Republic of the Philippines
COURT OF TAX APPEALS
Quezon City

EN BANC

PHIL. GOLD PROCESSING & REFINING CORPORATION, Petitioner,	**CTA EB CASE NO. 1192** (CTA Case No. 8301)
-versus-	Present: DEL ROSARIO, P.J., CASTAÑEDA, JR. BAUTISTA UY CASANOVA FABON-VICTORINO MINDARO-GRULLA COTANGCO-MANALASTAS RINGPIS-LIBAN, JJ.
COMMISSIONER OF INTERNAL REVENUE, Respondent.	Promulgated: FEB 19 2016 1:52 p.m.

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RESOLUTION

MINDARO-GRULLA, J.:

This resolves petitioner's "Motion for Reconsideration" of the Decision dated January 4, 2016 of this Court en banc, the dispositive portion of which states:

> "***WHEREFORE,*** *premises considered, the petition is* ***DENIED*** *for lack of merit. The Decision of the Second Division of this Court in CTA Case No. 8301, promulgated on February 27, 2014 and its Resolution, promulgated on May 29, 2014, are hereby* ***AFFIRMED****. No Pronouncement as to costs.*
>
> ***SO ORDERED****."*

In assailing this Court's Decision, petitioner recycled and rehashed its arguments previously raised before the Second Division of this Court and the Court en banc. Petitioner insists on the sufficiency of BOI Certification to prove its actual zero rated transactions.

We resolve to deny the motion.

After a careful examination of petitioner's "Motion for Reconsideration", the Court finds that the issues and arguments raised in said motion had already been sufficiently passed upon and fully discussed not only by the Second Division's Decision dated February 27, 2014 and Resolution dated May 29, 2014 but also by this Court en banc's Decision dated January 4, 2016.

To reiterate, the Court finds that the Second Division of this Court did not err when it ruled as follows:

> *"It is undisputed that petitioner is a VAT-registered entity. While petitioner proffered before the Court documents such as official receipts, HSBC Certification, and BNP Paribas Consolidated Cash Statements proving its receipt of foreign currency remittances, the Court however sees no connection or relevance to its alleged export sales for the first and second quarters of fiscal year 2010 since petitioner* ***failed to submit VAT zero-rated invoices and export documents such as export declarations and bills of lading or airbills. Thus, petitioner's alleged export sale for the first and second quarters of fiscal year ending June 30, 2010 in the amount of P3,252,883,799.44 cannot qualify for VAT zero rating*** *and the alleged input VAT incurred by petitioner for the period covering January to March 2009 in connection thereto in the amount of P107,502,796.09 cannot be refunded."*[1] *(Emphasis Supplied)*

The BOI Certification and official receipts of remittances are insufficient, since invoicing and substantiation requirements of the zero-rated transactions must likewise be proven.

In sum, We found that no new substantial argument was raised to merit reconsideration of our Decision promulgated on January 4, 2016.

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[1] En banc Docket, pp.136-138.

WHEREFORE, premises considered, petitioner's "Motion for Reconsideration" is hereby **DENIED** for lack of merit.

SO ORDERED.

Cielito N. Mindaro-Grulla
CIELITO N. MINDARO-GRULLA
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

(On Leave)
ERLINDA P. UY
Associate Justice

CAESAR A. CASANOVA
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

AMELIA R. COTANGCO-MANALASTAS
Associate Justice

Ma. Belen
MA. BELEN M. RINGPIS-LIBAN
Associate Justice