescribed period. Such overpayment of income tax is usually occasioned by the over-withholding of taxes on the income payments to the corporate taxpayer.[35]

In exercising its option, the corporation must signify in its annual corporate adjustment return (by marking the option box provided in the BIR form) its intention either to carry over the excess credit or to claim a refund.[36]

In the instant case, petitioner's Annual ITR for CY 2012 shows that it had income tax credits in the total amount of ₱788,081,111.80,[37] consisting of prior year's excess credits in the amount of ₱320,502,324.60[38] and CWT accumulated during the four quarters of CY 2012 in the aggregate amount of ₱467,578,787.20.[39]

Petitioner utilized its "prior year's excess credits" for CY 2012 in the amount of ₱320,502,324.60 to pay for its RCIT for CY 2012, amounting to ₱180,738,638.40,[40] leaving a balance of its prior year's

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[35] *University Physicians Services, Inc.-Management, Inc. v. Commissioner of Internal Revenue*, G.R. No. 205955, March 7, 2018.
[36] *Systra Philippines, Inc. v. Commissioner of Internal Revenue*, G.R. No. 176290, September 21, 2007.
[37] Exhibit "P-3", Line 33R, Docket – Vol. 1, p. 443.
[38] Exhibit "P-3", Line 33A, Docket – Vol. 1, p. 443.
[39] Exhibit "P-3", Lines 33F and 33H, Docket – Vol. 1, p. 443.
[40] Exhibit "P-3", Line 32, Docket – Vol. 1, p. 443.

excess credits in the amount of ₱139,763,686.20, and creditable taxes withheld during CY 2012 in the amount of ₱467,578,787.20.

Considering that petitioner indicated on the face of its Annual ITR for CY 2012 its option to claim for refund its excess and unutilized CWT for CY 2012 in the amount of ₱467,578,787.20,[41] and since only the balance of its prior year's excess credits in the amount of ₱139,763,686.00 was carried over as "prior year's excess credits" in CY 2013,[42] the amount of ₱467,578,787.20 may be the subject of a claim for refund or issuance of a TCC under Section 76 of the NIRC of 1997, as amended.

Conditions for the grant of refund of, or issuance of a TCC for, excess or unutilized CWT.

To exercise the option of refund or tax credit under Section 76 (C) of the NIRC of 1997, as amended, the following requirements[43] must be complied with by the taxpayer to be entitled thereto, to wit:

1. That the claim for refund was filed within the two (2)-year prescriptive period as provided under Section 204 (C) in relation to Section 229 of the NIRC of 1997, as amended;

2. That the fact of withholding is established by a copy of a statement duly issued by the payor (withholding agent) to the payee, showing the amount paid and the amount of tax withheld therefrom;[44] and

3. That the income upon which the taxes were withheld was included in the return of the recipient, i.e., declared as part of the gross income.

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[41] Exhibit "P-3", Docket – Vol. 1, p. 444

[42] The amount stated in the Annual ITR for CY 2013 is ₱139,763,686 instead of ₱139,763,686.20 because amounts in centavos are not entered in the ITR; Exhibit "P-14", Schedule 7, Line 1, Docket – Vol. 2, p. 527.

[43] *Republic of the Philippines, represented by the Commissioner of Internal Revenue v. Team (Phils.) Energy Corporation (formerly Mirant (Phils.) Energy Corporation)*, G.R. No. 188016, January 14, 2015; *Banco Filipino Savings and Mortgage Bank v. Commissioner of Internal Revenue.*, G.R. No. 155682, March 27, 2007; and *United International Pictures AB v. Commissioner of Internal Revenue*, G.R. No. 168331, October 11, 2012.

[44] Section 2.58.3 (B) of RR No. 2-98.

First Condition

Section 204 (C) in relation to Section 229 of the NIRC of 1997, as amended, respectively provide:

> "SEC. 204. *Authority of the Commissioner to Compromise, Abate and Refund or Credit Taxes.* —
>
> xxx xxx xxx
>
> (C) Credit or refund of taxes erroneously or illegally received or penalties imposed without authority, refund the value of internal revenue stamps when they are returned in good condition by the purchaser, and, in his discretion, redeem or change unused stamps that have been rendered unfit for use and refund their value upon proof of destruction. **No credit or refund of taxes or penalties shall be allowed unless the taxpayer files in writing with the Commissioner a claim for credit or refund within two (2) years after the payment of the tax or penalty**; *Provided, however,* That a return filed showing an overpayment shall be considered as a written claim for credit or refund.
>
> SEC. 229. *Recovery of Tax Erroneously or Illegally Collected.* — **No suit or proceeding shall be maintained** in any court for the recovery of any national internal revenue tax hereafter alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessively or in any manner wrongfully collected, **until a claim for refund or credit has been duly filed with the Commissioner**; but such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress.
>
> In any case, **no such suit or proceeding shall be filed after the expiration of two (2) years from the date of payment of the tax or penalty regardless of any supervening cause that may arise after payment**: *Provided, however,* That the Commissioner may, even without a written claim therefor, refund or credit any tax, where on the face of the return upon which payment was made, such payment appears clearly to have been erroneously paid." *(Emphasis supplied)*

The aforecited provisions are clear: within two (2) years from the date of payment of tax, the claimant must first file an administrative claim with the CIR before filing its judicial claim with the courts of law. Both claims must be filed within a two (2)-year reglementary period. Timeliness of the filing of the claim is mandatory and jurisdictional, and thus the Court cannot take cognizance of a judicial claim for refund filed either prematurely or out of time.[45]

In the instant case, petitioner filed its Annual ITR for CY 2012 through the eFPS on April 15, 2013.[46] Counting two (2) years therefrom, petitioner had until April 15, 2015 within which to file both its administrative and judicial claims.

Records of the case show that petitioner filed its administrative claim for refund on May 20, 2013[47] and April 10, 2015,[48] and its judicial claim for refund on April 14, 2015;[49] thus, both administrative and judicial claims were timely filed, satisfying the *first condition*.

<u>Petitioner did not fail to exhaust administrative remedies</u>

At this point, the Court finds it apt to address respondent's argument that petitioner failed to exhaust administrative remedies before elevating the case to this Court. Allegedly, the filing of a Petition for Review before this Court must be due to the denial by respondent of petitioner's claim or respondent's inaction which is tantamount to the denial of petitioner's claim. Absent these circumstances, the case should be dismissed for prematurity or lack of cause of action.

We are not persuaded.

Section 229 of the NIRC of 1997, as amended, is clear that the judicial claim for tax refund must be filed within two (2) years from the date of payment of the tax, regardless of any supervening cause that may arise after payment.

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[45] *Commissioner of Internal Revenue v. San Miguel Corporation / San Miguel Corporation v. Commissioner of Internal Revenue*, G.R. Nos. 180740 & 180910, November 11, 2019.
[46] Exhibit "P-3", Docket – Vol. 1, pp. 441 to 448.
[47] Exhibits "P-9-a" and "P-9-b", Docket – Vol. 2, pp. 508 to 509.
[48] Exhibit "P-10", Docket – Vol. 2, pp. 510 to 513.
[49] Docket – Vol. 1, pp. 10 to 18.

In *Commissioner of Internal Revenue v. Univation Motor Philippines, Inc. (Formerly Nissan Motor Philippines, Inc.)*[50] (*Univation* case), the Supreme Court held that there is exhaustion of administrative remedies as long as the administrative and judicial claims are filed within the two (2)-year prescriptive period, to wit:

> "**The law only requires that an administrative claim be priorly filed.** That is, to give the BIR at the administrative level an opportunity to act on said claim. In other words, **for as long as the administrative claim and the judicial claim were filed within the two-year prescriptive period, then there was exhaustion of the administrative remedies**." *(Emphasis supplied)*

In this case, considering that the two (2)-year prescriptive period was about to end on April 15, 2015, and respondent is yet to act on petitioner's administrative claim, petitioner was correct in filing its judicial claim on April 14, 2015.

<u>Second and Third Conditions</u>

Section 2.58.3 (B) of RR No. 2-98,[51] as amended, provides:

> "(B) Claims for tax credit or refund of any creditable income tax which was deducted and withheld on income payments shall be given due course only when it is shown that **the income payment has been declared as part of the gross income and the fact of withholding 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.
>
> **Proof of remittance is the responsibility of the withholding agent**." *(Emphasis supplied)*

From the foregoing, the fact of withholding is established by a copy of the withholding tax statement duly issued by the withholding agent to the payee, showing the amount paid and the amount of tax withheld therefrom.

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[50] G.R. No. 231581, April 10, 2019.

[51] SUBJECT: Implementing Republic Act No. 8424, "An Act Amending the National Internal Revenue Code, as amended" relative to the Withholding on Income subject to the Expanded Withholding Tax and Final Withholding Tax, Withholding of Income Tax on Compensation, Withholding of Creditable Value-Added Tax and Other Percentage Taxes.

Respondent, however, asserts that petitioner should prove *actual remittance* to the BIR of the taxes withheld.

Respondent is mistaken.

In *Commissioner of Internal Revenue v. Philippine National Bank,*[52] the Supreme Court held that the certificate of creditable tax withheld at source is the competent proof to establish the fact that taxes are withheld. In the same case, the Supreme Court categorically stated that proof of actual remittance is not a condition to claim for a refund of unutilized tax credits, to wit:

> "Petitioner's posture that respondent is required to establish actual remittance to the Bureau of Internal Revenue deserves scant consideration. **Proof of actual remittance is not a condition to claim for a refund of unutilized tax credits**. Under Sections 57 and 58 of the 1997 National Internal Revenue Code, as amended, it is the payor-withholding agent, and not the payee-refund claimant such as respondent, who is vested with the responsibility of withholding and remitting income taxes." *(Emphasis supplied)*

From the foregoing, it is clear that there is no requirement on the part of petitioner to prove that it has remitted the tax. Petitioner's compliance with the *second condition* is shown through the presentation of the relevant Certificates of Creditable Tax Withheld at Source (BIR Form No. 2307).

To prove its compliance with the *second condition*, petitioner submitted the BIR Forms No. 2307[53] and petitioner-prepared Schedule of Creditable Withholding Tax CY 2012.[54]

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[52] G.R. No. 180290, September 29, 2014.

[53] Exhibits "P-41" to "P-290", "P-292" to "P-1097", "P-1099" to "P-1483", "P-1485" to "P-2652" to "P-2654" to "P-3215", "P-3217" to "P-4020", "P-4022" to "P-4355", "P-4357" to "P-5439", "P-5441" to "P-5889", "P-5975", "P-5981" to "P-6552", "P-6555" to "P-7451", "P-7453" to "P-9417", "P-9419" to "P-11193", "P-11195" to "P-11197", "P-11199", "P-11200", "P-11202" to "P-11222", "P-11224" to "P-11268". "P-11273" to "P-11284", "P-11286", "P-11288", "P-11289", "P-11291" to "P-11302", "P-11304", "P-11331", "P-11334" to "P-11337", "P-11339", "P-11341" to "P-11343", "P-11345" to "P-11360", "P-11362" to "P-11382", "P-11384" to "P-11392", "P-11394" to "P-11403", "P-11405" to "P-11419", "P-11421" to "P-11424", "P-11432" to "P-11440", "P-11443", "P-11444", "P-11446", "P-11448" to "P-11461", "P-11463", "P-11474" to "P-11481", "P-11483" to "P-11490", "P-11505" to "P11512", "P-11527", "P11530", "P-11532" to "P-11536", "P-11570" to "P-11988", "P-11991", "P-11992", "P-11996" to "P-12098", "P-12101" to "P-12527", "P-12529" to "P-12597", "P-12599" to "P-12663", "P-12665" to "P-13145", "P-13147" to "P-18910", "P-18912" to "P-18999", "P-19003" to "P-19202", "P-21467" to "P-21469" to "P-21493", and "P466081", Hard Drive.

[54] Exhibit "P-28", Hard Drive.

Meanwhile, as to the *third condition*, petitioner presented its 2012 Annual ITR,[55] Audited Financial Statements (AFS) for CYs 2011 and 2012,[56] Reconciliation of Net Income Per Books against Taxable Income,[57] Schedule of Creditable Withholding Taxes Traced to Books (JV) and Related Invoices,[58] Schedule of Creditable Withholding Taxes According to ATC Codes,[59] Details for Sales Adjustments for CY 2012 per GL code 4000030 amounting to ₱113,363,626.90 per Trial Balance as of December 31, 2012[60], and Consolidated Sales Register for CY 2012.[61]

The Court-commissioned ICPA examined the aforementioned documents and presented in the ICPA Report dated April 11, 2016[62] the result of the verification as follows:[63]

> "xxx, we estimate that the amount of ₱446,735,385.15 are unutilized creditable income taxes withheld for CY 2012 that are properly supported by original BIR Form 2307 computed as follows xxx:

	Annex Reference	Income Payment	Tax Withheld
CWT properly supported by original BIR Form 2307	Annex 3-a	₱ 44,200,197,594.83	₱440,273,020.48
CWT duly supported by original BIR Form 2307 with no income payment amount indicated therein	Annex 3-b	10,090,269.00	100,902.69
CWT duly supported by original BIR Form 2307 with Petitioner's name but no Petitioner's TIN indicated therein	Annex 3-c	211,971,500.73	2,080,201.72
CWT duly supported by original BIR Form 2307 with incorrect Petitioner's TIN indicated therein	Annex 3-d	426,407,962.46	4,245,540.93
CWT duly supported by original BIR Form 2307 with incorrect income payment amount and Petitioner's TIN indicated therein	Annex 3-e	3,963,146.67	35,719.33
		₱44,852,630,473.69	**₱446,735,385.15**

[55] Exhibit "P-3", Docket – Vol. I, pp. 441 to 448.
[56] Exhibit "P-5", Docket – Vol. I, pp. 458 to 500, Docket – Vol. 2, p. 501.
[57] Annex 8, ICPA CD.
[58] Annex 37, ICPA CD.
[59] Annex 2, ICPA CD.
[60] Exhibit "P-21495", Hard. Drive.
[61] Exhibit "P-37", Hard Drive.
[62] Exhibit "P-25", Docket – Vol. 1, pp. 307 to 344 and CD.
[63] Exhibit "P-25", p. 35, Docket – Vol. 1, p. 342.

Out of the properly supported CWT above, we have ascertained that the income payments relative to CWT amounting to ₱394,539,132.52 were included as part of the Petitioner's books (trial balance as of December 31, 2012 to be presented ***as Exhibit P-32***), audited financial statements (previously presented as ***Exhibit P-5***) and annual income tax (previously presented as ***Exhibit P-3***) as follows xxx:

	Annex Reference	**Income Payment**	**Tax Withheld**
CWT properly supported by original BIR Form 2307	Annex 3-a	₱ 42,116,749,625.82	₱ 391,998,720.51
CWT duly supported by original BIR Form 2307 with no income payment amount indicated therein	Annex 3-b	6,386,464.79	52,413.00
CWT duly supported by original BIR Form 2307 with Petitioner's name but no Petitioner's TIN indicated therein	Annex 3-c	122,269,809.16	1,215,826.21
CWT duly supported by original BIR Form 2307 with incorrect Petitioner's TIN indicated therein	Annex 3-d	137,607,740.54	1,236,453.50
CWT duly supported by original BIR Form 2307 with incorrect income payment amount and Petitioner's TIN indicated therein	Annex 3-e	7,375,446.23	35,719.30
Total		**₱ 42,390,389,086.54**	**₱394,539,132.52**

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From the foregoing, the Court notes that out of the total claimed CWT for CY 2012 of ₱467,578,787.20, only the CWT of ₱391,998,720.51 (*under Annex 3-a of Exhibit "P-25"*) was properly supported by original BIR Forms No. 2307 and the related income payments of ₱42,116,749,625.82 were traced to the gross income recorded in petitioner's books and reported in its AFS and Annual ITR for CY 2012.

However, upon further examination of petitioner's supporting documents, the Court finds that the CWT of ₱391,998,720.51 must be reduced by ₱10,133,877.19 for not being properly supported by BIR Forms No. 2307, detailed as follows:

Exhibit		Payor/Withholding Agent	Income Payment	CWT Amount
CWT supported by BIR Forms No. 2307 with incorrect petitioner's registered name				
P-	593	EAST AVENUE MEDICAL CENTER	₱ 177,555.00	₱ 1,585.31
P-	594	EAST AVENUE MEDICAL CENTER	245,203.20	2,189.31
P-	595	EAST AVENUE MEDICAL CENTER	242,400.00	2,164.29
P-	596	EAST AVENUE MEDICAL CENTER	57,852.00	516.54
P-	597	EAST AVENUE MEDICAL CENTER	75,390.00	673.13
P-	598	EAST AVENUE MEDICAL CENTER	117,000.00	1,044.64
P-	599	EAST AVENUE MEDICAL CENTER	6,495.00	57.99
P-	600	EAST AVENUE MEDICAL CENTER	197,200.00	1,760.71
P-	606	EAST AVENUE MEDICAL CENTER	182,928.30	1,633.29
P-	607	EAST AVENUE MEDICAL CENTER	323,900.00	2,891.96
P-	608	EAST AVENUE MEDICAL CENTER	48,632.00	434.21
P-	609	EAST AVENUE MEDICAL CENTER	17,000.00	151.79
P-	610	EAST AVENUE MEDICAL CENTER	103,581.00	924.83
P-	611	EAST AVENUE MEDICAL CENTER	41,250.00	368.30
P-	612	EAST AVENUE MEDICAL CENTER	216,145.00	1,929.87
P-	730	DYNASTY MANAGEMENT & DEVELOPMENT CORP.	263,490.32	2,352.60
P-	731	DYNASTY MANAGEMENT & DEVELOPMENT CORP.	102,493.10	915.12
P-	985	TAI-PAN DEVELOPMENT INCORPORATED (GAISANO CITY OZAMIZ)	74,029.00	740.29
P-	986	TAI-PAN DEVELOPMENT INCORPORATED (GAISANO CITY OZAMIZ)	240,744.00	2,407.44
P-	987	TAI-PAN DEVELOPMENT INCORPORATED (GAISANO CITY OZAMIZ)	66,749.00	667.49
P-	988	TAI-PAN DEVELOPMENT INCORPORATED (GAISANO CITY OZAMIZ)	21,969.00	219.69
P-	1044	LOPUE'S VALUE STORE - 888	26,769.23	267.69
P-	1045	LOPUE'S VALUE STORE - 888	12,501.54	125.02
P-	1046	LOPUE'S VALUE STORE - 888	5,204.56	52.05
P-	1047	LOPUE'S VALUE STORE - 888	21,948.67	219.49
P-	1050	LOPUE'S VALUE STORE - 888	17,043.19	170.43
P-	1054	LOPUE'S VALUE STORE - 888	31,262.07	312.62
P-	1063	LOPUE'S VALUE STORE - HINIGARAN	28,404.54	284.05
P-	1064	LOPUE'S VALUE STORE - HINIGARAN	33,028.72	330.29
P-	1066	LOPUE'S VALUE STORE - HINIGARAN	110,971.78	1,109.72
P-	1067	LOPUE'S VALUE STORE - HINIGARAN	32,052.63	320.53
P-	1068	LOPUE'S VALUE STORE - HINIGARAN	20,185.15	201.85
P-	1081	LUNG CENTER OF THE PHIL.	13,122.20	117.16
P-	1082	LUNG CENTER OF THE PHIL.	17,349.00	154.90
P-	1083	LUNG CENTER OF THE PHIL.	33,495.60	299.07
P-	1084	LUNG CENTER OF THE PHILIPPINES	98,218.06	876.95
P-	1085	LUNG CENTER OF THE PHILIPPINES	112,689.16	1,006.15
P-	1086	LUNG CENTER OF THE PHIL.	263,739.00	2,354.81
P-	2114	CHERRY FOODARAMA, INC	2,222,922.00	22,229.22
P-	2115	CHERRY FOODARAMA, INC	305,756.00	3,057.56
P-	2116	CHERRY FOODARAMA, INC	74,092.00	740.92
P-	2137	CITY SUPERMARKET INCORPORATED	3,597.59	35.98
P-	2138	CITY SUPERMARKET INCORPORATED	934,539.69	9,345.40
P-	2140	CITY SUPERMARKET INCORPORATED	411,189.00	4,111.89
P-	2141	CITY SUPERMARKET INCORPORATED	388,549.00	3,885.49
P-	2173	COSTSAVER'S SUPERMARKET INC.	1,309,791.92	13,097.97
P-	2174	COSTSAVER'S SUPERMARKET INC.	1,999,776.10	19,997.76
P-	2185	CSI WAREHOUSE CLUB, INC.	1,908,149.34	19,081.49

P-	2187	CSI WAREHOUSE CLUB, INC.	1,702,401.43	17,024.01
P-	2189	CSI WAREHOUSE CLUB, INC.	443,513.68	4,435.14
P-	2190	CSI WAREHOUSE CLUB, INC.	155,376.50	1,553.77
P-	2207	DAVAO CENTRAL WAREHOUSE CLUB, INC.	253,905.00	2,539.05
P-	2208	DAVAO CENTRAL WAREHOUSE CLUB, INC.	270,213.00	2,702.13
P-	2209	DAVAO CENTRAL WAREHOUSE CLUB, INC.	320,894.00	3,208.94
P-	2382	FELCRIS SUPERMARKET, INC.	278,172.00	2,781.72
P-	2383	FELCRIS SUPERMARKET, INC.	2,196,261.00	21,962.61
P-	2641	LOPUE'S VALUE STORE-888	20,500.71	205.01
P-	2643	LOPUE'S VALUE STORE-888	5,980.18	59.80
P-	2644	LOPUE'S VALUE STORE-888	3,734.60	37.35
P-	2645	LOPUE'S VALUE STORE-888	30,388.93	303.89
P-	2646	LOPUE'S VALUE STORE-888	17,808.13	178.08
P-	2647	LOPUE'S VALUE STORE-888	5,980.18	59.80
P-	2648	LOPUE'S VALUE STORE-HINIGARAN	12,035.47	120.35
P-	2649	LOPUE'S VALUE STORE-HINIGARAN	5,634.75	56.35
P-	2650	LOPUE'S VALUE STORE-HINIGARAN	13,621.52	136.22
P-	2651	LOPUE'S VALUE STORE-HINIGARAN	13,404.27	134.04
P-	2652	LOPUE'S VALUE STORE-HINIGARAN	6,560.04	65.60
P-	2654	LOPUE'S VALUE STORE-SAGAY	2,874.98	28.75
P-	2671	LUNG CENTER OF THE PHILIPPINES	50,409.84	450.09
P-	2672	LUNG CENTER OF THE PHILIPPINES	140,000.00	1,250.00
P-	2673	LUNG CENTER OF THE PHILIPPINES	34,200.00	305.36
P-	2674	LUNG CENTER OF THE PHILIPPINES	53,460.00	477.32
P-	2675	LUNG CENTER OF THE PHILIPPINES	163,800.00	1,462.50
P-	2676	LUNG CENTER OF THE PHILIPPINES	26,020.20	232.32
P-	2677	LUNG CENTER OF THE PHILIPPINES	12,629.95	112.77
P-	2678	LUNG CENTER OF THE PHILIPPINES	13,111.30	117.07
P-	2679	LUNG CENTER OF THE PHILIPPINES	20,383.44	182.00
P-	2680	LUNG CENTER OF THE PHILIPPINES	20,800.00	185.71
P-	2681	LUNG CENTER OF THE PHILIPPINES	24,961.00	222.81
P-	2682	LUNG CENTER OF THE PHILIPPINES	35,400.35	316.08
P-	2683	LUNG CENTER OF THE PHILIPPINES	38,400.00	342.86
P-	2684	LUNG CENTER OF THE PHILIPPINES	41,250.00	368.30
P-	2685	LUNG CENTER OF THE PHILIPPINES	41,872.22	373.86
P-	2686	LUNG CENTER OF THE PHILIPPINES	47,565.90	424.70
P-	2687	LUNG CENTER OF THE PHILIPPINES	59,051.99	527.25
P-	2688	LUNG CENTER OF THE PHILIPPINES	64,035.03	571.74
P-	2689	LUNG CENTER OF THE PHILIPPINES	75,060.00	670.18
P-	2690	LUNG CENTER OF THE PHILIPPINES	93,027.04	830.60
P-	2691	LUNG CENTER OF THE PHILIPPINES	96,081.65	857.87
P-	2692	LUNG CENTER OF THE PHILIPPINES	102,960.00	919.29
P-	2693	LUNG CENTER OF THE PHILIPPINES	130,320.00	1,163.57
P-	2694	LUNG CENTER OF THE PHILIPPINES	235,000.00	2,098.21
P-	2695	LUNG CENTER OF THE PHILIPPINES	235,000.00	2,098.21
P-	2696	LUNG CENTER OF THE PHILIPPINES	258,200.00	2,305.36
P-	2697	LUNG CENTER OF THE PHILIPPINES	263,739.00	2,354.81
P-	2698	LUNG CENTER OF THE PHILIPPINES	440,895.00	3,936.56
P-	3417	EAST AVENUE MEDICAL CENTER	124,500.00	1,111.61
P-	3418	EAST AVENUE MEDICAL CENTER	83,895.00	749.06
P-	3419	EAST AVENUE MEDICAL CENTER	66,000.00	589.29
P-	3587	LOPUE'S VALUE STORE 888	3,373.38	33.73
P-	3588	LOPUE'S VALUE STORE 888	41,021.66	410.22
P-	3589	LOPUE'S VALUE STORE 888	31,360.56	313.61

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P-	3592	LOPUE'S VALUE STORE 888	44,561.21	445.61
P-	3593	LOPUE'S VALUE STORE 888	13,680.75	136.81
P-	3607	LUNG CENTER OF THE PHILIPPINES	25,704.00	229.50
P-	3608	LUNG CENTER OF THE PHILIPPINES	19,096.00	170.00
P-	3609	LUNG CENTER OF THE PHILIPPINES	3,756.80	33.54
P-	3610	LUNG CENTER OF THE PHILIPPINES	263,088.72	2,349.01
P-	3611	LUNG CENTER OF THE PHILIPPINES	130,320.00	1,163.57
P-	3612	LUNG CENTER OF THE PHILIPPINES	9,800.00	87.50
P-	3613	LUNG CENTER OF THE PHILIPPINES	9,800.00	87.50
P-	3614	LUNG CENTER OF THE PHILIPPINES	83,367.49	744.35
P-	3615	LUNG CENTER OF THE PHILIPPINES	87,042.71	777.17
P-	3616	LUNG CENTER OF THE PHILIPPINES	72,562.50	647.88
P-	3617	LUNG CENTER OF THE PHILIPPINES	9,392.00	83.86
P-	3618	LUNG CENTER OF THE PHILIPPINES	3,398.00	30.34
P-	3619	LUNG CENTER OF THE PHILIPPINES	100,000.00	892.86
P-	3679	TABACO LIBERTY COMMERCIAL CENTER INC.	54,827.03	548.27
P-	3680	TABACO LIBERTY COMMERCIAL CENTER INC.	2,417.78	24.17
P-	3681	TABACO LIBERTY COMMERCIAL CENTER INC.	16,586.35	165.86
P-	3684	TABACO LIBERTY COMMERCIAL CENTER INC.	58,776.24	587.76
P-	3685	TABACO LIBERTY COMMERCIAL CENTER INC.	10,435.71	104.35
P-	3686	TABACO LIBERTY COMMERCIAL CENTER INC.	113,648.88	1,136.48
P-	3699	LOPUE'S SAN SEBASTIAN	20,867.54	208.68
P-	3702	LOPUE'S SAN SEBASTIAN	23,358.22	233.58
P-	3705	LOPUE'S VALUE STORE - HINIGARAN	52,315.26	523.15
P-	3706	LOPUE'S VALUE STORE - HINIGARAN	15,753.83	157.54
P-	3707	LOPUE'S VALUE STORE - HINIGARAN	8,278.46	82.78
P-	3709	LOPUE'S VALUE STORE - HINIGARAN	11,680.59	116.81
P-	3710	LOPUE'S VALUE STORE - HINIGARAN	27,537.78	275.38
P-	3731	DAILY COMMODITIES INC.	64,079.00	640.79
P-	3733	DAILY COMMODITIES INC.	18,318.00	183.18
P-	3734	DAILY COMMODITIES INC.	10,985.00	109.85
P-	4266	CITY SUPERMARKET INCORPORATED	397,462.39	3,974.62
P-	4272	CITY SUPERMARKET INCORPORATED	592,082.84	5,920.83
P-	4395	EAST AVENUE MEDICAL CENTER	127,500.00	1,138.39
P-	4396	EAST AVENUE MEDICAL CENTER	180,000.00	1,607.14
P-	4397	EAST AVENUE MEDICAL CENTER	84,372.00	753.32
P-	4398	EAST AVENUE MEDICAL CENTER	375,000.00	3,348.21
P-	4399	EAST AVENUE MEDICAL CENTER	34,850.00	311.16
P-	4400	EAST AVENUE MEDICAL CENTER	120,000.00	1,071.43
P-	4401	EAST AVENUE MEDICAL CENTER	146,895.00	1,311.56
P-	4402	EAST AVENUE MEDICAL CENTER	43,950.00	392.41
P-	4403	EAST AVENUE MEDICAL CENTER	513,980.00	4,589.11
P-	4404	EAST AVENUE MEDICAL CENTER	30,140.00	269.11
P-	4405	EAST AVENUE MEDICAL CENTER	31,410.00	280.45
P-	4406	EAST AVENUE MEDICAL CENTER	36,030.00	321.70
P-	4407	EAST AVENUE MEDICAL CENTER	53,370.00	476.52
P-	4408	EAST AVENUE MEDICAL CENTER	104,260.00	930.89
P-	4409	EAST AVENUE MEDICAL CENTER	385,547.20	3,442.39
P-	4410	EAST AVENUE MEDICAL CENTER	66,600.00	594.64
P-	4444	EVER COMMONWEALTH CENTER, INC.	4,230,684.74	42,306.83
P-	4445	EVER COMMONWEALTH CENTER, INC.	1,633,950.21	16,339.50
P-	4446	EVER COMMONWEALTH CENTER, INC.	170,165.71	1,701.66

P-	4447	EVER COMMONWEALTH CENTER, INC.	451,104.38	4,511.04
P-	4448	EVER COMMONWEALTH CENTER, INC.	74,058.53	740.59
P-	4471	EVER COMMONWEALTH CENTER, INC.	59,752.01	597.53
P-	4472	EVER COMMONWEALTH CENTER, INC.	4,230,684.74	42,306.83
P-	4475	EVER COMMONWEALTH CENTER, INC.	4,636.61	46.36
P-	4476	EVER COMMONWEALTH CENTER, INC.	70,549.50	705.49
P-	4477	EVER COMMONWEALTH CENTER, INC.	171,375.31	1,713.76
P-	4480	EVER COMMONWEALTH CENTER, INC.	11,748.26	117.48
P-	4571	EVER SHOPPERS, INC.	974,366.01	9,743.66
P-	4572	EVER SHOPPERS, INC.	4,416.85	44.16
P-	4573	EVER SHOPPERS, INC.	22,464.75	224.65
P-	4574	EVER SHOPPERS, INC.	106,722.51	1,067.23
P-	4575	EVER SHOPPERS, INC.	110,087.68	1,100.88
P-	4576	EVER SHOPPERS, INC.	150,118.03	1,501.18
P-	4577	EVER SHOPPERS, INC.	8,566.30	85.65
P-	4578	EVER SHOPPERS, INC.	26,130.77	261.30
P-	4698	TAI - PAN DEV'T INC. (GAISANO CITY OZAMIS)	27,813.00	278.13
P-	4699	TAI - PAN DEV'T INC. (GAISANO CITY OZAMIS)	13,826.00	138.26
P-	4964	ILOILO GQ ENTERPRISES	1,263,589.85	12,635.92
P-	4965	ILOILO GQ ENTERPRISES	1,983,741.86	19,837.42
P-	4997	JARO SUPERMART	1,129,875.29	11,298.77
P-	4998	JARO SUPERMART	93,766.80	937.68
P-	4999	JARO SUPERMART	875,587.87	8,755.90
P-	5059	LOPUE'S VALUE STORE - HINIGARAN	17,382.32	173.82
P-	5060	LOPUE'S VALUE STORE - HINIGARAN	2,990.09	29.90
P-	5062	LOPUE'S VALUE STORE - HINIGARAN	5,781.60	57.82
P-	5065	LOPUE'S VALUE STORE 888	55,120.55	551.21
P-	5068	LOPUE'S VALUE STORE 888	15,559.62	155.60
P-	5069	LOPUE'S VALUE STORE 888	19,618.62	196.19
P-	5073	LOPUE'S VALUE STORE LVH	88,736.96	887.37
P-	5084	LUNG CENTER OF THE PHILIPPINES	235,000.00	2,098.21
P-	5085	LUNG CENTER OF THE PHILIPPINES	130,320.00	1,163.57
P-	5086	LUNG CENTER OF THE PHILIPPINES	102,960.00	919.29
P-	5087	LUNG CENTER OF THE PHILIPPINES	60,000.00	535.71
P-	5088	LUNG CENTER OF THE PHILIPPINES	38,400.00	342.86
P-	5089	LUNG CENTER OF THE PHILIPPINES	258,200.00	2,305.36
P-	5090	LUNG CENTER OF THE PHILIPPINES	4,200.00	37.50
P-	5091	LUNG CENTER OF THE PHILIPPINES	75,060.00	670.18
P-	5909	EAST AVENUE MEDICAL CENTER	219,069.00	1,955.97
P-	5910	EAST AVENUE MEDICAL CENTER	31,110.00	277.77
P-	5911	EAST AVENUE MEDICAL CENTER	360,000.00	3,214.29
P-	5912	EAST AVENUE MEDICAL CENTER	67,920.00	606.43
P-	5913	EAST AVENUE MEDICAL CENTER	544,200.00	4,858.93
P-	5914	EAST AVENUE MEDICAL CENTER	125,000.00	1,116.07
P-	5915	EAST AVENUE MEDICAL CENTER	30,529.24	272.58
P-	5916	EAST AVENUE MEDICAL CENTER	172,758.00	1,542.48
P-	5917	EAST AVENUE MEDICAL CENTER	127,000.00	1,133.93
P-	6083	FAR EAST NOBLE HOUSE	174,389.06	1,557.05
P-	6084	FAR EAST NOBLE HOUSE	620,565.00	5,540.76
P-	6476	LOPUE'S SAN SEBASTIAN	21,736.54	217.37
P-	6480	LOPUE'S VALUE STORE - HINIGARAN	45,940.20	459.40
P-	6481	LOPUE'S VALUE STORE - 888	147,746.29	1,477.46
P-	6494	LUNG CENTER OF THE PHILIPPINES	130,000.00	1,160.71
P-	7328	CHERRY FOODARAMA,INC	4,426,085.00	44,260.85

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P-	7329	CHERRY FOODARAMA,INC	13,204.00	132.04
P-	7330	CHERRY FOODARAMA,INC	110,356.00	1,103.56
P-	7331	CHERRY FOODARAMA,INC	549,658.00	5,496.58
P-	7332	CHERRY FOODARAMA,INC	228,229.00	2,282.29
P-	7333	CHERRY FOODARAMA,INC	201,879.00	2,018.79
P-	7441	EAST AVENUE MEDICAL CENTER	30,800.00	275.00
P-	7442	EAST AVENUE MEDICAL CENTER	86,850.00	775.45
P-	7443	EAST AVENUE MEDICAL CENTER	90,281.00	806.08
P-	7444	EAST AVENUE MEDICAL CENTER	49,000.00	437.50
P-	7445	EAST AVENUE MEDICAL CENTER	127,500.00	1,138.39
P-	7446	EAST AVENUE MEDICAL CENTER	116,800.20	1,042.86
P-	7447	EAST AVENUE MEDICAL CENTER	15,390.00	137.41
P-	7484	FLORES, WINSTON JHON TIZON / FARMACIA WIN -J	4,963.90	49.64
P-	7485	FLORES, WINSTON JHON TIZON / FARMACIA WIN -J	102,703.65	1,027.04
P-	7908	JARO SUPERMART	43,699.19	437.00
P-	7909	JARO SUPERMART	319,336.44	3,193.37
P-	8000	TABACO LIBERTY COMMERCIAL CENTER INC.	9,782.46	97.82
P-	8039	LOPUE'S VALUE STORE - 888	1,884.75	18.85
P-	8040	LOPUE'S VALUE STORE - 888	4,098.84	40.99
P-	8051	LUNG CENTER OF THE PHILIPPINES	59,658.93	532.67
P-	8052	LUNG CENTER OF THE PHILIPPINES	38,400.00	342.86
P-	8053	LUNG CENTER OF THE PHILIPPINES	40,666.00	363.09
P-	8054	LUNG CENTER OF THE PHILIPPINES	130,320.00	1,163.57
P-	8055	LUNG CENTER OF THE PHILIPPINES	348,240.00	3,109.29
P-	8056	LUNG CENTER OF THE PHILIPPINES	15,085.28	134.69
P-	8057	LUNG CENTER OF THE PHILIPPINES	9,984.00	89.14
P-	8058	LUNG CENTER OF THE PHILIPPINES	6,934.00	61.91
P-	8059	LUNG CENTER OF THE PHILIPPINES	18,212.78	162.61
P-	8060	LUNG CENTER OF THE PHILIPPINES	25,237.56	225.34
P-	8061	LUNG CENTER OF THE PHILIPPINES	107,649.00	961.15
P-	8062	LUNG CENTER OF THE PHILIPPINES	440,895.00	3,936.56
P-	8063	LUNG CENTER OF THE PHILIPPINES	4,200.00	37.50
P-	8064	LUNG CENTER OF THE PHILIPPINES	75,000.00	669.64
P-	8065	LUNG CENTER OF THE PHILIPPINES	4,919.60	43.93
P-	8066	LUNG CENTER OF THE PHILIPPINES	47,925.00	427.90
P-	8067	LUNG CENTER OF THE PHILIPPINES	31,074.15	277.45
P-	8068	LUNG CENTER OF THE PHILIPPINES	75,007.20	669.71
P-	8069	LUNG CENTER OF THE PHILIPPINES	26,023.50	232.35
P-	8070	LUNG CENTER OF THE PHILIPPINES	45,000.00	401.79
P-	8071	LUNG CENTER OF THE PHILIPPINES	11,158.60	99.63
P-	8072	LUNG CENTER OF THE PHILIPPINES	175,600.00	1,567.86
P-	8073	LUNG CENTER OF THE PHILIPPINES	37,998.00	339.27
P-	8074	LUNG CENTER OF THE PHILIPPINES	32,475.40	289.96
P-	8075	LUNG CENTER OF THE PHILIPPINES	4,200.00	37.50
P-	8076	LUNG CENTER OF THE PHILIPPINES	235,000.00	2,098.21
P-	8077	LUNG CENTER OF THE PHILIPPINES	6,566.00	58.63
P-	8078	LUNG CENTER OF THE PHILIPPINES	9,170.00	81.88
P-	8109	MANDURRIAO SUPERMART	616,745.94	6,167.45
P-	8211	DAILY COMMODITIES INC.	87,967.00	879.67
P-	8212	DAILY COMMODITIES INC.	33,365.00	333.65
P-	8213	DAILY COMMODITIES INC.	16,029.00	160.29
P-	8447	SOUTHERN PHILIPPINES MEDICAL CENTER	89,654.07	800.48

P-	8457	SOUTHERN PHILIPPINES MEDICAL CENTER	93,100.00	831.25
P-	9345	CHERRY FOODARAMA, INC.	138,703.00	1,387.03
P-	9346	CHERRY FOODARAMA, INC.	4,165,203.00	41,652.03
P-	9347	CHERRY FOODARAMA, INC.	4,382,899.00	43,828.99
P-	9348	CHERRY FOODARAMA, INC.	1,871,867.00	18,718.67
P-	9554	EAST AVENUE MEDICAL CENTER	424,910.80	3,793.85
P-	9555	EAST AVENUE MEDICAL CENTER	16,900.00	150.89
P-	9556	EAST AVENUE MEDICAL CENTER	96,954.00	865.66
P-	9557	EAST AVENUE MEDICAL CENTER	375,000.00	3,348.21
P-	9558	EAST AVENUE MEDICAL CENTER	77,630.00	693.13
P-	9559	EAST AVENUE MEDICAL CENTER	336,000.00	3,000.00
P-	9560	EAST AVENUE MEDICAL CENTER	382,500.00	3,415.18
P-	9561	EAST AVENUE MEDICAL CENTER	18,000.00	160.71
P-	9562	EAST AVENUE MEDICAL CENTER	33,800.00	301.79
P-	9563	EAST AVENUE MEDICAL CENTER	311,970.00	2,785.45
P-	9564	EAST AVENUE MEDICAL CENTER	296,286.10	2,645.41
P-	9565	EAST AVENUE MEDICAL CENTER	523,082.72	4,670.38
P-	9566	EAST AVENUE MEDICAL CENTER	294,300.00	2,627.68
P-	9567	EAST AVENUE MEDICAL CENTER	108,885.70	972.19
P-	9568	EAST AVENUE MEDICAL CENTER	134,172.00	1,197.96
P-	9569	EAST AVENUE MEDICAL CENTER	317,700.00	2,836.61
P-	9570	EAST AVENUE MEDICAL CENTER	230,930.36	2,061.88
P-	10034	IS MEDICINE CORNER	1,893,364.86	18,933.65
P-	10041	FEGARIDO, MA. MARISSA M.	61,906.31	552.73
P-	10042	FEGARIDO, MA. MARISSA M.	61,445.43	548.62
P-	10065	ISETANN DEPARTMENT STORE, INC.	255,757.24	2,557.57
P-	10249	LUNG CENTER OF THE PHILIPPINES	348,240.00	3,109.29
P-	10250	LUNG CENTER OF THE PHILIPPINES	235,000.00	2,098.21
P-	10251	LUNG CENTER OF THE PHILIPPINES	14,875.00	132.81
P-	10252	LUNG CENTER OF THE PHILIPPINES	15,737.78	140.52
P-	10253	LUNG CENTER OF THE PHILIPPINES	7,500.00	66.96
P-	10254	LUNG CENTER OF THE PHILIPPINES	62,900.00	561.61
P-	10255	LUNG CENTER OF THE PHILIPPINES	2,920.00	26.07
P-	10256	LUNG CENTER OF THE PHILIPPINES	20,710.80	184.92
P-	10257	LUNG CENTER OF THE PHILIPPINES	30,732.87	274.40
P-	10258	LUNG CENTER OF THE PHILIPPINES	44,730.00	399.38
P-	10259	LUNG CENTER OF THE PHILIPPINES	248,400.00	2,217.86
P-	10260	LUNG CENTER OF THE PHILIPPINES	38,400.00	342.86
P-	10261	LUNG CENTER OF THE PHILIPPINES	235,000.00	2,098.21
P-	10262	LUNG CENTER OF THE PHILIPPINES	140,000.00	1,250.00
P-	10263	LUNG CENTER OF THE PHILIPPINES	24,960.00	222.86
P-	10264	LUNG CENTER OF THE PHILIPPINES	64,150.84	572.78
P-	10265	LUNG CENTER OF THE PHILIPPINES	12,072.75	107.79
P-	10266	LUNG CENTER OF THE PHILIPPINES	25,454.55	227.27
P-	10342	MANDURRIAO SUPERMART	500,279.81	5,002.81
P-	10589	PATIENT CARE CORPORATION	9,923,400.00	99,234.00
P-	10590	PATIENT CARE CORPORATION	10,609,812.00	106,098.12
P-	12558	PUREGOLD PRICE CLUB INC.	11,774,196.62	117,741.97
P-	12559	PUREGOLD PRICE CLUB INC.	167,882.75	1,678.83
P-	12560	PUREGOLD PRICE CLUB INC.	225,823.50	2,258.24
P-	12561	PUREGOLD PRICE CLUB INC.	1,466,301.19	14,663.02
P-	12570	PUREGOLD PRICE CLUB INC.	12,880,882.71	128,808.84
P-	12571	PUREGOLD PRICE CLUB INC.	56,411,770.05	564,117.70
P-	12572	PUREGOLD PRICE CLUB INC.	528,159.63	5,281.60
P-	12573	PUREGOLD PRICE CLUB INC.	530,523.77	5,305.24

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P-	12574	PUREGOLD PRICE CLUB INC.	51,430,008.41	514,300.08
P-	12575	PUREGOLD PRICE CLUB INC.	190,038.58	1,900.39
P-	12576	PUREGOLD PRICE CLUB INC.	252,860.87	2,528.61
P-	13428	ILOILO GQ ENTERPRISES	2,644,644.39	26,446.45
P-	13611	MANDURRIAO SUPERMART	789,421.22	7,894.22
P-	13843	PUREGOLD PRICE CLUB INC.	9,740,582.28	97,405.83
P-	13844	PUREGOLD PRICE CLUB INC.	250,883.29	2,508.83
P-	13845	PUREGOLD PRICE CLUB INC.	1,418,462.81	14,184.63
P-	13846	PUREGOLD PRICE CLUB INC.	503,540.44	5,035.40
P-	13847	PUREGOLD PRICE CLUB INC.	386,058.98	3,860.59
P-	13849	PUREGOLD PRICE CLUB INC.	140.53	1.41
P-	13850	PUREGOLD PRICE CLUB INC.	4,009,699.12	40,096.99
P-	13851	PUREGOLD PRICE CLUB INC.	40,991,655.41	409,916.56
P-	14252	EVER PLUS SUPERSTORE, INC. - ROCES	115,549.57	1,155.49
P-	14253	EVER PLUS SUPERSTORE, INC. - ROCES	1,522.50	15.23
P-	14254	EVER PLUS SUPERSTORE, INC. - ROCES	1,013,854.11	10,138.54
P-	14255	EVER PLUS SUPERSTORE, INC. - ROCES	30,944.82	309.45
P-	14256	EVER PLUS SUPERSTORE, INC. - ROCES	49,561.18	495.60
P-	14257	EVER PLUS SUPERSTORE, INC. - ROCES	1,164.35	11.64
P-	14266	EVER PLUS SUPERSTORE, INC. - MARULAS	1,121.40	11.21
P-	14267	EVER PLUS SUPERSTORE, INC. - MARULAS	11,641.36	116.40
P-	14268	EVER PLUS SUPERSTORE, INC. - MARULAS	25,176.16	251.78
P-	14269	EVER PLUS SUPERSTORE, INC. – MARULAS	284,690.63	2,846.89
P-	14270	EVER PLUS SUPERSTORE, INC. – MARULAS	2,218.13	22.19
P-	14271	EVER PLUS SUPERSTORE, INC. - MARULAS	1,627,793.91	16,277.93
P-	14306	EVER SHOPPERS, INC.	16,983.75	169.84
P-	14307	EVER SHOPPERS, INC.	786,198.86	7,861.98
P-	14308	EVER SHOPPERS, INC.	2,787,120.95	27,871.20
P-	14309	EVER SHOPPERS, INC.	191,289.13	1,912.89
P-	14310	EVER SHOPPERS, INC.	117,599.14	1,176.00
P-	14311	EVER SHOPPERS, INC.	78,811.77	788.12
P-	14312	EVER SHOPPERS, INC.	848.89	8.49
P-	14313	EVER SHOPPERS, INC.	8,465.03	84.65
P-	14315	EVER COMMONWEALTH CENTER, INC.	131,538.99	1,315.38
P-	14316	EVER COMMONWEALTH CENTER, INC.	26,426.17	264.25
P-	14317	EVER COMMONWEALTH CENTER, INC.	780,369.35	7,803.70
P-	14318	EVER COMMONWEALTH CENTER, INC.	11,764.44	117.64
P-	14319	EVER COMMONWEALTH CENTER, INC.	6,241,025.25	62,410.25
P-	14320	EVER COMMONWEALTH CENTER, INC.	63,213.56	632.13
P-	14321	EVER COMMONWEALTH CENTER, INC.	13,600.64	136.01
P-	14322	EVER COMMONWEALTH CENTER, INC.	207,747.20	2,077.48
P-	14323	EVER COMMONWEALTH CENTER, INC.	144,980.15	1,449.80
P-	14324	EVER COMMONWEALTH CENTER, INC.	59,587.50	595.87
P-	14325	EVER COMMONWEALTH CENTER, INC.	4,603.72	46.04
P-	14326	EVER COMMONWEALTH CENTER, INC.	1,880,185.66	18,801.87
P-	14327	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	1,884.75	18.85
P-	14328	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	126,079.56	1,260.80
P-	14329	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	55,564.28	555.63
P-	14330	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	3,994.41	39.94

P-	14331	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	7,770.00	77.70
P-	14332	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	1,776,585.47	17,765.84
P-	14333	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	2,080.77	20.81
P-	14334	EVER COMMONWEALTH CENTER, INC.	1,277,706.86	12,777.08
P-	14335	EVER COMMONWEALTH CENTER, INC.	27,105.75	271.06
P-	14336	EVER COMMONWEALTH CENTER, INC.	167,246.67	1,672.47
P-	14337	EVER COMMONWEALTH CENTER, INC.	171,497.59	1,714.97
P-	14338	EVER COMMONWEALTH CENTER, INC.	405,393.77	4,053.94
P-	14339	EVER COMMONWEALTH CENTER, INC.	7,212.61	72.13
P-	14340	EVER COMMONWEALTH CENTER, INC.	47,383.54	473.83
P-	14341	EVER COMMONWEALTH CENTER, INC.	5,903,733.33	59,037.33
P-	14343	EVER COMMONWEALTH CENTER, INC.	7,381.50	73.82
P-	14344	EVER COMMONWEALTH CENTER, INC.	13,542.09	135.42
P-	14345	EVER COMMONWEALTH CENTER, INC.	5,119.87	51.20
P-	14346	EVER COMMONWEALTH CENTER, INC.	66,145.89	661.46
P-	14347	EVER COMMONWEALTH CENTER, INC.	35,723.62	357.24
P-	14348	EVER COMMONWEALTH CENTER, INC.	1,048,526.27	10,485.26
P-	14349	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	4,830.70	48.30
P-	14350	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	6,472.16	64.72
P-	14351	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	1,625,430.49	16,254.31
P-	14352	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	91,570.93	915.70
P-	14353	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	45,249.57	452.49
P-	14354	EVER PLUS SUPERSTORE, INC. - SAPANG PALAY	8,211.11	82.11
P-	14355	EVER SHOPPERS, INC.	738,490.91	7,384.92
P-	14356	EVER SHOPPERS, INC.	10,547.25	105.47
P-	14357	EVER SHOPPERS, INC.	82,320.97	823.21
P-	14358	EVER SHOPPERS, INC.	136,553.46	1,365.53
P-	14359	EVER SHOPPERS, INC.	206,902.19	2,069.02
P-	14360	EVER SHOPPERS, INC.	7,236.16	72.36
P-	14361	EVER SHOPPERS, INC.	13,083.19	130.84
P-	14362	EVER SHOPPERS, INC.	4,159,874.14	41,598.74
P-	14364	EVER PLUS SUPERSTORE, INC. - ROCES	136,923.09	1,369.22
P-	14365	EVER PLUS SUPERSTORE, INC. - ROCES	5,318.25	53.18
P-	14366	EVER PLUS SUPERSTORE, INC. - ROCES	849,251.21	8,492.52
P-	14367	EVER PLUS SUPERSTORE, INC. - ROCES	28,669.13	286.70
P-	14368	EVER PLUS SUPERSTORE, INC. - ROCES	48,386.78	483.86
P-	14611	ROBINSONS SUPERMARKET CORPORATION	56,809.67	568.11
P-	14612	ROBINSONS SUPERMARKET CORPORATION	1,140,192.49	11,401.96
P-	14613	ROBINSONS SUPERMARKET CORPORATION	1,448,252.26	14,482.37
P-	14614	ROBINSONS SUPERMARKET CORPORATION	81,990.66	819.91
P-	14615	ROBINSONS SUPERMARKET CORPORATION	278,843.48	2,788.42
P-	14616	ROBINSONS SUPERMARKET CORPORATION	79,012,751.88	790,127.25
P-	14617	ROBINSONS SUPERMARKET CORPORATION	8,062,580.31	80,625.80
P-	14618	ROBINSONS SUPERMARKET CORPORATION	7,669,074.38	76,690.87
P-	14619	ROBINSONS SUPERMARKET CORPORATION	958,551.83	9,585.58

P-	16492	PUREGOLD PRICE CLUB INC	1,756,190.85	17,561.91
P-	16493	PUREGOLD PRICE CLUB INC	724,173.30	7,241.73
P-	16494	PUREGOLD PRICE CLUB INC	1,347,874.50	13,478.75
P-	16495	PUREGOLD PRICE CLUB INC	2,079,035.72	20,790.37
P-	16496	PUREGOLD PRICE CLUB INC	51,325,463.50	513,254.63
P-	16497	PUREGOLD PRICE CLUB INC	12,794,024.28	127,940.25
P-	16498	PUREGOLD PRICE CLUB INC	11,907,727.30	119,077.28
P-	18311	CSI WAREHOUSE CLUB INC	990,262.34	9,902.62
P-	18313	CSI WAREHOUSE CLUB INC	1,509,082.04	15,090.82
P-	18315	CSI WAREHOUSE CLUB INC	172,986.32	1,729.86
P-	18318	COSTSAVERS SUPERMARKET INC	242,839.07	2,428.39
P-	18319	COSTSAVERS SUPERMARKET INC	18,172.11	181.72
P-	18325	COSTSAVERS SUPERMARKET INC	1,678,802.83	16,788.03
P-	18369	EAST AVENUE MEDICAL CENTER	135,527.20	1,227.92
P-	18370	EAST AVENUE MEDICAL CENTER	127,000.00	1,133.93
P-	18371	EAST AVENUE MEDICAL CENTER	165,852.00	1,480.82
P-	18372	EAST AVENUE MEDICAL CENTER	66,289.80	591.87
P-	18373	EAST AVENUE MEDICAL CENTER	30,720.00	274.29
P-	18536	LUNG CENTER OF THE PHILIPPINES	23,823.52	212.71
P-	18537	LUNG CENTER OF THE PHILIPPINES	34,306.90	306.31
P-	18538	LUNG CENTER OF THE PHILIPPINES	38,400.00	342.86
P-	18539	LUNG CENTER OF THE PHILIPPINES	11,090.00	99.02
P-	18540	LUNG CENTER OF THE PHILIPPINES	10,130.00	90.45
P-	18541	LUNG CENTER OF THE PHILIPPINES	6,934.00	61.91
P-	18542	LUNG CENTER OF THE PHILIPPINES	2,217.84	19.80
P-	18543	LUNG CENTER OF THE PHILIPPINES	31,950.00	285.27
P-	19294	EVER COMMONWEALTH CENTER INC	1,370.25	13.70
P-	19295	EVER COMMONWEALTH CENTER INC	1,207.50	12.08
P-	19296	EVER COMMONWEALTH CENTER INC	30,606.54	306.06
P-	19297	EVER COMMONWEALTH CENTER INC	210,134.08	2,101.35
P-	19298	EVER COMMONWEALTH CENTER INC	51,248.01	512.48
P-	19299	EVER COMMONWEALTH CENTER INC	731,174.67	7,311.74
P-	19306	EVER PLUS SUPERSTORE INC -ROCES	49,527.16	495.27
P-	19307	EVER PLUS SUPERSTORE INC -ROCES	162,148.31	1,621.48
P-	19308	EVER PLUS SUPERSTORE INC -ROCES	615,924.78	6,159.26
P-	19309	EVER PLUS SUPERSTORE INC -ROCES	7,917.00	79.17
P-	19310	EVER PLUS SUPERSTORE INC -ROCES	33,020.56	330.20
P-	19311	EVER PLUS SUPERSTORE INC -ROCES	2,285.75	22.85
P-	19312	EVER PLUS SUPERSTORE INC -LORES	33,035.07	330.35
P-	19313	EVER PLUS SUPERSTORE INC -LORES	417,317.32	4,173.17
P-	19314	EVER PLUS SUPERSTORE INC -LORES	1,024,930.04	10,249.31
P-	19315	EVER PLUS SUPERSTORE INC -LORES	8,218.87	82.20
P-	19316	EVER PLUS SUPERSTORE INC -LORES	4,110.75	41.10
P-	19317	EVER PLUS SUPERSTORE INC -LORES	1,536.59	15.37
P-	19318	EVER PLUS SUPERSTORE INC -LORES	2,459.73	24.59
P-	19319	EVER PLUS SUPERSTORE INC -LORES	14,656.89	146.56
P-	19419	EVER SHOPPERS INC	894,794.11	8,947.93
P-	19420	EVER SHOPPERS INC	3,904.87	39.05
P-	19421	EVER SHOPPERS INC	17,398.50	173.99
P-	19422	EVER SHOPPERS INC	88,912.39	889.12
P-	19423	EVER SHOPPERS INC	117,395.52	1,173.95
P-	19424	EVER SHOPPERS INC	239,335.36	2,393.34
P-	19425	EVER SHOPPERS INC	8,159.71	81.60
P-	19426	EVER SHOPPERS INC	29,273.30	292.73
P-	19427	EVER SHOPPERS INC	2,732,301.71	27,323.01
P-	19428	EVER COMMONWEALTH CENTER INC	3,055.98	30.56

P-	19429	EVER COMMONWEALTH CENTER INC	182,487.43	1,824.88
P-	19430	EVER COMMONWEALTH CENTER INC	179,262.46	1,792.61
P-	19431	EVER COMMONWEALTH CENTER INC	536,129.80	5,361.29
P-	19432	EVER COMMONWEALTH CENTER INC	10,412.44	104.11
P-	19433	EVER COMMONWEALTH CENTER INC	62,941.45	629.40
P-	19434	EVER COMMONWEALTH CENTER INC	5,732,386.06	57,323.86
P-	19954	LUNG CENTER OF THE PHILIPPINES	258,200.00	2,305.36
P-	19955	LUNG CENTER OF THE PHILIPPINES	235,000.00	2,098.21
P-	19956	LUNG CENTER OF THE PHILIPPINES	130,320.00	1,163.57
P-	19958	LUNG CENTER OF THE PHILIPPINES	90,833.26	811.01
P-	19959	LUNG CENTER OF THE PHILIPPINES	235,000.00	2,098.21
P-	19960	LUNG CENTER OF THE PHILIPPINES	89,263.68	797.00
P-	19961	LUNG CENTER OF THE PHILIPPINES	133,655.70	1,193.35
P-	19962	LUNG CENTER OF THE PHILIPPINES	82,996.88	741.04
P-	19963	LUNG CENTER OF THE PHILIPPINES	75,060.00	670.18
P-	19964	LUNG CENTER OF THE PHILIPPINES	20,383.44	182.00
P-	19965	LUNG CENTER OF THE PHILIPPINES	190,960.00	1,705.00
P-	20522	DYNASTY MANAGEMENT & DEVELOPMENT CORP. / G. SOUTH DAVAO	173,450.89	1,548.67
P-	20523	DYNASTY MANAGEMENT & DEVELOPMENT CORP. / G. SOUTH DAVAO	24,420.20	218.04
P-	21154	EAST AVENUE MEDICAL CENTER	162,000.00	1,446.43
P-	21155	EAST AVENUE MEDICAL CENTER	157,020.00	1,401.96
P-	21219	TAN, GINA R. /GINN PHARMACY	22,451.68	224.52
P-	21293	EAST AVENUE MEDICAL CENTER	78,858.60	704.09
P-	21294	EVER PLUS SUPERSTORE INC	1,058,380.48	10,583.80
P-	21295	EVER PLUS SUPERSTORE INC - RECTO	591,108.74	5,911.09
P-	21296	EVER PLUS SUPERSTORE INC - RECTO	20,104.41	201.04
P-	21297	EVER PLUS SUPERSTORE INC - RECTO	266,283.34	2,662.83
P-	21298	EVER PLUS SUPERSTORE INC - RECTO	25,380.18	253.80
P-	21299	EVER SHOPPERS INC	1,919,452.09	19,194.52
P-	21300	EVER PLUS SUPERSTORE INC - 11TH AVE.	890,477.33	8,904.78
P-	21301	EVER PLUS SUPERSTORE INC - RECTO	1,327,628.80	13,276.30
P-	21302	EVER PLUS SUPERSTORE INC	126,976.77	1,269.77
		Subtotal	***538,909,471.76***	***5,363,435.27***
CWT supported by BIR Forms No. 2307 with incorrect/unreadable TIN of petitioner				
P-	2041	BEROVAN MARKETING INC.	23,021,353.00	230,213.53
P-	18716	DYNASTY MANAGEMENT & DEVELOPMENT CORP. / G. TABUNOK	92,808.00	928.08
P-	18717	DYNASTY MANAGEMENT & DEVELOPMENT CORP. / G. TABUNOK	17,137.00	171.37
P-	13129	DMT DRUG CORPORATION	10,714.28	107.14
P-	13139	DRUGMAN DRUG HOUSE	48,616.61	486.17
		Subtotal	***23,190,628.89***	***231,906.29***
CWT supported by BIR Form No. 2307 with incorrect TIN/name of petitioner				
P-	655	DYNASTY MANAGEMENT & DEVELOPMENT INC.	71,284.00	712.84
		Subtotal	***71,284.00***	***712.84***
CWT supported by BIR Form No. 2307 but amount of income payment was not indicated				
P-	13133	DR. AMANDO D. COPE MEMORIAL HOSPITAL INC.	39,830.21	398.30
		Subtotal	***39,830.21***	***398.30***

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CWT supported by BIR Forms No. 2307 but petitioner's registered address was not indicated				
P-	428	CENTRAL LUZON DOCTORS' HOSPITAL	374,888.44	3,748.89
P-	628	ELIZABETH Q. LIM-SIOSON	16,178.46	161.78
P-	1023	KIDAPAWAN DOCTORS HOSPITAL, INC.	336,866.37	3,007.74
P-	2042	BETHANY HOSPITAL INC.	104,755.34	1,047.55
P-	2043	BETHANY HOSPITAL INC.	64,891.64	648.92
P-	2044	BETHANY HOSPITAL INC.	95,950.60	959.51
P-	2045	BETHANY HOSPITAL INC.	137,511.21	1,375.11
P-	2046	BETHANY HOSPITAL INC.	66,474.20	664.74
P-	2180	COURT OF APPEALS	29,339.29	293.39
P-	2192	CSI WAREHOUSE CLUB, INC.	23,410.71	234.11
P-	2967	RIVERA MEDICAL CENTER, INC.	383,277.00	3,832.77
P-	2968	RIVERA MEDICAL CENTER, INC.	19,274.00	192.47
P-	3833	SECOND WAVE CORPORATION	181,838.00	1,818.38
P-	6356	FEGARIDO, MA. MARISSA M.	70,597.04	630.33
P-	7508	FEGARIDO, MA. MARISSA M.	82,751.63	738.85
P-	7509	FEGARIDO, MA. MARISSA M.	81,786.90	730.24
P-	7510	FEGARIDO, MA. MARISSA M.	80,967.02	722.92
P-	7519	FEGARIDO, MA. MARISSA M.	106,624.83	952.00
P-	7520	FEGARIDO, MA. MARISSA M.	93,706.64	836.67
P-	8217	TAY EDUARDO WONG (NEW FARMACIA SUY HOO)	423,415.16	3,779.46
P-	8672	WESTERN VISAYAS MEDICAL CENTER	225,446.43	2,254.46
P-	8673	WESTERN VISAYAS MEDICAL CENTER	437,500.00	4,375.00
P-	8674	WESTERN VISAYAS MEDICAL CENTER	218,750.00	2,187.50
P-	8675	WESTERN VISAYAS MEDICAL CENTER	385,969.64	3,859.70
P-	8676	WESTERN VISAYAS MEDICAL CENTER	136,160.71	1,361.61
P-	8677	WESTERN VISAYAS MEDICAL CENTER	213,765.18	2,137.65
P-	8678	WESTERN VISAYAS MEDICAL CENTER	286,218.75	2,862.19
P-	8679	WESTERN VISAYAS MEDICAL CENTER	291,964.29	2,919.64
P-	8680	WESTERN VISAYAS MEDICAL CENTER	11,430.00	114.30
P-	10389	MMG HOSPITAL AND HEALTH SERVICES COOP. OF TAGUM	40,352.94	403.53
P-	10391	MMG HOSPITAL AND HEALTH SERVICES COOP. OF TAGUM	126,468.23	1,264.68
P-	10392	MMG HOSPITAL AND HEALTH SERVICES COOP. OF TAGUM	56,419.30	564.19
P-	11631	VADUZ MARKETING INC	15,048,659.00	150,486.59
P-	12977	CAVITE MEDICAL CENTER INC.	54,676.00	546.76
P-	13157	EURO MED LABORATORIES PHIL INC	8,811,691.07	88,116.91
P-	13919	SANDOVAL DISTRIBUTORS INC	6,425,901.40	64,259.01
P-	14026	UERM MEMORIAL MEDICAL CENTER INC	133,133.93	1,331.34
P-	17861	PROTACIO MEDICAL SERVICES INC	2,330.36	23.30
P-	18138	UERM MEMORIAL MEDICAL CENTER INC	189,613.10	1,896.14
P-	18153	VADUZ MARKETING INC	10,086,858.00	100,868.58
P-	18348	DAVAO FARMACIA SOUTHERN INC	1,875,650.00	18,756.50
P-	18392	GOLDEN DRUG	19,381.15	173.04
P-	18579	MARIKINA VALLEY MEDICAL CENTER INC	341,226.56	3,412.27
P-	18580	MARIKINA VALLEY MEDICAL CENTER INC	69,454.30	694.57
P-	18581	MARIKINA VALLEY MEDICAL CENTER INC	162,670.80	1,626.71
P-	18659	POROCO INDUSTRIES CORPORATION	160,353.91	1,603.54
P-	18745	CENTRAL LUZON DOCTORS HOSPITAL	183,909.91	1,839.10
P-	18746	CENTRAL LUZON DOCTORS HOSPITAL	87,206.14	872.07
P-	18790	KIDAPAWAN DOCTORS HOSPITAL INC	154,913.15	1,383.15
P-	18813	MARY CHILES HOSPITAL INC	333,406.94	2,976.85

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P-	18982	SACRED HEART HOSPITAL OF MALOLOS INC	249,964.24	2,499.64
P-	19731	PAGSANJAN MEDICAL CLINIC INC	161,403.86	1,614.04
P-	19732	PAGSANJAN MEDICAL CLINIC INC	251,762.46	2,517.62
P-	19733	PAGSANJAN MEDICAL CLINIC INC	83,989.53	839.90
P-	19734	PAGSANJAN MEDICAL CLINIC INC	100,753.71	1,007.54
P-	19735	PAGSANJAN MEDICAL CLINIC INC	132,283.28	1,322.83
P-	19736	PAGSANJAN MEDICAL CLINIC INC	105,080.25	1,050.80
P-	19820	SAINT LOUIS UNIVERSITY INC	58,234.64	582.35
P-	19821	SAINT LOUIS UNIVERSITY INC	34,821.43	348.21
P-	19902	MARIKINA VALLEY MEDICAL CENTER INC	127,054.52	1,270.54
P-	19940	LOPUE'S SAN SEBASTIAN	1,416.13	14.16
P-	20066	PATIENT CARE CORPORATION	6,869,780.00	68,697.80
P-	20067	PATIENT CARE CORPORATION	10,504,515.00	105,045.15
P-	20218	WESTERN VISAYAS MEDICAL CENTER	443,883.93	4,438.84
P-	20219	WESTERN VISAYAS MEDICAL CENTER	167,857.14	1,678.57
P-	20221	WESTERN VISAYAS MEDICAL CENTER	415,401.79	4,154.02
P-	20755	SAINT LOUIS UNIVERSITY INC	889,587.95	8,895.89
P-	21172	JAC MEDICAL DISTRIBUTORS	42,570.92	380.10
P-	21177	JAC MEDICAL DISTRIBUTORS	700.00	6.25
P-	21245	AB PHARMA INC	42,415.18	424.15
P-	21246	AB PHARMA INC	19,297.98	192.98
P-	21247	AB PHARMA INC	30,148.79	301.49
P-	21248	AB PHARMA INC	3,844.08	38.44
P-	21249	AB PHARMA INC	24,168.07	241.68
P-	21250	AB PHARMA INC	24,930.02	249.30
P-	21251	AB PHARMA INC	33,329.15	333.29
P-	21252	AB PHARMA INC	3,063.34	30.63
P-	21253	AB PHARMA INC	52,530.18	525.30
P-	21254	AB PHARMA INC	27,225.83	272.26
P-	21255	AB PHARMA INC	10,046.53	100.46
P-	21256	AB PHARMA INC	10,145.87	101.46
P-	21266	BUREAU OF CORRECTIONS	85,266.00	852.66
P-	21290	DEPARTMENT OF HEALTH	321,750.00	3,217.50
P-	21313	HOSPITAL MANAGEMENT SERVICES INC	3,397,565.00	33,975.65
P-	21327	MARY CHILES HOSPITAL INC	48,784.80	435.58
P-	21328	MARY CHILES HOSPITAL INC	240,652.91	2,148.68
P-	21329	MARY CHILES HOSPITAL INC	450,095.48	4,018.71
P-	21339	NATIONAL CENTER FOR MENTAL HEALTH	1,053,605.64	10,536.05
P-	21416	TAISHO PHARMACEUTICALS PHILIPPINES INC	1,041,666.70	20,833.33
P-	21418	VADUZ MARKETING INC	16,449,493.00	164,494.93
		Subtotal	***93,357,071.00***	***941,235.49***
CWT supported by BIR Forms No. 2307 without signature of payor's authorized representative				
P-	15193	HOLY FAMILY HEALTH SERVICES INC	3,456.72	34.57
P-	15198	HOLY FAMILY HEALTH SERVICES INC	49,689.00	496.89
P-	15541	ANGELES MEDICAL CENTER INC	179,405.65	1,794.06
P-	15542	ANGELES MEDICAL CENTER INC	309,966.89	3,099.67
P-	15698	CHERRY FOODARAMA INC	161,064.00	1,610.64
P-	15699	CHERRY FOODARAMA INC	583,844.00	5,838.44
P-	15846	DYNA DRUG CORPORATION	27,583,956.00	275,839.56
P-	15847	DYNA DRUG CORPORATION	141,227,497.00	1,412,274.97
P-	15848	DYNA DRUG CORPORATION	186,962,149.00	1,869,621.49
P-	16357	NEW SACRED HEART PHARMACY - DUMAGUETE BRANCH	50,006.82	500.07

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P-	16358	NEW SACRED HEART PHARMACY - DUMAGUETE BRANCH	10,886.25	108.86
P-	16362	NEW SACRED HEART PHARMACY - DUMAGUETE BRANCH	104,906.22	1,049.06
P-	16817	TAN, LEO A.	42,900.70	429.01
P-	16818	TAN, LEO A.	478,055.44	4,780.55
P-	16819	TAN, LEO A.	390,884.62	3,908.85
P-	16821	TAN, LEO A.	347,255.77	3,472.56
P-	18234	ARGENT BUSINESS CONSULTANTS AND STORES SPECIALISTS, INC.(TRADE NAME: MED EXPRESS DRUGSTORE)	210,865.33	2,108.62
P-	18921	PREMIERE GENERAL HOSPITAL OF NUEVA ECIJA INC	60,046.00	600.46
P-	18922	PREMIERE GENERAL HOSPITAL OF NUEVA ECIJA INC	39,758.00	397.58
P-	18923	PREMIERE GENERAL HOSPITAL OF NUEVA ECIJA INC	170,853.00	1,708.53
P-	18924	PREMIERE GENERAL HOSPITAL OF NUEVA ECIJA INC	228,531.00	2,285.31
P-	18925	PREMIERE GENERAL HOSPITAL OF NUEVA ECIJA INC	208,466.00	2,084.66
P-	18926	PREMIERE GENERAL HOSPITAL OF NUEVA ECIJA INC	74,523.00	745.23
		Subtotal	***359,478,966.41***	***3,594,789.64***
CWT without supporting BIR Forms No. 2307				
P-	2653	LOPUE'S VALUE STORE-HINIGARAN	30,912.53	309.13
P-	21479	TAGUM DOCTORS HOSPITAL INC	109,023.05	1,090.23
		Subtotal	***139,935.58***	***1,399.36***
		TOTAL	**₱1,015,187,187.85**	**₱10,133,877.19**

In sum, petitioner sufficiently proved its compliance with the requisites for granting a CWT refund but only in the amount of ₱381,864,843.32 out of the total claim of ₱467,578,787.20, as computed below:

	Annex Reference (*Exh. P-25*)	**Income Payments**	**CWT Amount**
CWT properly supported by original BIR Forms 2307	Annex 3-a	₱ 42,116,749,625.82	₱ 391,998,720.51
Less: CWT without proper BIR Forms 2307 per this Court's further verification		1,015,187,187.85	10,133,877.19
Refundable Excess CWT		**₱41,101,562,437.97**	**₱381,864,843.32**

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Petitioner's alleged failure to submit the documents listed under RMO No. 53-98 and RR No. 2-2006 in its administrative claim is not fatal to its judicial claim for refund.

Respondent asserts that petitioner is not entitled to the claim for refund of CWT because the latter failed to submit the required documents under RMO No. 53-98 and RR No. 2-2006 when it filed its administrative claim.

Respondent is mistaken.

A perusal of RMO No. 53-98 and RR No. 2-2006 reveals that there is nothing in said regulations which requires the submission of all the documents specified therein before a taxpayer may be entitled to a refund.

In the *Univation* case, the Supreme Court held that failure to submit the complete documents at the administrative level is not fatal to a claim for refund at the judicial level brought about by the inaction of the CIR, to wit:

> "Petitioner CIR argued that failure of the respondent to submit the required complete documents as required by Revenue Memorandum Order No. 53-98 and Revenue Regulations No. 2-2006 rendered the petition with the CTA dismissible on the ground of lack of jurisdiction. It reasoned out that when a taxpayer prematurely filed a judicial claim with the CTA, the latter has no jurisdiction over the appeal.
>
> In the instant case, **respondent's failure to submit the complete documents at the administrative level did not render its petition for review with the CTA dismissible for lack of jurisdiction**. At this point, it is necessary to determine the grounds relied upon by a taxpayer in filing its judicial claim with the CTA. The case of *Pilipinas Total Gas, Inc. v. Commissioner of Internal Revenue* is instructive, thus:
>
> > **A distinction must, thus, be made between administrative cases appealed due**

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> **to inaction and those dismissed at the administrative level due to the failure of the taxpayer to submit supporting documents.** If an administrative claim was dismissed by the CIR due to the taxpayer's failure to submit complete documents despite notice/request, then the judicial claim before the CTA would be dismissible, not for lack of jurisdiction, but for the taxpayer's failure to substantiate the claim at the administrative level. When a judicial claim for refund or tax credit in the CTA is an appeal of an unsuccessful administrative claim, the taxpayer has to convince the CTA that the CIR had no reason to deny its claim. It, thus, becomes imperative for the taxpayer to show the CTA that not only is he entitled under substantive law to his claim for refund or tax credit, but also that he satisfied all the documentary and evidentiary requirements for an administrative claim. It is, thus, crucial for a taxpayer in a judicial claim for refund or tax credit to show that its administrative claim should have been granted in the first place. Consequently, a taxpayer cannot cure its failure to submit a document requested by the BIR at the administrative level by filing the said document before the CTA.

In this case, **it was the inaction of petitioner CIR which prompted respondent to seek judicial recourse with the CTA**. Petitioner CIR did not send any written notice to respondent informing it that the documents it submitted were incomplete or at least require respondent to submit additional documents. **As a matter of fact, petitioner CIR did not even render a Decision denying respondent's administrative claim on the ground that it had failed to submit all the required documents.**

Considering that the administrative claim was never acted upon, there was no decision for the CTA to review on appeal *per se*. However, this does not preclude the CTA from considering evidence that was not presented in the administrative claim with the BIR. Thus, RA No. 1125 states:

> Section 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.

> The law creating the CTA specifically provides that proceedings before it shall not be governed strictly by the technical rules of evidence. The paramount consideration remains the ascertainment of truth. Thus, **the CTA is not limited by the evidence presented in the administrative claim in the Bureau of Internal Revenue. The claimant may present new and additional evidence to the CTA to support its case for tax refund.**
>
> **Cases filed in the CTA are litigated *de novo*** as such, respondent "should prove every minute aspect of its case by presenting, formally offering and submitting x x x to the Court of Tax Appeals all evidence x x x required for the successful prosecution of its administrative claim." Consequently, the CTA may give credence to all evidence presented by respondent, including those that may not have been submitted to the CIR as the case is being essentially decided in the first instance." *(Emphasis supplied)*

In this case, petitioner filed the instant *Petition for Review* on April 14, 2015 considering that the two (2)-year prescriptive period under Sections 204 (C) and 229 of the NIRC of 1997, as amended, was nearing its end, with petitioner having yet to receive respondent's approval or denial of its administrative claim for refund.

Applying the Supreme Court's pronouncement in the *Univation* case, respondent cannot invoke petitioner's alleged non-compliance with RMO No. 53-98 and RR No. 2-2006 as basis for the denial of petitioner's claim for tax refund or credit.

Moreover, as explained by the Supreme Court in *Pilipinas Total Gas, Inc. v. Commissioner of Internal Revenue*[64] (*Total* case), RMO No. 53-98 does not require the submission of the complete documents enumerated therein in order for a taxpayer's claim for refund or credit to be granted, to wit:

> "As can be gleaned from the above, **RMO No. 53-98 is addressed to internal revenue officers and employees, for purposes of equity and uniformity, to guide them as to what documents they may require taxpayers to present upon audit of their tax liabilities. Nothing stated in the issuance would show that it was intended to be a benchmark in determining whether the documents submitted by a taxpayer are actually complete to support a claim for tax credit or refund of excess unutilized excess VAT.** As expounded in *Commissioner of Internal Revenue v. Team Sual Corporation (formerly Mirant Sual Corporation)*:
>
> > The CIR's reliance on RMO 53-98 is misplaced. There is nothing in Section 112 of the NIRC, RR 3-88 or RMO 53-98 itself that requires submission of the complete documents enumerated in RMO 53-98 for a grant of a refund or credit of input VAT.[65] The subject of RMO 53-98 states that it is a "Checklist of Documents to be Submitted by a Taxpayer upon **Audit**[66] of his Tax Liabilities . . . " In this case, TSC was applying for a grant of refund or credit of its input tax. There was no allegation of an audit being conducted by the CIR. Even assuming that RMO 53-98 applies, it specifically states that some documents are required to be submitted by the taxpayer "if applicable."
> >
> > Moreover, if TSC indeed failed to submit the complete documents in support of its application, the CIR could have informed TSC of its failure, consistent with Revenue Memorandum Circular No. (RMC) 42-03.[67]

[64] G.R. No. 207112, December 8, 2015.
[65] Underscoring by the Supreme Court.
[66] Emphasis by the Supreme Court.
[67] Underscoring by the Supreme Court.

> However, the CIR did not inform TSC of the document it failed to submit, even up to the present petition. The CIR likewise raised the issue of TSC's alleged failure to submit the complete documents only in its motion for reconsideration of the CTA Special First Division's 4 March 2010 Decision. Accordingly, we affirm the CTA EB's finding that TSC filed its administrative claim on 21 December 2005, and submitted the complete documents in support of its application for refund or credit of its input tax at the same time.

As explained earlier and underlined in *Team Sual* above, **taxpayers cannot simply be faulted for failing to submit the complete documents enumerated in RMO No. 53-98, absent notice from a revenue officer or employee that other documents are required**. Granting that the BIR found that the documents submitted by Total Gas were inadequate, **it should have notified the latter of the inadequacy by sending it a request to produce the necessary documents in order to make a just and expeditious resolution of the claim**.

Indeed, a taxpayer's failure with the requirements listed under RMO No. 53-98 is not fatal to its claim for tax credit or refund of excess unutilized excess VAT. This holds especially true when the application for tax credit or refund of excess unutilized excess VAT has arrived at the judicial level. After all, in the judicial level or when the case is elevated to the Court, the Rules of Court governs. Simply put, the question of whether the evidence submitted by a party is sufficient to warrant the granting of its prayer lies within the sound discretion and judgment of the Court." *(Emphasis supplied)*

While the *Total* case involves a claim for refund or credit of unutilized value-added tax, We find that the principle enunciated therein is also applicable to a claim for refund or issuance of TCC of unutilized CWT.

Thus, based on the *Total* case, a taxpayer's failure to submit the requirements listed under RMO No. 53-98 is not fatal to its claim for tax credit or refund considering that RMO No. 53-98 is merely a guide to revenue officers as to what documents they may require taxpayers to present upon audit of their tax liabilities, and is never intended to be a benchmark in determining whether the documents submitted by a taxpayer are actually complete to support a claim for tax credit or refund.

Likewise, RR No. 2-2006 merely imposes a penalty for the non-submission of the information or statement required therein, without resulting to an outright denial of the claim for tax refund or credit.

In view of the foregoing, there is no basis to conclude that petitioner's alleged non-compliance with RMO No. 53-98 and RR No. 2-2006 is fatal to its claim for refund or credit.

It bears stressing that the Court of Tax Appeals is a court of record, and the cases filed before it are litigated *de novo* and party litigants should prove every minute aspect of its case.[68] This Court is not precluded from accepting petitioner's evidence, even assuming these were not presented at the administrative level.[69] The question of whether the evidence submitted by a party is sufficient to warrant the granting of its prayer lies within the sound discretion and judgment of the Court.[70]

WHEREFORE, in light of the foregoing considerations, the instant *Petition for Review* is **PARTIALLY GRANTED**. Accordingly, respondent is **ORDERED TO REFUND OR ISSUE A TAX CREDIT CERTIFICATE** in favor of petitioner, in the reduced amount of **₱381,864,843.32**, representing petitioner's excess and unutilized CWT for CY ended December 31, 2012.

SO ORDERED.

ERLINDA P. UY
Associate Justice

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[68] *Commissioner of Internal Revenue v. Manila Mining Corporation*, G.R. No. 153204, August 31, 2005.
[69] *Commissioner of Internal Revenue v. Philippine National Bank*, G.R. No. 180290, September 29, 2014.
[70] *Pilipinas Total Gas, Inc. v. Commissioner of Internal Revenue*, G.R. No. 207112, December 8, 2015.

WE CONCUR:

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ERLINDA P. UY
Associate Justice
Chairperson, Special 3rd Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

ROMAN G. DEL ROSARIO
Presiding Justice