Republic of the Philippines
COURT OF TAX APPEALS
Quezon City

En Banc

MACQUARIE OFFSHORE SERVICES PTY LTD. – PHILIPPINE BRANCH,
Petitioner,

- versus –

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA EB No. 1514
(CTA Case No. 8337)

x- -x

COMMISSIONER OF INTERNAL REVENUE,
Petitioner,

- versus -

MACQUARIE OFFSHORE SERVICES PTY LTD. - PHILIPPINE BRANCH,
Respondent.

CTA EB No. 1518
(CTA Case No. 8337)

Present:
DEL ROSARIO, *PJ*,
CASTAÑEDA, JR.,
BAUTISTA,
UY,
CASANOVA,
FABON-VICTORINO,
MINDARO-GRULLA,
RINGPIS-LIBAN, *and*
MANAHAN, *JJ.*

Promulgated:
MAR 15 2018 1:20pm

x- -x

RESOLUTION

CASANOVA, *J.*:

This resolves Commissioner of Internal Revenue's ("CIR" for short) Motion for Reconsideration, filed thru registered mail on October 18, 2017, with Macquarie Offshore Services Pty Ltd. – Philippine

Branch's ("Macquarie" for short) Comment (Re: Motion for Reconsideration dated 18 October 2017) filed on December 28, 2017.

In his motion, CIR seeks reconsideration of this Court's Decision, promulgated on September 18, 2017, the decretal portion of which reads, as follows:

> "**WHEREFORE**, finding no cogent reason to reverse or modify the Assailed Amended Decision dated June 2, 2016, and the Assailed Resolution dated August 12, 2016, both promulgated by the CTA-Third Division, the Petitions for Review are hereby **DENIED** for lack of merit. Accordingly, the June 2, 2016 Amended Decision and August 12, 2016 Resolution of the CTA-Third Division are hereby **AFFIRMED**.
>
> **SO ORDERED**."

CIR gave the following grounds to support his Motion, viz:

> "1) THE CTA EN BANC ERRED WHEN IT SUSTAINED THE FINDINGS OF THE CTA THIRD DIVISION WHICH ORDERED THE REFUND IN FAVOR OF MACQUARIE OFFSHORE SERVICES PTY LTD.-PHILIPPINE BRANCH ON ITS ALLEGED EXCESS AND UNUTILIZED INPUT VAT FOR THE FISCAL YEAR COVERING THE PERIOD APRIL 1, 2009 TO MARCH 31, 2010 IN THE REDUCED AMOUNT OF 3,396,522.45 (*sic*) DESPITE MACQUARIE OFFSHORE SERVICES PTY LTD.-PHILIPPINE BRANCH FAILURE TO COMPLY WITH THE INVOICING REQUIREMENTS.
>
> 2) THE CTA EN BANC ERRED WHEN IT SUSTAINED THE FINDINGS OF THE CTA THIRD DIVISION WHICH ORDERED THE REFUND INASMUCH AS THE INPUT TAXES ARE NOT DIRECTLY ATTRIBUTABLE TO MACQUARIE OFFSHORE SERVICES PTY LTD.-PHILIPPINE BRANCH'S ZERO-RATED SALES.
>
> 3) THE CTA EN BANC ERRED WHEN IT DID NOT APPLY THE RULE THAT TAX REFUNDS BEING IN THE NATURE OF TAX EXEMPTION ARE CONSTRUED STRICTISSIMI JURIS AGAINST THE PERSON OR ENTITY CLAIMING THE EXEMPTION; THUS, ENTITLEMENT TO A

TAX REFUND IS FOR THE TAXPAYER TO PROVE AND NOT FOR THE GOVERNMENT TO DISPROVE."

In its Comment, Macquarie argues that CIR's Motion for Reconsideration should be denied for utter lack of merit as it is nothing but a mere rehash of the arguments that were already raised and passed upon by this Court.

We have carefully perused CIR's Motion for Reconsideration and find that, as correctly observed by Macquarie, the arguments therein are mere rehash of, if not copied verbatim, from the arguments in his Petition for Review which had already been resolved by the CTA-Third Division in its Amended Decision dated June 2, 2016 and Assailed Resolution dated August 12, 2016, both affirmed by this Court in the Assailed Decision dated September 18, 2017.

WHEREFORE, finding no new matters in the Motion for Reconsideration to merit the reversal of the Assailed Decision dated September 18, 2017, CIR's Motion for Reconsideration is hereby **DENIED** for lack of merit.

SO ORDERED.

CAESAR A. CASANOVA
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

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

LOVELL R. BAUTISTA
Associate Justice

ERLINDA P. UY
Associate Justice

(On Leave)
ESPERANZA R. FABON-VICTORINO
Associate Justice

CIELITO N. MINDARO-GRULLA
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

CATHERINE T. MANAHAN
Associate Justice