REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

En Banc

COMMISSIONER OF INTERNAL REVENUE,
Petitioner,

-versus-

CHEVRON HOLDINGS, INC.,
Respondent.

CTA EB No. 2355
(CTA Case Nos. 9350 & 9430)

Present:

DEL ROSARIO, *PJ*,
CASTAÑEDA, JR.,
UY,
RINGPIS-LIBAN,
MANAHAN,
BACORRO-VILLENA,
MODESTO-SAN PEDRO,
REYES-FAJARDO, and
CUI-DAVID, *JJ.*

Promulgated:
APR 26 2022
2:05 p.m.

x -- x

RESOLUTION

DEL ROSARIO, P.J.:

For resolution is petitioner's "**Motion for Reconsideration (Re: Decision promulgated 9 December 2021)**" filed *via electronic mail* on January 10, 2022 and *personally* on February 2, 2022, with respondent's "**Comment on Petitioner's Motion for Reconsideration (Re: Decision promulgated on December 9, 2021)**" filed on March 16, 2022.

In said Motion for Reconsideration, petitioner Commissioner of Internal Revenue (CIR) prays that the Court reverse and set aside the Decision promulgated on December 9, 2021, and render another one denying respondent Chevron Holdings, Inc.'s (Chevron) entire claim for refund. The dispositive portion of the assailed Decision reads:

> "**WHEREFORE**, in light of the foregoing, the Petition for Review filed on October 20, 2020 by the Commissioner of Internal

> Revenue is hereby **DENIED** for lack of merit. The assailed Decision dated February 12, 2020 and assailed Resolution dated September 29, 2020 of the Court in Division in CTA Case Nos. 9350 & 9430 are hereby **AFFIRMED**.
>
> **SO ORDERED.**"

In support thereof, the CIR contends that:

1. A motion for reconsideration is not *pro forma* just because it reiterated the arguments previously passed upon and resolved by the court;

2. Chevron was not able to prove its entitlement to the claim for refund or issuance of tax credit certificate as no attributability was established between the input value-added tax (VAT) generated from its purchases *vis-à-vis* its zero-rated sales;

3. Only creditable input taxes are refundable, and to be creditable, the input tax must come from purchases of goods that form part of the finished product of the taxpayer or the purchases must be directly used in the chain of production; and,

4. Tax refund is in the nature of a tax exemption which must be construed *strictissimi juris* against the taxpayer and that the taxpayer must present convincing evidence to substantiate a claim for refund.

Chevron, on the other hand, counter-argues that:

1. The CIR's "Motion for Reconsideration" is a *pro forma* motion; and,

2. The CIR's invocation of *Atlas Consolidated Mining and Development Corporation v. Commissioner of Internal Revenue*[1] is misplaced. The issue ruled upon in the said case is on the absence of documentary evidence and its fatal impact against Atlas' claim for VAT refund; and there is nothing in said case that elucidates on the issue of direct attributability of input VAT to zero-rated sales.

After careful evaluation of the parties' respective arguments, the Court resolves to deny the CIR's "Motion for Reconsideration".

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[1] G.R. Nos. 141104 & 148763, June 8, 2007.

A motion for reconsideration shall point out specifically the findings or conclusions of the judgment or final order which are not supported by the evidence or which are contrary to law, making express reference to the testimonial or documentary evidence or to the provisions of law alleged to be contrary to such findings and conclusions.[2] It is thus incumbent upon the movant to convince the Court that certain findings and conclusions in the assailed decision are not supported by evidence or are contrary to law.

As aptly pointed out by Chevron, the CIR's arguments raised in his Motion are mere reiteration of the arguments pleaded in his "Motion for Partial Reconsideration (Re: Decision promulgated on 12 February 2020)"[3] filed before the Court in Division on February 20, 2020, and in his "Petition for Review"[4] filed before the Court *En Banc* on October 20, 2020, all of which were duly considered in the assailed Decision, particularly on pages 7 to 12 thereof. Accordingly, it would be a useless superfluity for the Court to reiterate its pronouncements in the assailed Decision in addressing the same issues.

The teachings of *Social Justice Society (SJS) Officers, et al. v. Lim*,[5] which cited *Ortigas and Co. Ltd. Partnership v. Judge Velasco*,[6] is instructive:

> "**The grounds relied on being mere reiterations of the issues already passed upon by the Court, there is no need to 'cut and paste' pertinent portions of the Decision or re-write the *ponencia* in accordance with the outline of the instant motion**.
>
> As succinctly put by then Chief Justice Andres R. Narvasa in *Ortigas and Co. Ltd. Partnership v. Judge Velasco* on the effect and disposition of a motion for reconsideration:
>
>> '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

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[2] Section 2, Rule 37 of the Rules of Court.
[3] *CTA Division Docket (CTA Case No. 9350)*, Vol. IX, pp. 4809 to 4821.
[4] *CTA En Banc Docket*, pp. 1 to 14.
[5] G.R. Nos. 187836 & 187916, March 10, 2015.
[6] G.R. Nos. 109645 & 112564, March 4, 1996.

> advanced by the movant; xxx. **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 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.**'" (*Boldfacing supplied*)

All told, the Court finds no cogent reason to reverse or modify the assailed Decision.

WHEREFORE, premises considered, the CIR's "**Motion for Reconsideration (Re: Decision promulgated 9 December 2021)**" is hereby **DENIED** for lack of merit.

SO ORDERED.

ROMAN G. DEL ROSARIO
Presiding Justice

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

ERLINDA P. UY
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

Catherine T. Manahan
CATHERINE T. MANAHAN
Associate Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

MARIAN IVY F. REYES-FAJARDO
Associate Justice

LANEE S. CUI-DAVID
Associate Justice