REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SECOND DIVISION

GOVERNMENT OF SINGAPORE INVESTMENT CORPORATION PTE LTD.,
Petitioner,

CTA CASE NO. 8437

- versus-

Members:

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

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

Promulgated:

DEC 01 2015 2:20 pm

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RESOLUTION

COTANGCO-MANALASTAS, *J.:*

For resolution is respondent's *Motion for Reconsideration Re: Decision dated August 27, 2015*, filed through registered mail on September 14, 2015, and received on September 17, 2015.[1] Petitioner filed its *Comment* on October 20, 2015.[2]

Respondent seeks reconsideration of this Court's Decision, dated August 27, 2015, which disposed of the case, as follows:

> "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 (P148,910,045.74), representing erroneously withheld final tax."[3]

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[1] Docket, pp. 905-911.
[2] Docket, pp. 929-937.
[3] Docket, p. 902.

In its motion, respondent argues on the ground that claims for refund are construed strictly against the taxpayer and in favor of the government; and that petitioner failed to exhaust administrative remedies prior to the filing of the petition for review.

Petitioner, on the other hand, argues that respondent's grounds are mere restatements of respondent's arguments in the Memorandum, and which have already been weighed, considered, and passed upon by the Court. Petitioner further argues that respondent's arguments have no basis considering that petitioner has correctly filed its administrative and judicial claim for refund in accordance with Section 229 of the 1997 National Internal Revenue Code. Finally, petitioner argues that the rule on strict interpretation of tax exemption status does not justify the unjust withholding by the respondent of taxes which were illegally and erroneously collected.

Respondent raised no ground that merits a reversal or even a modification of the Court's Decision. As discussed therein, petitioner complied with and proved the two requisites in that: (a) the tax has been erroneously or illegally collected; and (b) the claim for refund was filed within two years from the date of payment of the tax.

WHEREFORE, respondent's *Motion for Reconsideration Re: Decision dated August 27, 2015*, is hereby **DENIED** for lack of merit.

SO ORDERED.

AMELIA R. COTANGCO-MANALASTAS
Associate Justice

WE CONCUR:

JUANITO C. CASTAÑEDA, JR.
Associate Justice

CAESAR A. CASANOVA
Associate Justice