REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

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SMI-ED PHILIPPINES TECHNOLOGY, INC.,
Petitioner,

C.T.A. CASE NO. 6556

Members:

- versus -

ACOSTA, *Chairman*
BAUTISTA, and
CASANOVA, *JJ.*

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

Promulgated:

MAY 16 2005

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DECISION

***BAUTISTA, L., J.*:**

This case involves a claim for refund or issuance of a tax credit certificate in the amount of P2,283,902.17 allegedly representing petitioner's unutilized/excess input VAT due to its cessation of business.

The antecedent facts of the case are as follows:

Petitioner is a corporation duly organized and existing under Philippine laws with its principal office located at First Philippine Industrial Park, Barangay Sta. Anastacia, Sto. Tomas, Batangas and is registered with the Securities and Exchange Commission *(Paragraph 1, Joint Stipulation of Facts and Issues).*

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On June 29, 1998, petitioner was registered to engage in the manufacture of ultra high-density microprocessor unit package with the Philippine Economic Zone Authority (PEZA) as an Ecozone Export Enterprise under Republic Act No. 7916 under a non-pioneer status entitled to income tax holiday (ITH) incentive of four (4) years and thereafter would be subject to the 5% final tax in lieu of any and all national and local taxes *(Exhibits C & C-1; Paragraphs 3 and 4, Joint Stipulation of Facts and Issues).*

Likewise, petitioner was registered with the BIR as a value-added tax (VAT)-registered taxpayer under VAT Registration No. 005-650-040 *(Paragraph 5, Joint Stipulation of Facts and Issues).*

However, due to the negative and poor business climate brought about by the 1997 Asian financial crisis, petitioner allegedly failed to commence its business operations. Petitioner's Board of Directors then approved the dissolution of the petitioner effective November 30, 2000 on November 29, 2000 *(Exhibit E; TSN, April 29, 2003, pp. 12-13, CTA Case No. 6532; Paragraph 7, Petition for Review).*

Consequently, petitioner filed with the Bureau of Internal Revenue (BIR) a request for tax clearance in connection with the cancellation of its tax identification/value-added tax number On January 15, 2001. On January 18, 2001, petitioner filed with the SEC an application to amend its Articles of Incorporation to shorten its corporate term *(Paragraphs 6 & 7, Joint Stipulation of Facts and Issues).*

On March 28, 2001, petitioner filed with the Large Taxpayers District Office of the BIR a formal letter requesting for refund/issuance of tax credit certificate for TWO MILLION TWO HUNDRED EIGHTY THREE THOUSAND NINE HUNDRED TWO AND 17/100 PESOS (P2,283,902.17) representing petitioner's unused/excess input

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taxes as reflected in the petitioner's Monthly VAT Declaration return for the period ending November 30, 2000 *(Paragraph 8, Joint Stipulation of Facts and Issues)*.

Unable to find any response from the respondent and in order to stop the running of the two-year prescriptive period, petitioner elevated the case through a Petition for Review with this Court on October 29, 2002 *(Paragraph 11, Joint Stipulation of Facts and Issues; Records, p. 1)*.

By way of an Answer filed on December 4, 2002, respondent raised the following Special and Affirmative Defenses:

> 3. Petitioner's alleged claim for refund/tax credit is subject to administrative routinary examination/investigation by the respondent's Bureau;
>
> 4. Petitioner failed miserably to show that the total amount of Php:2.283,902.17.00 (sic), claimed as unutilized/excess input VAT for taxable year 2000 was erroneously or illegally collected, or that the same was properly documented;
>
> 5. Taxes paid and collected are presumed to have been paid in accordance with law; hence, not refundable;
>
> 6. In an action for tax refund/credit, the taxpayer has the burden to establish its right to refund, and failure to sustain the burden is fatal to the claim for refund;
>
> 7. It is incumbent upon petitioner to show that it has complied with the provisions of Section 204(c) in relation to Section 229 of the Tax Code;
>
> 8. Well-established is the rule that refunds/tax credits are construed strictly against the taxpayer as they partake the nature of exemption from tax.

On March 26, 2003, petitioner moved to avail of the services of the commissioned auditing firm pursuant to CTA Circular 10-97. The same was aptly acted upon by this Court during the hearing conducted on June 6, 2003. In due time, the commissioned auditor submitted his report and the same formed part of

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the evidence of petitioner *(Exhibit A)*. In addition, a Motion to Adopt Evidences Presented in Court of Tax Appeals Case No. 6532 was filed by petitioner on June 17, 2003, and consequently was granted by this Court during the July 4, 2003 hearing, there being no objection on the part of respondent.

To support its claim, petitioner submitted numerous documents and likewise presented witnesses to identify the same. Respondent, on the other hand, submitted the case for decision based on the pleadings. Therefore, on January 6, 2005, the Court issued a resolution and considered the case submitted for decision sans memorandum of respondent.

The parties jointly submitted the following factual and legal issues for this Court's resolution:

1. Whether petitioner has permanently closed its operation in the Philippines?

2. Whether petitioner has input VAT in the amount of TWO MILLION TWO HUNDRED EIGTHY THREE THOUSAND NINE HUNDRED TWO AND 17/100 PESOS (PHP2,283,902.17)?

3. Whether petitioner failed to utilize the above-mentioned input VAT?

4. Whether petitioner is factually and legally entitled to claim a refund in the amount of TWO MILLION TWO HUNDRED EIGHTY THREE THOUSAND NINE HUNDRED TWO AND 17/100 PESOS (PHP2,283,902.17)?

Anent the first issue of whether there was a permanent closure of petitioner's operation in the Philippines on November 30, 2000, petitioner alleges that due to negative and poor business climate brought about by the 1997 Asian financial crisis, it failed to commence its business operations. As a consequence, it did not incur any output tax. Petitioner adopts the testimony of Atty. Marcus Laurel (the corporate secretary of petitioner) on April 29, 2003 hearing of CTA Case No. 6532, that: (1) prior to the actual commencement of manufacturing operations, petitioner was constrained to cease operations and eventually close down the factory due to prevailing market conditions at that time; and (2) after the closure of the factory, petitioner actually adopted a board resolution to prove dissolution as evidenced by the Secretary's Certificate showing the board resolution adopting corporate resolution dissolving the corporation as of November 30, 2000. Accordingly, petitioner's board of directors approved the shortening of its corporate term to November 30, 2000.

Petitioner asserts that the testimony of Atty. Laurel and the fact of petitioner's filing on January 18, 2001 with the Securities and Exchange Commission of an application to amend its Articles of Incorporation to shorten its corporate term firmly support its contention that indeed it had permanently closed its operation in the Philippines on November 30, 2000.

We find for the petitioner.

Petitioner's business closure is supported by its actual cessation from operation and the same is strengthened by: (1) petitioner's board resolution dissolving its existence *(TSN dated April 29, 2003, pp. 11-14, CTA Case No. 6532)*; (2) petitioner's application with the SEC amending its Articles of Incorporation to shorten its corporate term *(Paragraph 7, Joint Stipulation of Facts and Issues)*; and (3) petitioner's request for tax clearance in connection with the cancellation of its tax identification/VAT number because of dissolution *(Annex E, Petition for Review)*. Furthermore, respondent presented no evidence to refute petitioner's allegations.

As regards the remaining stipulated issues in this case, the Court notes that they are interrelated and intertwined; hence, the same will be tackled jointly.

Petitioner basically anchors its claim on Section 112(C) of the National Internal Revenue Code of 1997 in relation to Section 4.112-2(b) **[should be Section 4.106-2(b)]** of Revenue Regulations No. 7-95, and Section 229 of the NIRC of 1997, to wit*:*

> **SEC. 112. Refunds or Tax Credits of Input Tax. –**
>
> xxx xxx xxx
>
> (C) *Cancellation of VAT Registration* - A person whose VAT registration has been cancelled due to retirement from or cessation of business, or due to changes in or cessation of status under Section 106 (C) of this Code may within two (2) years from the date of cancellation apply for the issuance of a tax credit certificate for any unused input tax which may be used in payment of his other internal revenue taxes.

> **SEC. 4.106-2. Procedures for claiming refunds or tax credits of input tax. –** (a) xxx
>
> **(b) Cancellation of VAT registration -** A person whose VAT registration has been cancelled due to retirement from or cessation of business, or due to changes in or cessation of status under Section 100(c) of the Code may, within two (2) years from the date of cancellation apply for the issuance of a tax credit certificate for any unused input tax which may be used in payment of his other internal revenue taxes. However, he shall be entitled to a refund if he has no pending internal revenue tax liabilities.

> **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,

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> 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: x x x *(Underscoring Ours)*

As above stated, the parties jointly stipulated that petitioner timely filed on December 13, 2000 its monthly VAT return for the month of November 2000. The said monthly value-added tax declaration shows that petitioner has a total excess creditable input tax of P2,283,902.17. However, after a careful review of the evidence presented by the petitioner and as shown in the report of the commissioned auditor, petitioner's unutilized input VAT amounts to only P1,209,032.78 not P2,283,902.17. To quote:

> "Our examination disclosed that based on the reasons enumerated below, the amount of the Company's claim for TCC for unutilized input VAT requires adjustments aggregating to P1,074,869.39, details of which are shown in Appendix II:

Particulars	Amount
Recorded in the books but not properly supported by VAT Documents	P 933,223.82
Adjustments recorded by the Company but not properly supported	140,120.76
Properly supported by VAT documents but not recorded in the Books	1,524.81
	P1,074,869.39

> After effecting the above adjustments, claim for TCC for unutilized input VAT should amount to P1,209,032.78 *(Exhibit A-4-1)*." *(Underscoring Ours)*

Petitioner in its memorandum has accepted the aforesaid findings of the commissioned auditor and in fact prayed for the issuance of a tax credit certificate in

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the same amount of P1,209,032.78. Clearly, petitioner adopted the conclusion of the commissioned auditor. Therefore, this Court shall limit itself in determining the merits of petitioner's claim for refund/tax credit certificate in the reduced amount of P1,209,032.78.

A meticulous review of the report of the commissioned auditor as well as the supporting documents of petitioner's claim, such as the various invoices, statements of accounts, bills and receipts *(Exhibit B, inclusive of sub-markings)*, readily shows that the adjustments of the commissioned independent CPA is in order. However, this Court noticed that, aside from the aforesaid adjustments, a total input VAT of P810,324.01 was not considered by the commissioned independent CPA. After a proper verification of the same, We rule that the unconsidered amount of P810,324.01 should be deducted from petitioner's claim, summarized as follows:

DISALLOWANCES	EXHIBITS	INPUT VAT
(a) Input VAT supported by an official receipt without BIR Permit	B39	**P 2,615.00**
(b) Input VAT on purchases of services supported Only by invoices without the required official receipt	B11, B13, B20 to B22, B44 to B50, B52 to B55, B58, B59, B62 to B66, B76, B94 to B96, B156, B181, B199 to B201, B211 & B212	**58,372.69**
(c) Input VAT on purchases of services supported only by various invoices, statement of accounts, or monthly bills which per schedule of input VAT applied for refund as well as the schedule of verified unutilized input VAT, said purchases were allegedly supported by official receipts having Contained the lists of the O.R. numbers but	B1 to B3, B7, B16, B17, B19, B28 to B30, B33, B34, B36, B37, B41 to B43, B56, B57, B60, B61, B83, B84, B98 to B117, B119, B121 to B123, B125 to B128, B132 to B137, B139, B140, B159 to B168, B182 to B187, B189, B190, B192, B193, B204 to B209, B213 to B219, B224 to B226 & B231	**466,388.00**

upon verification, the same were not found		
(d) Input VAT on "treatment fee" which partakes of the nature of purchases of services, supported Only by invoices not by an official receipts.	B77 to B79	**27,735.28**
(e) Input VAT supported by a pre-printed Non-VAT official receipt stamped with the word VAT Registered	B27	**60,364.80**
(f) Input VAT on purchases of services which are covered by rental agreements but not supported by an invoices and official receipts.	B210	**1,843.82**
(g) Input VAT on purchases of services which are covered by rental agreements not in the name of petitioner.	B68 to B75, B85 to B92, B124, B141 to B155, B176 to B180	**104,098.83**
(h) Overstated amounts of input VAT	B31 & B81	**88,905.59**
TOTAL		**P810,324.01**

(See also Annex A for more details of the above disallowed claim)

We disallow Item (a) because it violates Section 238 of the 1997 National Internal Revenue Code which provides that "all persons who are engaged in business shall secure from the Bureau of Internal Revenue an authority to print receipts or sales or commercial invoices before a printer can print the same." Non-compliance with such requirement would mean that such official receipt cannot be admitted as a valid supporting document for purposes of petitioner's claim for VAT refund. In the case of ***Taganito Mining Corporation vs. Commissioner of Internal Revenue, CTA Case No. 6214, promulgated on April 22, 2002***, this Court held:

> Hence, out of the total claim for refund in the amount of P11,338,246.64, the sum of P162,566.30 is **to be disallowed** for the following reasons:
>
> a. xxx
> b. Invoices and/or **official receipts have no BIR permit**.
> c. xxx *(Emphasis supplied)*

Items (b), (c) and (d) are being disallowed from petitioner's claim in line with Our consistent stand on the matter as categorically enunciated in Our resolution in the case of ***Telecommunications Technologies Philippines, Inc. vs. Commissioner of Internal Revenue, CTA Case No. 6168, promulgated on July 28, 2004***. We quote:

> Indeed, at first glance, the word "or" in the statement "(1) Any input tax evidenced by a VAT invoice or official receipt xxx shall be creditable against the output tax" indicates an alternative. However, a further reading of the provisions of Section 110(A) particularly paragraph (2) (a) thereof reveals otherwise, to wit:
>
> "(2) The **input tax on domestic purchases of goods** or properties **shall be creditable**:
>
> "(a) **To the purchaser upon consummation of sale** and on importation of goods or properties; and
>
> xxx xxx xxx
>
> "However, **in the case of purchase of services**, lease or use of properties, **the input tax shall be creditable to the purchaser**, lessee or licensee **upon payment of the compensation**, rental, **or fee**." *(Emphasis supplied)*
>
> Based on the foregoing, the input VAT on domestic purchases of goods or properties shall be allowed as tax credit to the purchaser upon consummation of sale, which means upon issuance by the seller of the VAT sales invoice evidencing the sale of goods/properties. On the other hand, the input VAT on purchases of services shall be available as tax credit to the purchaser only upon payment of the compensation or fee, i.e., upon issuance by the seller of the VAT official receipt evidencing receipt of the payment for services performed or yet to be performed.

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xxx xxx xxx

> The law is clear that in order to be allowed as tax credit or refund, the input VAT on purchase of goods or properties must be supported by a VAT invoice while the input VAT on purchase of services must be supported by a VAT official receipt. *(Underscoring Ours)*

Item (e) is disallowed because it violates paragraph 3 of Section 4.108-1 of Revenue Regulation No. 7-95 which provides, that "[o]nly VAT-registered persons are required to print their TIN followed by the word 'VAT' in their ***invoices or receipts*** and this shall be considered as a 'VAT Invoice'. All purchases covered by invoices **other than 'VAT Invoice'** shall not give rise to any input tax". Moreover, paragraph (c) of the Transitory Provisions provided for under the aforesaid regulations, states:

> **(c) Unused invoices or receipts**. - Taxpayers who changed status from NON-VAT to VAT or from VAT to NON-VAT as a result of the implementation of RA 7716 should submit on or before January 31, 1996 an inventory of unused invoices or receipts as of December 31, 1995 indicating the number of booklets and the corresponding serial numbers. Unused non-VAT invoices/receipts shall be allowed for use in transactions subject to VAT provided the phrase "VAT-registered as of ____" is stamped on all copies thereof. Likewise, unused VAT invoices/receipts shall be allowed in VAT-exempt transactions provided the phrase "Non-VAT registered as of ____" is stamped on all copies thereof. These unused invoices or receipts with the proper stamp shall be allowed for use in transactions subject to VAT/NON-VAT up to June 30, 1996.

Thus, the unused non-VAT invoices or receipts shall be allowed for use in transactions subject to VAT provided the phrase "VAT-registered as of ____" is stamped on all copies thereof. However, such unused non-VAT invoices or receipts bearing the proper stamp shall be allowed for use in transactions subject to VAT only up to June 30, 1996.

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Since the unused non-VAT official receipt of this case *(Exhibit B27)* was issued only on July 10, 1999, indubitably, the same is beyond the limitation provided in the subject transitory provision and could no longer be admitted as a valid evidence to support petitioner's claim for tax refund.

As to Items (f) and (g), the same are disallowed because both violated Section 4.104-5 of Revenue Regulation No. 7-95 which provides:

> **Section 4-104-5. Substantiation of claims for input tax credit**. - (a) Input taxes shall be allowed only if the domestic purchase of goods, properties or services is made in the course of trade or business. <u>The input tax should be supported by an invoice or receipt</u> showing the information as required under Section 108(a) and 238 of the Code. Input tax on purchases of real property should be supported by a copy of the public instrument i.e. deed of absolute sale, deed of conditional sale, contract/agreement to sell, etc., together with the VAT receipt issued by the seller. *(Underscoring Ours)*

Furthermore, Item (g) violated Section 4.108-1 of the said Revenue Regulations which provides, *viz* :

> **Section 4.108-1. Invoicing Requirements** - All VAT-registered persons shall, for every sale or lease of goods or properties or services, issue duly registered receipts or sales or commercial invoices which must show:
>
> 1. the name, TIN and address of seller;
> 2. date of transaction;
> 3. quantity, unit cost and description of merchandise or nature of service;
> 4. <u>the name, TIN, business style, if any, and address of the VAT-registered purchaser, customer or client</u>;
> 5. the word "zero-rated" imprinted on the invoice covering zero-rated sales; and
> 6. the invoice value or consideration. *(Underscoring ours)*

Finally, Item (h) which undoubtedly pertains to the P88,905.59 overstated amount of input VAT, is disallowed because petitioner is only entitled to an **actual amount** of input VAT it paid to the government.

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It bears stressing once again that tax refunds are in the nature of tax exemptions. As such, they are regarded as in derogation of sovereign authority and to be construed in strictissimi juris against the person or entity claiming the exemption ***(Commissioner of Internal Revenue vs. Procter and Gamble Phil. Mfg. Corp., 204 SCRA 377; Commissioner of Internal Revenue vs. S.C. Johnson & Son, Inc., 309 SCRA 87).***

In sum, We find petitioner to have sufficiently proven its claim for refund or the issuance of a tax credit certificate representing its unutilized/excess input VAT but only in the reduced amount of P398,708.77 (see Annex A), computed as follows:

Amount recommended by the commissioned auditor	P1,209,032.78
Less: Disallowances per Court's verification	810,324.01
Amount to be claimed for refund/tax credit	**P 398,708.77**

WHEREFORE, the instant petition is **PARTIALLY GRANTED**. Accordingly, respondent is hereby **ORDERED** to **REFUND or ISSUE a TAX CREDIT CERTIFICATE** in favor of the petitioner in the amount of P398,708.77 representing unutilized/excess input VAT at the time petitioner permanently ceased operations in the Philippines on November 30, 2000.

SO ORDERED.

LOVELL R. BAUTISTA
Associate Justice

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WE CONCUR:

(With Concurring and Dissenting Opinion)
ERNESTO D. ACOSTA
Presiding Justice

CAESAR A. CASANOVA
Associate Justice

CERTIFICATION

I hereby certify that the above decision was reached after due consultation with the members of the Division of the Court of Tax Appeals in accordance with Section 13, Article VIII of the Constitution.

ERNESTO D. ACOSTA
Chairman, First Division
Presiding Justice

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Annex A

EXHIBIT	PAYEE	INPUT VAT	TOTAL	COMMENTS
B39	Autofix Repair Shop	2,615.00	**2,615.00**	No BIR permit to print
B11	Globe Telecom	531.79		No OR
B13	PLDT	229.69		No OR
B156	Globe Telecom	2,865.23		No OR
B181	Globe Telecom	13,304.82		No OR
B199	Globe Telecom	1,742.54		No OR
B20	PLDT	480.28		No OR
B200	Globe Telecom	8,094.02		No OR
B201	Globe Telecom	151.72		No OR
B21	Globe Telecom	7,055.14		No OR
B211	Globe Telecom	136.82		No OR
B212	Globe Telecom	1,307.77		No OR
B22	PLDT	109.13		No OR
B44	Infocom Technologies Inc	36.00		No OR
B45	Infocom Technologies Inc	36.00		No OR
B46	Globe Telecom	7,661.20		No OR
B47	Globe Telecom	79.83		No OR
B48	Globe Telecom	715.05		No OR
B49	Globe Telecom	705.59		No OR
B50	Globe Telecom	1,492.01		No OR
B52	PLDT	55.43		No OR
B53	PLDT	52.83		No OR
B54	PLDT	179.43		No OR
B55	PLDT	51.88		No OR
B58	PLDT	214.37		No OR
B59	PLDT	51.81		No OR
B62	Globe Telecom	1,391.13		No OR
B63	Globe Telecom	57.97		No OR
B64	Globe Telecom	582.66		No OR
B65	Globe Telecom	5,668.87		No OR
B66	Globe Telecom	193.01		No OR
B76	Globe Telecom	597.43		No OR
B94	Globe Telecom	1,541.95		No OR
B95	Globe Telecom	624.19		No OR

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B96	Globe Telecom	375.10	**58,372.69**	No OR
B27	Ernesto V. Reynoso	60,364.80	**60,364.80**	NV stamped with the word VAT registered
B1	Globe Telecom	1,184.01		OR was stated in the summary but not offered as evidence
B100	Nippon Express Philippin	1,400.00		OR was stated in the summary but not offered as evidence
B101	Nippon Express Philippin	573.29		OR was stated in the summary but not offered as evidence
B102	Nippon Express Philippin	5,006.34		OR was stated in the summary but not offered as evidence
B103	Nippon Express Philippin	10,483.04		OR was stated in the summary but not offered as evidence
B104	Nippon Express Philippin	291.20		OR was stated in the summary but not offered as evidence
B105	Nippon Express Philippin	2,896.59		OR was stated in the summary but not offered as evidence
B106	Nippon Express Philippin	577.41		OR was stated in the summary but not offered as evidence
B107	Nippon Express Philippin	502.43		OR was stated in the summary but not offered as evidence
B108	Nippon Express Philippin	160.61		OR was stated in the summary but not offered as evidence
B109	Nippon Express Philippin	4,647.58		OR was stated in the summary but not offered as evidence
B110	Nippon Express Philippin	2,547.25		OR was stated in the summary but not offered as evidence
B111	Nippon Express Philippin	48.17		OR was stated in the summary but not offered as evidence
B112	Nippon Express Philippin	18,986.92		OR was stated in the summary but not offered as evidence
B113	Nippon Express Philippin	4,291.34		OR was stated in the summary but not offered as evidence
B114	Nippon Express Philippin	42,042.44		OR was stated in the summary but not offered as evidence
B115	Nippon Express Philippin	5,882.54		OR was stated in the summary but not offered as evidence
B116	Nippon Express Philippin	2,410.06		OR was stated in the summary but not offered as evidence
B117	Operation and Maintenan	2,442.00		OR was stated in the summary but not offered as evidence
B119	Operation and Maintenan	2,244.00		OR was stated in the summary but not offered as evidence
B121	Service Master	1,218.85		OR was stated in the summary but not offered as evidence
B122	Black Yield Security Serv	954.76		OR was stated in the summary but not offered as evidence
B123	Filcar Transport Services	1,516.67		OR was stated in the summary but not offered as evidence
B125	Globe Telecom	52.03		OR was stated in the summary but not offered as evidence
B126	Globe Telecom	6,189.92		OR was stated in the summary but not offered as evidence
B127	Globe Telecom	639.29		OR was stated in the summary but not offered as evidence
B128	Globe Telecom	375.46		OR was stated in the summary but not offered as evidence
B132	Masigasig Security & Ma	21,945.60		OR was stated in the summary but not offered as evidence
B133	Masigasig Security & Ma	16,824.96		OR was stated in the summary but not offered as evidence
B134	Nippon Express Philippin	4,223.29		OR was stated in the summary but not offered as evidence
B135	Operation and Maintenan	2,112.00		OR was stated in the summary but not offered as evidence
B136	Operation and Maintenan	2,607.00		OR was stated in the summary but not offered as evidence
B137	Service Master	1,219.45		OR was stated in the summary but not offered as evidence
B139	Black Yield Security Serv	725.24		OR was stated in the summary but not offered as evidence
B140	Black Yield Security Serv	609.14		OR was stated in the summary but not offered as evidence

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B159	Masigasig Security & Ma	16,824.96		OR was stated in the summary but not offered as evidence
B16	Globe Telecom	2,118.91		OR was stated in the summary but not offered as evidence
B160	Masigasig Security & Ma	17,876.52		OR was stated in the summary but not offered as evidence
B161	Nippon Express Philippin	1,915.18		OR was stated in the summary but not offered as evidence
B162	Operation and Maintenan	2,722.50		OR was stated in the summary but not offered as evidence
B163	Operation and Maintenan	2,904.00		OR was stated in the summary but not offered as evidence
B164	Service Master	1,275.68		OR was stated in the summary but not offered as evidence
B165	Service Master	1,275.68		OR was stated in the summary but not offered as evidence
B166	Black Yield Security Serv	911.48		OR was stated in the summary but not offered as evidence
B167	Black Yield Security Serv	705.45		OR was stated in the summary but not offered as evidence
B168	Black Yield Security Serv	609.14		OR was stated in the summary but not offered as evidence
B17	Infocom Technologies Inc	68.41		OR was stated in the summary but not offered as evidence
B182	Masigasig Security & Ma	15,777.16		OR was stated in the summary but not offered as evidence
B183	Masigasig Security & Ma	16,824.96		OR was stated in the summary but not offered as evidence
B184	Masigasig Security & Ma	16,824.96		OR was stated in the summary but not offered as evidence
B185	Operation and Maintenan	1,919.50		OR was stated in the summary but not offered as evidence
B186	Operation and Maintenan	440.00		OR was stated in the summary but not offered as evidence
B187	Operation and Maintenan	2,827.00		OR was stated in the summary but not offered as evidence
B189	Service Master	1,421.87		OR was stated in the summary but not offered as evidence
B19	Globe Telecom	5,912.48		OR was stated in the summary but not offered as evidence
B190	Service Master	1,263.87		OR was stated in the summary but not offered as evidence
B192	Black Yield Security Serv	705.45		OR was stated in the summary but not offered as evidence
B193	Black Yield Security Serv	935.47		OR was stated in the summary but not offered as evidence
B2	Globe Telecom	269.50		OR was stated in the summary but not offered as evidence
B204	Operation and Maintenan	53,227.27		OR was stated in the summary but not offered as evidence
B205	Operation and Maintenan	60,627.27		OR was stated in the summary but not offered as evidence
B206	Black Yield Security Serv	729.93		OR was stated in the summary but not offered as evidence
B207	Black Yield Security Serv	935.47		OR was stated in the summary but not offered as evidence
B208	Black Yield Security Serv	1,055.40		OR was stated in the summary but not offered as evidence
B209	Black Yield Security Serv	705.36		OR was stated in the summary but not offered as evidence
B213	Operation and Maintenan	1,854.55		OR was stated in the summary but not offered as evidence
B214	Black Yield Security Serv	1,439.18		OR was stated in the summary but not offered as evidence
B215	Black Yield Security Serv	791.76		OR was stated in the summary but not offered as evidence
B216	Black Yield Security Serv	714.41		OR was stated in the summary but not offered as evidence
B217	Black Yield Security Serv	1,151.35		OR was stated in the summary but not offered as evidence
B218	Black Yield Security Serv	1,095.38		OR was stated in the summary but not offered as evidence
B219	Black Yield Security Serv	729.93		OR was stated in the summary but not offered as evidence
B224	Globe Telecom	1,391.63		OR was stated in the summary but not offered as evidence
B225	Black Yield Security Serv	1,199.32		OR was stated in the summary but not offered as evidence

B226	Black Yield Security Serv	765.97		OR was stated in the summary but not offered as evidence
B231	Globe Telecom	130.09		OR was stated in the summary but not offered as evidence
B28	Globe Telecom	181.50		OR was stated in the summary but not offered as evidence
B29	Globe Telecom	1,677.94		OR was stated in the summary but not offered as evidence
B3	Globe Telecom	2,073.51		OR was stated in the summary but not offered as evidence
B30	Globe Telecom	7,974.30		OR was stated in the summary but not offered as evidence
B33	Mapfre Asian Insurance C	6,750.00		OR was stated in the summary but not offered as evidence
B34	Mapfre Asian Insurance C	5,000.00		OR was stated in the summary but not offered as evidence
B36	Globe Telecom	181.50		OR was stated in the summary but not offered as evidence
B37	Globe Telecom	7,692.00		OR was stated in the summary but not offered as evidence
B41	Globe Telecom	183.45		OR was stated in the summary but not offered as evidence
B42	Globe Telecom	924.65		OR was stated in the summary but not offered as evidence
B43	Globe Telecom	7,084.60		OR was stated in the summary but not offered as evidence
B56	Globe Telecom	792.48		OR was stated in the summary but not offered as evidence
B57	Globe Telecom	363.78		OR was stated in the summary but not offered as evidence
B60	PLDT	51.32		OR was stated in the summary but not offered as evidence
B61	Globe Telecom	31.50		OR was stated in the summary but not offered as evidence
B7	PLDT	247.61		OR was stated in the summary but not offered as evidence
B83	Black Yield Security Serv	1,074.11		OR was stated in the summary but not offered as evidence
B84	Black Yield Security Serv	859.29		OR was stated in the summary but not offered as evidence
B98	Nippon Express Philippin	5,735.09		OR was stated in the summary but not offered as evidence
B99	Nippon Express Philippin	4,804.09	**466,388.00**	OR was stated in the summary but not offered as evidence
B210	Filcar Transport Services	1,843.82	**1,843.82**	Rental Agreement in the name of petitioner, No OR/invoice
B124	Filcar Transport Services	1,323.34		Rental Agreement not in the name of petitioner, No OR
B141	Filcar Transport Services	3,590.91		Rental Agreement not in the name of petitioner, No OR
B142	Filcar Transport Services	2,880.00		Rental Agreement not in the name of petitioner, No OR
B143	Filcar Transport Services	2,880.00		Rental Agreement not in the name of petitioner, No OR
B144	Filcar Transport Services	708.02		Rental Agreement not in the name of petitioner, No OR
B145	Filcar Transport Services	771.32		Rental Agreement not in the name of petitioner, No OR
B146	Filcar Transport Services	2,880.00		Rental Agreement not in the name of petitioner, No OR
B147	Filcar Transport Services	248.67		Rental Agreement not in the name of petitioner, No OR
B148	Filcar Transport Services	3,600.11		Rental Agreement not in the name of petitioner, No OR
B149	Filcar Transport Services	4,668.67		Rental Agreement not in the name of petitioner, No OR
B150	Filcar Transport Services	1,571.59		Rental Agreement not in the name of petitioner, No OR
B151	Filcar Transport Services	2,160.19		Rental Agreement not in the name of petitioner, No OR
B152	Filcar Transport Services	278.87		Rental Agreement not in the name of petitioner, No OR
B153	Filcar Transport Services	3,590.91		Rental Agreement not in the name of petitioner, No OR

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B154	Filcar Transport Services	2,880.00		Rental Agreement not in the name of petitioner, No OR
B155	Filcar Transport Services	363.19		Rental Agreement not in the name of petitioner, No OR
B176	Filcar Transport Services	6,884.46		Rental Agreement not in the name of petitioner, No OR
B177	Filcar Transport Services	4,592.75		Rental Agreement not in the name of petitioner, No OR
B178	Filcar Transport Services	385.73		Rental Agreement not in the name of petitioner, No OR
B179	Filcar Transport Services	2,751.58		Rental Agreement not in the name of petitioner, No OR
B180	Filcar Transport Services	398.27		Rental Agreement not in the name of petitioner, No OR
B68	Filcar Transport Services	239.55		Rental Agreement not in the name of petitioner, No OR
B69	Filcar Transport Services	4,045.46		Rental Agreement not in the name of petitioner, No OR
B70	Filcar Transport Services	2,880.00		Rental Agreement not in the name of petitioner, No OR
B71	Filcar Transport Services	2,880.00		Rental Agreement not in the name of petitioner, No OR
B72	Filcar Transport Services	5,641.07		Rental Agreement not in the name of petitioner, No OR
B73	Filcar Transport Services	4,324.03		Rental Agreement not in the name of petitioner, No OR
B74	Filcar Transport Services	4,564.31		Rental Agreement not in the name of petitioner, No OR
B75	Filcar Transport Services	5,138.04		Rental Agreement not in the name of petitioner, No OR
B85	Filcar Transport Services	4,897.63		Rental Agreement not in the name of petitioner, No OR
B86	Filcar Transport Services	4,407.94		Rental Agreement not in the name of petitioner, No OR
B87	Filcar Transport Services	4,558.77		Rental Agreement not in the name of petitioner, No OR
B88	Filcar Transport Services	1,452.08		Rental Agreement not in the name of petitioner, No OR
B89	Filcar Transport Services	2,880.00		Rental Agreement not in the name of petitioner, No OR
B90	Filcar Transport Services	248.64		Rental Agreement not in the name of petitioner, No OR
B91	Filcar Transport Services	2,880.00		Rental Agreement not in the name of petitioner, No OR
B92	Filcar Transport Services	3,652.73	**104,098.83**	Rental Agreement not in the name of petitioner, No OR
B31	Harmony Homes Inc	96,000.00	**88,727.27**	should be 7,272.73
B81	Masigasig Security & Ma	19,613.78	**178.32**	Should be P19,435.46
B77	Inchem Environmental, In	10,073.46		Treatment Fee per invoice, No OR
B78	Inchem Environmental, In	12,218.18		Treatment Fee per invoice, No OR
B79	Inchem Environmental, In	5,443.64	**27,735.28**	Treatment Fee per invoice, No OR
			810,324.01	
	PER REPORT 1,209,032.78		**1,209,032.78**	
Amount to be Refunded			**398,708.77**	

B10	Dusit Hotel Nikko	13,284.32
B118	Operation and Maintenan	392.73
B12	NNA Phils. Co., Inc.	850.00
B120	Operation and Maintenan	12,272.73

ERB

B129	Infocom Technologies Inc	68.63
B130	Infocom Technologies Inc	315.94
B131	Infocom Technologies Inc	304.56
B138	Taisei Philippine Construc	664.25
B14	Air Liquide	37,000.00
B15	Dusit Hotel Nikko	4,290.00
B157	Infocom Technologies Inc	424.17
B158	Infocom Technologies Inc	72.43
B169	Filcar Transport Services	279.99
B170	Filcar Transport Services	2,880.00
B171	Filcar Transport Services	430.64
B172	Filcar Transport Services	3,590.91
B173	Filcar Transport Services	2,880.00
B174	Filcar Transport Services	267.84
B175	Filcar Transport Services	355.17
B18	Mapfre Asian Insurance C	3,161.62
B188	Service Master	1,290.39
B191	adjustment	-
B194	Filcar Transport Services	7,396.33
B195	Filcar Transport Services	5,365.92
B196	Filcar Transport Services	4,327.25
B197	Filcar Transport Services	4,902.99
B198	Filcar Transport Services	4,791.97
B202	Infocom Technologies Inc	96.00
B203	LM Industrial Commercia	872.73
B220	Filcar Transport Services	5,642.46
B221	Filcar Transport Services	4,354.42
B222	Filcar Transport Services	5,100.47
B223	Filcar Transport Services	5,005.20
B227	Filcar Transport Services	4,456.75
B228	Filcar Transport Services	5,119.87
B229	Filcar Transport Services	5,158.33
B23	YIM Yokosuka Int'l Moto	354.50
B230	Filcar Transport Services	5,984.70
B24	Globe Telecom	419.47
B25	Globe Telecom	841.50
B26	PLDT	103.78
B32	Infocom Technologies Inc	219.86
B35	Alcaraz Apartment	95,064.00

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B38	PLDT	99.23
B4	Infocom Technologies Inc	102.05
B40	GDA International Corpoı	43,652.10
B5	Mapfre Asian Insurance C	2,224.45
B51	Infocom Technologies Inc	96.00
B6	Philippine Daily Inquirer	1,200.00
B67	Facilities Manager	1,229.85
B8	Dusit Hotel Nikko	5,562.00
B80	Infocom Technologies Inc	56.61
B82	Operation and Maintenanı	2,118.47
B9	Dusit Hotel Nikko	779.00
B93	GDA International Corpoı	43,652.10
B97	Masigasig Security & Ma:	20,574.00
TOTAL		