REPUBLIC OF THE PHILIPPINES
***Court of Tax Appeals***
QUEZON CITY

## ***FIRST DIVISION***

**AECOM PHILIPPINES, INC.,**
*Petitioner,*

**CTA Case No. 10007**

*Members*:

- versus -

**DEL ROSARIO**, *P.J., Chairperson,*
**MANAHAN**, *and*
**REYES-FAJARDO**, *JJ.*

**COMMISSIONER OF INTERNAL REVENUE,**
*Respondent.*

**Promulgated:**

OCT 25 2021; 1:30 p.m.

x- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -x

## DECISION

***DEL ROSARIO, P.J.*:**

Before this Court is a Petition for Review[1] filed on January 16, 2019 by petitioner Aecom Philippines, Inc. against respondent Commissioner of Internal Revenue, praying that judgment be rendered ordering respondent to refund in favor of petitioner the amount of ₱11,968,655.00, allegedly representing petitioner's excess and unutilized creditable withholding taxes (CWTs) for the fiscal year (FY) ending September 30, 2016.

## THE PARTIES

Petitioner Aecom Philippines, Inc. is a domestic corporation duly organized and existing under Philippines laws, with principal office address at the 23rd Floor, Fort Legend Towers, 31st St., Fort Bonifacio Global City, Taguig.[2] It is a registered taxpayer of the Bureau of Internal Revenue (BIR), Revenue Region No. 8, Revenue District Office (RDO) No. 044, with Taxpayer Identification No. 004-868-770-

[1] CTA Docket, pp. 10-21.
[2] Par. 2, Summary of Admitted Facts, Joint Stipulation of Facts and Issues (JSFI), CTA Docket, p. 215; Exhibit "P-1", CTA Docket, pp. 403-405.

OM

000.[3] Petitioner's primary purpose is to engage in the general business of providing engineering consultancy, technical, advisory, construction project management, and environmental impact analysis services as well as implementation and execution of plans, and doing any and all other businesses incidental thereto or connected therewith, and the doing and performing of any and all acts and things necessary, proper or convenient for and incidental to the furtherance and/or implementation of the purposes enumerated in its Articles of Incorporation.[4]

Respondent Commissioner of Internal Revenue (CIR) is sued in his official capacity, having been duly appointed and empowered to perform the duties of his office, including, among others, the duty to act and approve claims for refund as provided by law. Respondent may be served with summons, notices and other processes of this Court at the BIR Legal Division of Revenue Region No. 8B, 2nd Floor BIR Bldg., 313 Sen. Gil Puyat Ave., Makati City.[5]

**THE FACTS**

On January 16, 2017, petitioner filed with the BIR, through the electronic Filing and Payment System (eFPS), its Original Annual Income Tax Return (ITR) for the fiscal year ended September 30, 2016 (FY 2016).[6]

On February 2, 2017, petitioner filed with the BIR, through the eFPS its Amended Annual ITR for FY 2016.[7]

In both its Original and Amended Annual ITRs for FY 2016, petitioner indicated therein its option to be refunded for its excess and unutilized CWTs for FY 2016.[8]

On January 15, 2019, petitioner filed an administrative claim refund with BIR RDO No. 44 in Taguig City for its unutilized CWTs for FY 2016 in the amount of ₱11,968,655.00.[9]

---

[3] Exhibit "P-3", CTA Docket, p. 420.
[4] Exhibits "P-1" and "P-2", CTA Docket, pp. 403-419.
[5] Par. 4, Summary of Admitted Facts, JSFI, CTA Docket, p. 216.
[6] Exhibit "P-4", CTA Docket, pp. 421-428.
[7] Exhibit "P-5", CTA Docket, pp. 429-436.
[8] Exhibits "P-4" and "P-5", CTA Docket, pp. 421 and 429.
[9] Exhibits "P-9" and "P-10", CTA Docket, pp. 461-467 and 468.

q

Due to the inaction of respondent and considering that the period within which petitioner may file a judicial claim for refund was about to expire on January 16, 2019, petitioner filed the present Petition for Review before this Court on January 16, 2019.[10]

On March 18, 2019, within the extended period,[11] respondent filed his Answer,[12] with the following Special and Administrative Defenses: (i) petitioner's claim for refund is still subject to investigation by the BIR; (ii) petitioner's claim for refund in the amount of ₱11,968,655.00 is not fully substantiated by proper documentary evidence; (iii) petitioner failed to prove that the income upon which the alleged excess and unutilized CWTs were withheld were included as part of its gross income for FY 2016, and that the alleged excess and unutilized CWTs were not carried over to the succeeding taxable quarter, and, were not utilized in payment of its income tax liability for the succeeding taxable quarter/year; (iv) the filing of the Petition for Review was premature since respondent was not given ample opportunity to examine petitioner's claim for refund; and, (iv) claims for refund are construed strictly against the claimant as they partake the nature of exemption from taxation.

Petitioner's Pre-Trial Brief[13] was filed on May 31, 2019, while Respondent's Pre-Trial Brief[14] was filed on June 13, 2019. The Pre-Trial Conference was held on July 11, 2019.[15]

On July 30, 2019, the parties filed their Joint Stipulation of Facts and Issues[16] which was approved by the Court in the Resolution dated August 7, 2019 thereby terminating the Pre-Trial.[17] On October 1, 2019, the Court issued the Pre-Trial Order.[18]

Upon motion[19] of petitioner, the Court commissioned Atty. Clifford E. Chua as Independent Certified Public Accountant (ICPA) on October 24, 2019.[20]

---

[10] CTA Docket, p. 10.
[11] March 1, 2019 Order, granting respondent until March 16, 2019, CTA Docket, p. 92; March 16, 2019 fell on a Saturday; hence, respondent had until March 18, 2019 to file his Answer.
[12] CTA Docket, pp. 94-97.
[13] CTA Docket, pp. 104-114.
[14] CTA Docket, pp. 121-124.
[15] CTA Docket, pp. 209-210.
[16] CTA Docket, pp. 215-219.
[17] CTA Docket, p. 223.
[18] CTA Docket, pp. 269-275.
[19] CTA Docket, pp. 242-247.
[20] CTA Docket, pp. 281-283.

During trial, petitioner presented testimonial and documentary evidence. It presented the following witnesses: Ms. Janis Myrtle P. Delos Reyes,[21] petitioner's Senior Accountant, Tax; and Atty. Clifford E. Chua,[22] the Court-commissioned ICPA.

On February 12, 2020, petitioner filed a Motion to Recall Atty. Clifford E. Chua with Motion to Defer Filing of Formal Offer of Evidence. This was denied in the Resolution dated July 7, 2020.[23]

On July 21, 2020, petitioner filed its Formal Offer of Evidence.[24] Petitioner's exhibits were admitted in evidence in the Resolution dated October 6, 2020,[25] save for Exhibits "P-145", "P-162", "P-226" and "P-244", for not being found in the records of the case.

Petitioner filed its Memorandum[26] on November 19, 2020, while the Memorandum for Respondent[27] was posted on November 27, 2020. Thereafter, the case was submitted for decision on December 18, 2020.[28]

## ISSUE

The parties stipulated the following issue for the Court's resolution:

> Whether or not petitioner is entitled to its claim for refund of its unutilized CWTs for FY 2016 in the amount of ₱11,968,655.00.[29]

## PARTIES' ARGUMENTS

Petitioner argues that: (i) its claim for refund was filed within the two (2)-year prescriptive period under the National Internal Revenue Code (NIRC) of 1997, as amended; (ii) the income upon which the taxes were withheld was included as part of the gross income declared

---

[21] Exhibit "P-11", CTA Docket, pp. 131-141; and Minutes of Hearing dated October 1, 2019, CTA Docket, pp. 276-277.
[22] Exhibit "P-14", CTA Docket, pp. 345-367; and Minutes of Hearing dated January 23, 2020, CTA Docket, pp. 368-369.
[23] CTA Docket, pp. 389-390.
[24] CTA Docket, pp. 391-402.
[25] CTA Docket, pp. 485-486.
[26] CTA Docket, pp. 487-509.
[27] CTA Docket, pp. 511-516.
[28] CTA Docket, p. 520.
[29] Statement of Issues, JSFI, CTA Docket, p. 216.

in its Original and Amended ITRs for FY 2016; (iii) its unutilized CWTs for FY 2016 are duly substantiated by documentary evidence; and, (iv) the excess and unutilized CWTs for FY 2016 in the amount of ₱11,968,655.00 was not carried over nor applied to the succeeding year.

Respondent counter-argues that: (i) petitioner's claim for refund in the amount of ₱11,968,655.00 as alleged excess and unutilized CWTs for FY 2016 was not fully substantiated by proper documentary evidence; (ii) petitioner failed to prove that the income upon which the alleged excess and unutilized CWTs were withheld were included as part of its gross income for FY 2016, and that the alleged excess and unutilized CWTs were not carried over to the succeeding taxable quarter, and, were not utilized in payment of its income tax liability for the succeeding taxable quarter/year; (iii) the filing of the Petition for Review was premature since respondent was not given an ample opportunity to examine its claim for refund; (iv) petitioner's Exhibits "P-145", "P-162", "P-226", and "P-244" were not admitted, thus, the ICPA Report was not accurate; and, (v) petitioner's claim for refund should be construed *strictissimi juris* against it.

## THE COURT'S RULING

In its Amended Annual Income Tax Return (ITR) for FY 2016,[30] petitioner had total tax credits of ₱27,416,376.00, broken down as follows:

| Particulars | Amount |
|---|---|
| Prior Years' Excess Credits other than MCIT | ₱ 15,447,721.00 |
| Creditable Tax Withheld from Previous Quarter/s per BIR Form No. 2307 | 10,047,233.00 |
| Creditable Tax Withheld per BIR Form No. 2307 for the 4th Quarter | 1,921,422.00 |
| **Total Tax Credits/Payments** | **₱ 27,416,376.00** |

Petitioner reported in its Amended Annual ITR for FY 2016 that its regular corporate income tax due for the period amounted to ₱3,575,667.00, and was paid for using the prior years' creditable withholding taxes of ₱15,447,721.00. Thus, there remained an amount of ₱23,840,709.00 representing excess and unutilized CWTs of petitioner as of September 30, 2016, as shown below:

[30] Exhibit "P-5", CTA Docket, pp. 429-436.

| Particulars | Amount |
|---|---|
| Prior Years' Excess Credits other than MCIT | ₱ 15,447,721.00 |
| Less: Income Tax Due (MCIT) for FY 2016 | 3,575,667.00 |
| Balance of Prior Year's Excess Credits | 11,872,054.00 |
| Add: Creditable Taxes Withheld for FY 2016 | 11,968,655.00 |
| **Excess Creditable Withholding Taxes as of September 30, 2016** | **₱ 23,840,709.00** |

In support of its claim for refund, petitioner offered in evidence its Original[31] and Amended[32] Annual ITRs for FY 2016, Original[33] and Amended[34] Annual ITRs for FY 2017,[35] Certificates of Creditable Taxes Withheld at Source (BIR Form 2307) for FY 2016[36], FY 2015[37], and FY 2014,[38] Official Receipts,[39] Tax Recovery General Ledger Account,[40] and Invoices/Billings/Statements of Account.[41]

***Petitioner's compliance with Section 76 of the 1997 NIRC, as amended***

In resolving the present case, it is proper to determine first whether petitioner was able to validly exercise the refund option in its Annual ITRs for FY 2016 under Section 76 of the NIRC of 1997, as amended, which reads:

> "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:
>
> (A) Pay the balance of tax still due; or
>
> (B) Carry-over the excess credit; or
>
> (C) Be credited or refunded with the excess amount paid, as the case may be.

[31] Exhibit "P-4", CTA Docket, pp. 421-428.
[32] Exhibit "P-5", CTA Docket, pp. 429-436.
[33] Exhibit "P-6", CTA Docket, pp. 437-444.
[34] Exhibits "P-7" and "P-8", CTA Docket, pp. 445-460.
[35] Exhibits "P-6" to "P-10", CTA Docket, pp. 275-294.
[36] Exhibits "P-21" to "P-91".
[37] Exhibits "P-245" to "P-308".
[38] Exhibits "P-309" to "P-397".
[39] Exhibits "P-92" to "P-162".
[40] Exhibits "P-163".
[41] Exhibits "P-164" to "P-244".

> In case the corporation is entitled to a tax credit or refund of the excess estimated quarterly income taxes 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."

Pursuant to the above-mentioned provision, a corporation entitled to a tax credit or refund of the excess estimated quarterly income taxes paid essentially has two (2) options, either: (a) to carry-over the excess credit and apply the same against the estimated quarterly income tax liabilities for the taxable quarters of the succeeding taxable year; or (2) to apply for a cash refund or issuance of a tax credit certificate within the prescribed period. If the carry-over option is selected, such is irrevocable for that taxable period and no application for cash refund or issuance of tax credit certificate shall be allowed therefor.[42]

In exercising its option, the corporation must signify in its annual corporate adjustment return (by marking the option box provided therein) its intention, either to carry over the excess credit or to claim a refund.[43] To facilitate tax collection, these remedies are in the alternative and the choice of one precludes the other.

An examination of petitioner's Original and Amended Annual ITRs for FY 2016 shows that petitioner chose the option to be refunded.[44]

Likewise, a perusal of petitioner's Annual ITR for FY 2017 shows that the amount of ₱11,968,655.00.00 representing the excess and unutilized CWTs requested to be refunded has not been carried over to the succeeding taxable year 2017. The presentation of the Annual ITR for FY 2017 would suffice in proving that prior year's excess credits were not utilized or applied against the total tax due.[45]

---

[42] *University Physicians Services Inc.-Management, Inc. vs. Commissioner of Internal Revenue*, G.R. No. 205955, March 7, 2018.
[43] *Systra Philippines, Inc. vs. Commissioner of Internal Revenue*, G.R. No. 176290, September 21, 2007.
[44] Exhibits "P-4" and "P-5", CTA Docket, pp. 421-436.
[45] *Winebrenner & Iñigo Insurance Brokers, Inc. vs. Commissioner of Internal Revenue*, G.R. No. 206526, January 28, 2015.

The "Prior Year's Excess Credits Other Than MCIT" found in petitioner's Annual ITR for FY 2017[46] shows a balance of ₱11,872,054.00. This amount reflects the excess credits from years prior to FY 2016. Thus, the amount of CWTs sourced from FY 2016, subject of the present case, has not been carried over to the succeeding FY 2017. The unutilized CWTs for FY 2016 in the amount of ₱11,968,655.00 may accordingly be the subject of a claim for refund under Section 76 of the NIRC of 1997, as amended.

***Petitioner's compliance with the other requisites to claim a tax credit or refund of excess and unutilized CWTs***

Sections 204(C) and 229 of the NIRC of 1997, as amended, provide for the prescriptive period in the filing of the administrative and judicial claims for refund or recovery of tax erroneously or illegally collected, respectively, to wit:

> "SEC. 204. ***Authority of the Commissioner to Compromise, Abate and Refund or Credit Taxes***. –
>
> The Commissioner may –
>
> xxx xxx xxx
>
> (C) Credit or refund 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.
>
> xxx xxx xxx
>
> 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

[46] Exhibit "P-8", CTA Docket, pp. 453-460.

> 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."

Based on the foregoing provisions, a claimant for refund must first file an administrative claim for refund before the respondent, prior to filing a judicial claim before the Court. Notably, both the administrative and judicial claims for refund should be filed within the two (2)-year prescriptive period indicated therein, and that the claimant is allowed to file the latter even without waiting for the resolution of the former in order to prevent the forfeiture of its claim through prescription.[47]

While the law provides that the two (2)-year period is counted from the date of payment of the tax, jurisprudence, however, clarified that the two (2)-year prescriptive period to claim a refund actually commences to run, at the earliest, on the date of the filing of the adjusted final tax return because this is where the figures of the gross receipts and deductions have been audited and adjusted, thus, reflecting the results of the operations of a business enterprise.[48]

In addition to the foregoing, Section 2.58.3(B) of Revenue Regulations (RR) No. 2-98, as amended, provides for the procedure in claiming for tax credit or refund of CWT, as follows:

> "*Sec. 2.58.3. **Claim for tax credit or refund.** –*
>
> (A) xxx
>
> (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**. xxx" *(Boldfacing supplied)*

---

[47] *Metropolitan Bank & Trust Company vs. Commissioner of Internal Revenue*, G.R. No. 182582, April 17, 2017.
[48] *Commissioner of Internal Revenue vs. Univation Motor Philippines, Inc.*, G.R. No. 231581, April 10, 2019.

In fine, petitioner must satisfy the following three (3) essential requisites for the grant of a claim for refund of creditable withholding income tax, to wit:

(1) The claim must be filed within the two (2)-year period from the date of payment of the tax; and/or the filing of the Annual ITR;

(2) 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 tax withheld; and,

(3) It must be shown on the return of the recipient that the income upon which the withholding was made was declared as part of the gross income.[49]

***First requisite: The administrative and judicial claims for refund were filed on time***

Records show that petitioner electronically filed its Original Annual ITR for FY 2016 on January 16, 2017[50] and its Amended Annual ITR for FY 2016 on February 2, 2017.[51] **The two (2)-year period shall commence on the date the Original Annual ITR for CY 2016 was filed on January 16, 2017.** Thus, petitioner had until January 16, 2019 within which to file both its administrative and judicial claims for refund. The administrative claim was filed by petitioner on January 15, 2019 as evidenced by its Application for Tax Credits/Refunds.[52] Without waiting for the decision of the respondent on its application and to prevent the forfeiture of its claim through prescription, petitioner filed the subject Petition for Review on January 16, 2019.[53] Both the administrative and judicial claims were timely filed within the two (2)-year prescriptive period in accordance with Sections 204(C) and 229 of the NIRC of 1997, as amended.

***Second requisite: Fact of withholding to be established by copies of***

---

[49] *Commissioner of Internal Revenue vs. Team (Philippines) Operations Corporation*, G.R. No. 185728, October 16, 2013.
[50] Exhibit "P-4", CTA Docket, pp. 421-428.
[51] Exhibit "P-5", CTA Docket, pp. 429-436.
[52] Exhibit "P-10", CTA Docket, p. 467.
[53] CTA Docket, p. 10.

ON

***withholding statements duly issued by the payor***

The second requisite mandates petitioner to prove the fact of withholding of the claimed CWTs by a copy of the statement duly issued by the payor, acting as the withholding agent, to the payee, showing the names of the payor and payee, the income payment, the amount of tax withheld, and the nature of the tax paid.

As held by the Supreme Court in the case of *Commissioner of Internal Revenue vs. Philippine National Bank*,[54] the Certificate of Creditable Tax Withheld at Source (BIR Form No. 2307) is the competent proof to establish the fact that taxes were withheld and it is not necessary for the person who executed and prepared the certificate to be presented and to testify personally to prove the authenticity of said certificates.

The Court-commissioned ICPA examined the Certificates of Creditable Tax Withheld at Source (BIR Form No. 2307). Based on the ICPA Report[55] dated November 22, 2019, the CWTs amounting only to ₱8,493,530.62 were properly supported by certificates duly issued to petitioner by various withholding agents for FY 2016, computed as follows:

| Particulars | Amount |
|---|---|
| **Creditable Tax Withheld Claimed for FY 2016** | **₱ 11,968,655.00** |
| Lower of the CWTs Claim vis-à-vis CWTs Document Presented | 11,968,655.00 |
| Improper Certificate of Tax Withheld (BIR Form No. 2307) Claim | (576,049.52) |
| **Supported by Valid Creditable Withholding Tax Certificates (BIR Form No. 2307)** | **11,392,605.48** |
| Noted Material Variances in Annex "C" | (1,354,932.31) |
| **TOTAL** | **10,037,673.17** |
| Revenue of CWTs with Noted Variances in Annex "E" | (1,544,142.55) |
| **TOTAL** | **₱ 8,493,530.62** |

Before the Court, however, proceeds to verify whether the CWTs in the amount of ₱8,493,530.62 are properly substantiated, the Court shall first determine petitioner's compliance with the third requisite on whether the income payments subjected to CWTs, and evidenced by

---

[54] G.R. No. 180290, September 29, 2014.
[55] Exhibit "P-20".

on

the said CWT Certificates, were validly reported in petitioner's Annual ITR for FY 2016.

***Third requisite: The income payments could not be traced to the Annual ITR due to lack of supporting documents***

The third requisite mandates petitioner to prove that the income payments subjected to CWTs were declared as part of its gross income.

A perusal of petitioner's Amended Annual ITR for FY 2016[56] shows that its gross income amounted to ₱190,088,152.00, computed as follows:

| | | |
|---|---|---|
| Net Sales/Revenues/Receipts/Fees | ₱ | 172,615,367.00 |
| Add: Other Taxable Income Not Subjected to Final Tax | | 17,472,785.00 |
| Total Income | ₱ | 190,088,152.00 |

On the other hand, the withholding tax certificates reveal that the CWTs in the amount of ₱12,355,134.07 (against which the claimed amount of ₱11,968,655.00 was compared) was withheld on gross income payments of ₱94,143,379.31.[57]

The Court, however, is unable to verify whether the gross income payments of ₱94,143,379.31 indeed formed part of the gross income of ₱190,088,152.00 reported by petitioner in its Amended Annual ITR for FY 2016. It is noted that petitioner presented a Tax Recovery General Ledger Account[58] and Project Performance Report for FY 2016[59] in an attempt to show that the income payments were declared in the Amended Annual ITR. Perusal of the Tax Recovery General Ledger Account, however, shows that no amount of income payment was reflected therein but only the amounts of CWTs sourced from FY 2016. Moreover, the Project Performance Report for FY 2016 does not indicate the name of petitioner's income payors, the amounts of income payment and the CWTs. These documents, taken together, were not sufficient to prove that the total income recorded per

---

[56] Exhibit "P-5", CTA Docket, pp. 429-436.
[57] Annex F, ICPA Report.
[58] Exhibit "P-163".
[59] Exhibit "P-401".

petitioner's books tallies with or were the same income that is reflected in its Amended Annual ITR for FY 2016.

Petitioner's failure to prove its compliance with the third requisite is fatal to its claim. In view thereof, the Court need not belabor to determine whether the CWTs in the amount of ₱8,493,530.62 are properly substantiated.

It bears stressing that a claimant has the burden of proof to establish the factual basis of his or her claim for tax credit or refund.[60] Tax refunds are in the nature of tax exemptions. As such, they are regarded as in derogation of sovereign authority and to be construed *strictissimi juris* against the person or entity claiming the refund.[61] The pieces of evidence presented entitling a taxpayer to an exemption are also *strictissimi* scrutinized and must be duly proven.[62] For failing to prove its entitlement to a tax refund, petitioner's claim must perforce be denied.

**WHEREFORE,** premises considered, the present Petition for Review is **DENIED** for lack of merit.

**SO ORDERED.**

**ROMAN G. DEL ROSARIO**
Presiding Justice

*WE CONCUR:*

**CATHERINE T. MANAHAN**
Associate Justice

**MARIAN IVY F. REYES-FAJARDO**
Associate Justice

---

[60] *Citibank N.A. vs. Court of Appeals and Commissioner of Internal Revenue*, G.R. No. 107434, October 10, 1997.
[61] *Commissioner of Internal Revenue vs. S.C. Johnson and Son, Inc.*, G.R. No. 127105, June 25, 1999.
[62] *Kepco Philippines Corp. vs. Commissioner of Internal Revenue*, G.R. No. 179961, January 31, 2011.

## CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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