REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SECOND DIVISION

GOVERNMENT OF SINGAPORE INVESTMENT CORPORATION PTE LTD.,
Petitioner,

- versus-

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA CASE NO. 8437

Members:

Castañeda, Jr., *Chairperson*
Casanova, and
Cotangco-Manalastas, *JJ.*

Promulgated:

AUG 27 2015

3:00 p.m.

x- x

DECISION

COTANGCO-MANALASTAS, *J.:*

This is a Petition for Review filed by Government of Singapore Investment Corporation Pte Ltd., praying for the refund or issuance of tax credit certificate in the amount of One Hundred Forty-Eight Million Nine Hundred Ten Thousand Forty-Five Pesos and 74/100 (₱148,910,045.74), allegedly representing the final withholding taxes (FWT) erroneously withheld on the interest income derived from its investments in Philippine Treasury Bonds ("T-Bonds") during the period covering February 2010 to November 2011.[1]

STATEMENT OF FACTS

Petitioner Government of Singapore Investment Corporation Pte Ltd. is a financing institution wholly-owned and controlled by the Government of Singapore, duly organized and existing under the laws of Singapore, with principal office located at 168 Robinson Road, 37-01 Capital Towers, Singapore 068912. It is engaged in the management of

[1] Summary of the Case, Pre-Trial Order, docket, p. 139.

Singapore's foreign reserves and authorized and mandated to open and operate the custody of current accounts, as may be necessary for the safekeeping of assets and cash under its management.[2]

Respondent, on the other hand, is the duly appointed Commissioner of the Bureau of Internal Revenue (BIR), vested with authority, among others, to act upon and approve claims for refund or tax credit of overpaid or erroneously paid internal revenue taxes. She holds office at the 5th Floor, BIR National Office Building, Agham Road, Diliman, Quezon City.

On May 20, 1999, petitioner entered into a Direct Custodial Services Agreement[3] with Citibank, N.A., Subsidiaries and Affiliates ("Citibank"), whereby petitioner appointed the subsidiaries and affiliates of Citibank as its custodian, entitling them to hold certain assets of petitioner.

Petitioner, through Citibank, invested in various T-Bonds with maturities of more than one (1) year. As custodian, Citibank is responsible for facilitating petitioner's investments in T-Bonds and in safekeeping the T-Bonds acquired by petitioner. It is also responsible for collecting the coupons/interests due on petitioner's T-Bond holdings when they fall due on coupon date, and credit the same into petitioner's custody accounts.[4]

From February 2010 to November 2011, petitioner derived interest income from its investments in T-Bonds amounting to ₱744,550,228.70, which was subjected to final withholding tax at the rate of twenty percent (20%), or a total amount of ₱148,910,045.74, broken down, as follows:[5]

ISIN ID	Face Value/ Holdings	Gross Annual Interest Rate	FWT Rate (%)	Coupon/Interest			
				Coupon Date	Gross Amount (Php)	Tax Withheld (Php)	Net Amount (Php)
Account Group B							
PHY6972FAV23	23,500,000	8.5	20	03/03/10	998,750	199,750	799,000
PHY6972FAZ37	9,000,000	8.75	20	03/03/10	393,750	78,750	315,000
PHY6972FHQ64	650,000,000	7	20	07/27/10	22,750,000	4,550,000	18,200,000

[2] Exhibit "B", docket, pp. 303 to 305.
[3] Exhibit "C-1", docket, pp. 306 to 326.
[4] Exhibit "XX", Sworn Statement of Ms. Celeste Fe Guevarra-Tanseco, November 14, 2012, p. 2.
[5] Exhibits "E", "K", and "K-1", docket, pp. 523, 569 to 570, and 763 to 764, respectively.

PHY6972FAV23	23,500,000	8.5	20	09/03/10	998,750	199,750	799,000
PHY6972FAZ37	9,000,000	8.75	20	09/03/10	393,750	78,750	315,000
PHY6972FMZ09	9,920,853	5.875	20	06/15/11	291,425.06	58,285.01	233,140.05
Account Group C							
PHY6972FAV23	329,000,000	8.5	20	03/03/10	13,982,500	2,796,500	11,186,000
PHY6972FAZ37	126,000,000	8.75	20	03/03/10	5,512,500	1,102,500	4,410,000
PHY6972FHT04	950,000,000	7.875	20	08/19/10	37,406,250	7,481,250	29,925,000
PHY6972FAV23	329,000,000	8.5	20	09/03/10	13,982,500	2,796,500	11,186,000
PHY6972FAZ37	126,000,000	8.75	20	09/03/10	5,512,500	1,102,500	4,410,000
PHY6972FBK58	700,000,000	9.125	20	09/06/10	31,937,700	6,387,500	25,550,000
PHY6972FKN96	1,300,000,000	5.25	20	01/07/11	34,125,000	6,825,000	27,300,000
PHY6972FHT04	950,000,000	7.875	20	02/21/11	37,406,250	7,481,250	29,925,000
PHY6972FMZ09	138,891,942	5.875	20	06/16/11	4,079,950.80	815,990.16	3,263,960.64
PHY6972FMZ09	1,559,250,300	5.875	20	06/16/11	45,802,977.56	9,160,595.51	36,642,382.05
PHY6972FKN96	3,200,000,000	5.25	20	07/07/11	84,000,000	16,800,000	67,200,000
PHY6972FJC50	11,270,000,000	6.25	20	07/27/11	352,187,500	70,437,500	281,750,000
PHY6972FHT04	950,000,000	7.875	20	08/19/11	37,406,250	7,481,250	29,925,000
Account Group H							
PHY6972FAV23	117,500,000	8.5	20	03/03/10	4,993,750	998,750	3,995,000
PHY6972FAZ37	45,000,000	8.75	20	03/03/10	1,968,750	393,750	1,575,000
PHY6972FAV23	117,500,000	8.5	20	09/03/10	4,993,750	998,750	3,995,000
PHY6972FAZ37	45,000,000	8.75	20	09/03/10	1,968,750	393,750	1,575,000
PHY6972FMZ09	49,604,265	5.875	20	06/16/11	1,457,125.28	291,425.06	1,165,700.22

The final withholding taxes on petitioner's interest income from T-Bonds were withheld and remitted to the BIR by the Bureau of Treasury.[6]

On January 16, 2012, petitioner filed with the BIR an administrative claim for refund or issuance of tax credit certificate in the amount of ₱148,910,045.74, representing the FWT erroneously withheld on the interest income derived by petitioner from its investments in T-Bonds from February 2010 to November 2011.[7]

Petitioner filed the instant Petition for Review on March 5, 2012, in order to preserve its right and to toll the running of the prescriptive period to file its judicial claim.[8]

In her Answer[9], respondent alleged the following special and affirmative defenses:

[6] Exhibits "E", "F-1", "F-2", "F-3", "FFF", "CCC", "DDD", and "EEE", docket pp. 523, 524, 525, 753, 771, 768, 769, and 770, respectively
[7] Exhibit "I", docket, pp. 362 to 369
[8] Docket, pp. 7 to 15
[9] Docket, pp. 73 to 78

"SPECIAL AND AFFIRMATIVE DEFENSES

On the basis of the foregoing allegations and in further support of the Specific Denials herein set forth, respondent respectfully alleges as her affirmative defense that:

4. Taxes collected are presumed to be in accordance with laws and regulations.

5. Petitioner's alleged claim for refund is subject to administrative routinary investigation/examination by the Bureau of Internal Revenue. A claim for refund is not *ipso facto* granted because respondent CIR still has to investigate and ascertain the validity of the claim.

6. Taxes are essential to government's very existence; **(CIR v. Solidbank Corporation, G.R. No. 148191, November 25, 2003)** hence, the dictum that 'taxes are the lifeblood of the government.' For this reason, the right of taxation cannot easily be surrendered; statutes granting tax exemptions are considered as a derogation of the sovereign authority. **(CIR v. Fortune Tobacco Corporation, G.R. Nos. 167274-75, July 21, 2008)** Since tax refunds are regarded as tax exemptions therefore, these are to be construed ***strictissimi juris*** against the person or entity claiming the exemption. **(Philippine Phosphate Fertilizer Corporation vs. Commissioner of Internal Revenue G.R. 141973, June 28, 2005)**

7. In an action for refund, the burden of proof is on the taxpayer who claims the exemption and he must justify his claim by the clearest grant under the Constitution or statutory law and cannot be permitted by vague implications **(BPI Leasing Corporation vs. Honorable Court of Appeals, G.R. 127624, November 18, 2003)** The taxpayer is charged with the heavy burden of proving that he has complied with and satisfied all the statutory and administrative requirements to be entitled to the tax refund. **(Commissioner of Internal Revenue vs. Eastern Telecommunications Philippines, Inc., G.R. 163835, July 7, 2010)**.

8. The BIR Ruling DA 130-02 cited by petitioner is peculiar only to the requesting party. It is binding and applicable only between the BIR and the requesting party. Furthermore, a BIR Ruling is not a law and is more of an opinion given upon a taxpayer's request that may later on be revoked should the facts represented upon application prove to be contrary later on. The revocable character of a BIR Ruling is manifestly indicated in the usual *caveat* thereon to wit:

'This ruling is being issued on the basis of the foregoing facts as represented. However, if upon investigation, it will be disclosed that the facts are different, then this ruling shall be considered null and void.'

9. There must be proof of compliance with the rules on tax recovery under Section 204(c) and Section 229 of the NIRC of 1997. Petitioner must file its administrative and judicial claims for refund or issuance of tax credit certificate within two (2) years from the date of payment of the tax.

10. The Petition for Review was filed on March 5, 2012 for the remittances made during the period of February 2010 to November 2011 from Treasury Bonds investments. Consequently, petitioner had until February 2012 within which to file the judicial claim for refund. Petitioner slept on tis right and allowed the period within which to file the present petition to lapse. Petitioner should therefore, suffer the consequence of its omission to exercise its rights. Based on the foregoing, petitioner's judicial claim for refund was filed out of time. Therefore, the instant petition should be dismissed.

11. Following the premise above-mentioned, petitioner has the burden of proving that the right to such tax refund indubitably exists and well-founded doubt is fatal to the claim."

Petitioner presented the following witnesses: Ms. Marites B. Masarap[10] – Chief of the National Government Debt Accounting Division of the Bureau of Treasury; Atty. Alexander O. Ner[11] – Associate at Salvador and Associates Attorneys-at-Law ("S & A" for brevity); Atty. Mardomeo N. Raymundo, Jr.[12] – Senior Associate at S & A; and Ms. Celeste Fe Guevarra-Tanseco[13] – Vice President and Operations Head of the Securities and Fund Services Department of Citibank. Moreover, petitioner presented and formally offered Exhibits "B" to "AAA-1", inclusive of their sub-markings.[14] Exhibits "B" to "O" and "Q" to "AAA" were admitted by the Court in its Resolutions dated October 23, 2013[15] and January 20, 2014[16], after petitioner filed a Motion for Reconsideration[17]. However,

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[10] Minutes of the Hearing dated March 21, 2013, docket, p. 260.
[11] Minutes of the Hearing dated July 9, 2012 and September 9, 2013, docket, pp. 146 and 609.
[12] Minutes of the Hearing dated October 8, 2012, docket, p. 174.
[13] Minutes of the Hearing dated November 15, 2012, and May 19, 2014, docket, pp. 215 and 742.
[14] Formal Offer of Evidence (With Motion to Mark Exhibits), docket, pp. 459 to 483; Supplemental Formal Offer of Evidence, docket, pp. 610 to 613.
[15] Docket, pp. 635 to 636.
[16] Docket, pp. 665 to 666.
[17] Docket, pp. 642 to 657.

the Court denied the admission of Exhibit "P" for not being identified during trial.[18]

Respondent, on the other hand, waived her right to present evidence.[19] Thereafter, the Court ordered both parties to submit their respective memoranda.

On February 24, 2014, petitioner filed an Urgent Omnibus Motion[20] to reopen the case for the presentation of additional evidence and defer the submission of memoranda; which the Court, in the interest of justice, granted in the Resolution[21] dated March 26, 2014.

Petitioner presented Atty. Gia Angeli R. Geraldez[22] – Junior Associate at S & A, as an additional witness and Exhibits "F-3", "H-21", "H-22", "J-23", "K-1", "BBB", "BBB-1", "CCC", "DDD", "EEE", "FFF", "GGG", "GGG-1", "HHH", and "HHH-1" as additional documentary evidence;[23] which were admitted by the Court via Resolution[24] dated July 4, 2014.

Petitioner filed its Memorandum[25] on August 28, 2014; while respondent filed her Memorandum[26] through registered mail on October 3, 2014.[27] Thereafter, the case was submitted for decision on October 20, 2014.[28]

ISSUES

The issues[29] stipulated by the parties for this Court's resolution are as follows:

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[18] Resolution, docket, p. 636.
[19] Resolution, docket, p. 641.
[20] Docket, pp. 672 to 679.
[21] Docket, pp. 690 to 692.
[22] Minutes of the Hearing dated May 19, 2014, docket, p. 742.
[23] Supplemental Formal Offer of Evidence, docket, pp. 743 to 752.
[24] Docket, pp. 809 to 810.
[25] Docket, pp. 821 to 850.
[26] Docket, pp. 875 to 883.
[27] Received by the Court on October 16, 2014.
[28] Resolution, docket, p. 885.
[29] Issues, Joint Stipulation of Facts and Issues, docket, pp. 114 to 115; Stipulated Issue, Pre-Trial Order, docket, p. 140.

1. Whether or not petitioner derived interest income in the gross amount of Php744,550,228.70 from its investments in Philippine T-Bonds for the period February 2010 to November 2011;

2. Whether or not the interest income derived by petitioner from its investments in Philippine T-Bonds for the period February 2010 to November 2011 was made subject to FWT at the rate of 20%;

3. Whether or not the FWT on petitioner's interest income from Philippine T-Bonds for the period February 2010 to November 2011, amounting to Php148,910,045.74 was remitted and paid to the BIR;

4. Whether or not the interest income derived by petitioner from its investments in Philippine T-Bonds is exempt from income tax under Section 32(B)(7)(a), Tax Code and Section 2.57.5, Revenue Regulations No. 2-98; and

5. Whether or not petitioner filed its administrative and judicial claims for refund of or issuance of TCC in the amount of Php148,910,045.74, representing the FWT withheld on the interest income derived by petitioner during the period February 2010 to November 2011 from its investments in Philippine T-Bonds, within the two-year prescriptive period provided under Sections 204(C) and 229, Tax Code.

The foregoing issues can be summarized as follows:

"Whether or not petitioner is entitled to a refund or issuance of tax credit certificate in the amount of ₱148,910,045.74, representing the FWT withheld on the interest income derived by petitioner from its investments in T-Bonds during the period of February 2010 to November 2011."

DISCUSSION/RULING

The principal issue raised in this case was also the issue in CTA Case No. 7726[30], CTA EB No. 689[31], CTA Case No. 8030[32], and CTA EB No. 958[33], which involved the same parties. In those cases, the Court ruled in favor of herein petitioner. Similarly, the Court now rules for petitioner.

It is a generally accepted principle in taxation that the burden of proof to establish the factual basis of a claim for tax credit or refund lies on the claimant.[34] Tax refunds are in the nature of tax exemptions. As such, they are to be construed *strictissimi juris* against the person or entity claiming the refund.[35]

In order for petitioner to be entitled to a refund of erroneously paid taxes, it must comply with the requisites provided by law. Section 229 of the NIRC of 1997, as amended, provides:

> "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 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."

[30] Promulgated on April 29, 2010.
[31] Promulgated on June 10, 2011.
[32] Promulgated on September 5, 2012.
[33] Promulgated on March 31, 2014.
[34] *Citibank, N.A. vs. Court of Appeals and the Commissioner of Internal Revenue,* G.R. No. 107434, October 10, 1997.
[35] *Commissioner of Internal Revenue vs. S.C. Johnson & Son, Inc., et al.*, G.R. No. 127105, June 25, 1999.

Based on the afore-quoted provision, in order to be entitled to a refund, petitioner must be able to prove the following:

1. That the tax has been erroneously or illegally collected, or the penalty has been collected without authority, and/or any sum has been excessively or in any manner wrongfully collected; and

2. That the claim for refund or credit must have been filed within two (2) years from the date of payment of the tax or penalty, regardless of any supervening cause that may arise after payment.

First Requisite: Tax has been erroneously or illegally collected

Applicable to the resolution of this issue are Section 32(B)(7)(a) of the NIRC of 1997, as amended, and Section 2.57.5 of Revenue Regulations (RR) No. 2-98, as amended, which are quoted hereunder for ready reference:

> "SEC. 32. *Gross Income.* –
>
> xxx xxx xxx
>
> (B) *Exclusions from Gross Income.* – The following items shall not be included in gross income and shall be exempt from taxation under this Title:
>
> xxx xxx xxx
>
> (7) *Miscellaneous Items.* –
>
> (a) *Income Derived by Foreign Government.* – Income derived from investments in the Philippines in loans, stocks, bonds or other domestic securities, or from interest on deposits in banks in the Philippines by (i) foreign governments, (ii) financing institutions owned, controlled, or enjoying refinancing from foreign governments, and (iii)

international or regional financial institutions established by foreign governments."

"SECTION 2.57.5. *Exemption from Withholding.* – The withholding of creditable withholding tax prescribed in these Regulations shall not apply to income payments made to the following:

xxx xxx xxx

(B) Persons enjoying exemption from payment of income taxes pursuant to the provisions of any law, general or special, such as but not limited to the following:

xxx xxx xxx"

Pursuant to the above-quoted provisions, in order for the interest income received by petitioner from its investments in T-Bonds to be exempt from income tax and consequently, from FWT, petitioner must be (1) a foreign government, or (2) a financing institution owned, controlled, or enjoying refinancing from foreign governments, or (3) an international or regional financial institution established by foreign governments.

It has already been settled by this Court in CTA Case No. 6745[36] and in CTA Case No. 7726[37], wherein the same parties are involved, that petitioner is a financing institution wholly-owned and controlled by the Government of Singapore. As such, pursuant to Section 32(B)(7)(a) of the NIRC of 1997, as amended, petitioner is exempt from income tax and consequently, from FWT on income derived from its investments in T-Bonds. Thus, the 20% final tax withheld from the interest income earned was erroneously or illegally collected.

Petitioner presented the following documentary evidence to prove that petitioner erroneously paid the final tax of 20% on its interest income from Philippine T-Bonds:

1. Exhibit "E" – Bureau of Treasury Certification dated February 22, 2012, confirming the amount of interest income derived by the T-Bonds recorded under Citibank's Registry of

[36] Promulgated on June 6, 2008.
[37] Promulgated on April 29, 2010.

Scripless Securities (ROSS) Custodian Account with the Bureau of Treasury for the calendar years 2010 to 2011;[38]

2. Exhibit "F-1" – Bureau of Treasury's Statement of Final Taxes Withheld on the Coupon Due on the T-Bond Holdings of Citibank for the period February 1, 2010 to December 31, 2010;[39]

3. Exhibit "F-2" – Bureau of Treasury's Statement of Final Taxes Withheld on the Coupon Due on the T-Bond Holdings of Citibank for the period January 1, 2011 to November 30, 2011;[40]

4. Exhibit "F-3" – Bureau of Treasury's Statement of Final Taxes Withheld on the Coupon Due on the T-Bond Holdings of Citibank for the period July 1, 2010 to December 31, 2010;[41]

5. Exhibit "G" – Bureau of Treasury's Schedule of Taxes Withheld on the Coupons due on T-Bond holdings of Citibank for the period 2010 to 2011;[42]

6. Exhibits "H-1" to "H-22" – Journal Entry Vouchers covering the withholding of final tax on coupons and the remittance of the FWT to the BIR;[43]

7. Exhibits "J-1" to "J-23" – MT566 Confirmation Advice, covering the credit of the amount to petitioner's account with Citibank, representing the net coupons on petitioner's T-Bonds;[44]

8. Exhibit "K" – Citibank's Entitlement Report for petitioner's Custody Accounts (Accounts "B",

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[38] Docket, p. 523.
[39] Docket, p. 524.
[40] Docket, p. 525.
[41] Docket, p. 753.
[42] Docket, p. 526.
[43] Docket, pp. 527 to 545 and 754 to 755.
[44] Docket, pp. 546 to 568 and 756 to 762.

"C", and "H") for the period February 2010 to November 2011;[45]

9. Exhibit "K-1" – Citibank's Amended Entitlement Report for petitioner's Custody Accounts (Accounts "B", "C", and "H") for the period February 2010 to November 2011;[46]

10. Exhibit "ZZ" – BIR, Revenue Accounting Division Certification No. RAD-13-09-004-Cert. dated September 4, 2013, confirming the receipt of the FWT due on the Bureau of Treasury's coupon payments to Citibank's ROSS Custodian Account for the period 2010 to 2011;[47]

11. Exhibit "CCC" – Certificate of Final Tax Withheld at Source (BIR Form No. 2306) issued by the Bureau of Treasury in favor of Citibank covering FWT in the amount of ₱7,005,308.95, representing the FWT on Citibank ROSS Custodian Account's coupon entitlement for T-Bond ISIN PIBD0716A488 on July 27, 2010;[48]

12. Exhibit "DDD" – Certificate of Final Tax Withheld at Source (BIR Form No. 2306) issued by the Bureau of Treasury in favor of Citibank covering FWT in the amount of ₱50,659,077.50, representing the FWT on Citibank ROSS Custodian Account's coupon entitlement for the period February 1, 2010 to December 31, 2010;[49]

13. Exhibit "EEE" – Certificate of Final Tax Withheld at Source (BIR Form No. 2306) issued by the Bureau of Treasury in favor of Citibank covering FWT in the amount of ₱132,823,360.48, representing the FWT on Citibank ROSS Custodian Account's coupon

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[45] Docket, pp. 569 to 570.
[46] Docket, pp. 763 to 764.
[47] Docket, p. 614.
[48] Docket, p. 768.
[49] Docket, p. 769.

entitlements for the period January 1, 2011 to November 30, 2011;[50] and

14. Exhibit "FFF" – BIR Revenue Accounting Division Certification No. RAD-14-05-045-Cert. dated May 9, 2014, confirming the receipt of the FWT due on the Bureau of Treasury's coupon payments to Citibank's ROSS Custodian Account on July 30, 2010.[51]

The Certification dated February 22, 2012 shows that the Bureau of Treasury certified that the FWT, in the total amount of ₱183,482,437.98, was withheld from the coupons due to the T-Bond holdings, under Citibank's ROSS Custodian Account, for the period of February 2010 to November 2011. Also, the Certificates of Final Tax Withheld At Source or BIR Form No. 2306, issued by the Bureau of Treasury in favor of Citibank, show that the amounts of ₱7,005,308.95[52], ₱50,659,077.50[53], and ₱132,823,360.48[54] have been withheld by the Bureau of Treasury in favor of Citibank. Moreover, BIR Revenue Accounting Division Certification Nos. RAD-13-09-004-Cert. dated September 4, 2013[55] and RAD-14-05-045-Cert. dated May 9, 2014[56] confirmed the receipt of the FWT due on Bureau of Treasury's coupon payments to Citibank's ROSS Custodian Account for the same period.

In the Sworn Statement of Ms. Celeste Fe Guevarra-Tanseco to Questions Propounded by Atty. Alexander O. Ner,[57] Ms. Guevarra-Tanseco attested to the fact that the amount of ₱148,910,045.74, which was part of the ₱183,482,437.98, withheld by the Bureau of Treasury from Citibank's ROSS Custodian Account, was petitioner's FWT on its gross coupon entitlement on its investments in T-Bonds for the period of February 2010 to November 2011.

[50] Docket, p. 770.
[51] Docket, p. 771.
[52] Exhibit "CCC", docket, p. 768.
[53] Exhibit "DDD", docket, p. 769.
[54] Exhibit "EEE", docket, p. 770.
[55] Exhibit "ZZ", docket, p. 614.
[56] Exhibit "FFF", docket, p. 771.
[57] Exhibit "XX", docket p. 199.

Second Requisite: Claim for refund filed within two years from the date of payment of the tax

The Bureau of Treasury remitted and paid to the BIR the FWT on the first coupon payment on March 5, 2010,[58] giving petitioner until March 5, 2012, within which to file its claim for refund or issuance of tax credit certificate, both administratively and judicially. Therefore, both petitioner's administrative claim for refund filed on January 16, 2012[59] and judicial claim filed on March 5, 2012[60] were filed within the two-year prescriptive period. Evidently, the second requirement has been satisfied.

From all the foregoing, the Court finds that petitioner has sufficiently established its entitlement to a refund or issuance of tax credit certificate for its erroneously withheld final tax in the amount of ₱148,910,045.74.

WHEREFORE, premises considered, the present Petition for Review is hereby **GRANTED**. Accordingly, respondent is hereby **ORDERED TO REFUND** or **TO ISSUE A TAX CREDIT CERTIFICATE** in favor of petitioner in the amount of **ONE HUNDRED FORTY-EIGHT MILLION NINE HUNDRED TEN THOUSAND FORTY-FIVE PESOS AND 74/100 (₱148,910,045.74)**, representing erroneously withheld final tax.

SO ORDERED.

AMELIA R. COTANGCO-MANALASTAS
Associate Justice

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[58] Exhibit "G", docket, p. 526.
[59] Exhibit "I", docket, pp. 362 to 368.
[60] Petition for Review, docket, pp. 7 to 15.

WE CONCUR:

JUANITO C. CASTAÑEDA, JR.
Associate Justice

(on official business)
CAESAR A. CASANOVA
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.

JUANITO C. CASTAÑEDA, JR.
Associate Justice
Chairperson

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's Division.

ROMAN G. DEL ROSARIO
Presiding Justice