Republic of the Philippines
COURT OF TAX APPEALS
Quezon City

FIRST DIVISION

CBK POWER COMPANY LIMITED,
Petitioner,

-versus-

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA Case No. 8784
For: Refund

Members:

DEL ROSARIO, P.J., *Chairperson*
UY, and
MINDARO-GRULLA, JJ.

Promulgated:

FEB 23 2017 : 10:53 a.m.

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DECISION

MINDARO-GRULLA, J.:

This is a Petition for Review[1] filed on March 21, 2014 by CBK Power Company Limited as petitioner, against Commissioner of Internal Revenue as respondent, before the Court in Division, pursuant to Section 7(a)(2) of Republic Act (RA) No. 1125, An Act Creating the Court of Tax Appeals, as amended[2], as well as Rule 4, Section 3(a)(2),

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[1] Docket, vol. I, pp. 14-27.
[2] Sec. 7. *Jurisdiction.* – The CTA shall exercise:

(a) Exclusive appellate jurisdiction to review by appeal, as herein provided:

x x x x x x

(2) Inaction by the Commissioner of Internal Revenue in cases involving disputed assessments, refunds or internal revenue taxes, fees of other charges, penalties in relation thereto, or other matters arising under the National Internal Revenue Code or other laws administered by the Bureau of Internal Revenue, where the National Internal Revenue Code provides a specific period for action, in which case the inaction shall be deemed a denial;

x x x x x x

in relation to Rule 8, Section 4(a) of the Revised Rules of the Court of Tax Appeals (RRCTA)[3], as amended.

Petitioner seeks the refund of the amount of ₱50,060,766.08, allegedly representing its unutilized or excess creditable input value-added tax (VAT) paid or incurred on its domestic purchases of goods and services, all attributable to zero-rated sales for the period covering January 1, 2012 to December 31, 2012, pursuant to Sections 108(B)(7) and 112(A) of the National Internal Revenue Code (NIRC) of 1997, as amended.

Petitioner CBK Power Company Limited is a partnership duly organized and existing under and by virtue of the laws of the Philippines, with principal office at the NPC Compound, Kalayaan,

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[3] Rule 4, Sec. 3. *Cases within the jurisdiction of the Court in Division.* – The Court in Division shall exercise:

> (a) Exclusive original over or appellate jurisdiction to review by appeal the following:
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> (2) Inaction by the Commissioner of Internal Revenue in cases involving disputed assessments, refunds of internal revenue taxes, fees or other charges, penalties in relation thereto, or other matters arising under the National Internal Revenue Code or other laws administered by the Bureau of Internal Revenue, where the National Internal Revenue Code or other applicable law provides a specific period for action: *Provided,* that in case of disputed assessments, the inaction of the Commissioner of Internal Revenue within the one hundred eighty day-period under Section 228 of the National Internal Revenue Code shall be deemed a denial for purposes of allowing the taxpayer to appeal his case to the Court and does not necessarily constitute a formal decision of the Commissioner of Internal Revenue on the tax case; *Provided, further,* that should the taxpayer opt to await the final decision of the Commissioner of Internal Revenue on the disputed assessments beyond the one hundred eighty day-period abovementioned, the taxpayer may appeal such final decision to the Court under Section 3(a), Rule 8 of these Rules;
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> x x x x x x

Rule 8. Sec. 4. *Where to appeal; mode of appeal.-*

> (a) An appeal from a decision or ruling or the inaction of the Commissioner of Internal Revenue on disputed assessments or claim for refund of internal revenue taxes erroneously or illegally collected, the decision or ruling of the Commissioner of Customs, the Secretary of Finance, the Secretary of Trade & Industry, the Secretary of Agriculture, and the Regional Trial Court in the exercise of their original jurisdiction, shall be taken to the Court by filing before it a petition for review as provided in Rule 42 of the Rules of Court. The Court in Division shall act on the appeal.
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Laguna. It is a special purpose entity, the sole purpose of which is to engage in all aspects of (a) the design, financing, construction, testing, commissioning, operation, maintenance, management and ownership of the Kalayaan II pumped storage hydroelectric power plant, the New Caliraya Spillway, and other assets to be located in the Province of Laguna, and (b) the rehabilitation, upgrade, expansion, testing, commissioning, operation, maintenance and management of the Caliraya, Botocan and Kalayaan I hydroelectric power plants and their related facilities located in the Province of Laguna.[4] Petitioner is registered as a VAT entity with the Bureau of Internal Revenue (BIR) with Taxpayer Identification Number (TIN) 205-760-474-000. It was issued a BIR Certificate of Registration No. OCN 8RC0000019901 dated April 10, 2000.[5]

On the other hand, respondent is the duly appointed Commissioner of the BIR who has the power to decide disputed assessments, refunds of internal revenue taxes, fees or other charges, penalties imposed in relation thereto or other matters arising under the Tax Code or other laws or portions thereof administered by the BIR. He holds office at the 5th Floor, BIR National Office Building, Agham Road, Diliman, Quezon City.

On September 20, 2000, petitioner entered into a Second Accession Undertaking[6] with the National Power Corporation (NPC), Industrias Metalurgicas Pescarmona S.A. (IMPSA), and CBK Power Corporation, wherein petitioner became a party to the Build-Rehabilitate-Operate-Transfer (BROT) Agreement[7] dated November 6, 1998. By virtue of the Second Accession Undertaking, petitioner shall assume and undertake the responsibility to rehabilitate, construct, operate, and maintain the Caliraya, Botocan, and Kalayaan hydroelectric power plants and other civil structures for the purpose of generating electricity for NPC. In consideration thereof, NPC shall pay petitioner Capital Recovery Fees, Operation and Maintenance Fees, and other amounts specified in the BROT Agreement.[8]

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[4] Exhibits "P-10" and "P-11", Docket, vol. IV, pp. 2756-2767.
[5] Par. 3, Joint Stipulation of Facts and Issues (JSFI), Docket, vol. II, p. 1340; Exhibit "P-12", Docket, vol. IV, p. 2768.
[6] Exhibit "P-4", Docket, vol. IV, pp. 2615-2622.
[7] Exhibit "P-3", Docket, vol. IV, pp. 2454-2614.
[8] Page 15 of Exhibit "P-3", Docket, vol. IV, p. 2478.

Consequently, petitioner entered into an Agreement with IMPSA Construction Corporation designated as Turnkey Contract[9] dated August 18, 2000, whereby IMPSA Construction Corporation as Contractor represented itself to be technically and financially capable of undertaking the design, engineering, procurement, supply of all plant and materials, rehabilitation, construction, commissioning, testing, completion and handover of such power plants, together with the civil structures, access roads and other works as specified in the BROT Agreement, on a fixed price, turnkey basis.

Petitioner filed with the BIR its Monthly VAT Declarations and Original Quarterly VAT Returns for the first, second, third, and fourth quarters of calendar year (CY) 2012 on April 25, 2012[10], on July 25, 2012[11], on October 24, 2012[12], and on January 24, 2013[13], respectively.

Subsequently, petitioner amended its Monthly VAT Declarations and Quarterly VAT Returns for the same period of January 1, 2012 to December 31, 2012. Petitioner filed its last Amended Quarterly VAT Returns for the four (4) quarters of CY 2012 on October 18, 2013.[14]

On November 18, 2013, petitioner filed with the BIR Large Taxpayers Service (LTS), Revenue District Office (RDO) No. 121, an administrative claim for the refund of the amount of ₱50,060,766.08, allegedly representing its unutilized or excess creditable input taxes paid or incurred on its domestic purchases of goods and services, all attributable to zero-rated sales for January 1, 2012 to December 31, 2012.[15] It also submitted to the BIR the complete documents in support of its administrative claim dated November 18, 2013 in accordance with Section 112 of the NIRC of 1997, as amended, and its implementing rules and regulations.[16]

Due to respondent's inaction, petitioner filed the present Petition for Review on March 21, 2014.

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[9] Exhibit "P-5", Docket, vol. IV, pp. 2623-2751.
[10] Exhibits "P-100-T-1".
[11] Exhibits "P-100-T-4".
[12] Exhibits "P-100-T-7".
[13] Exhibits "P-100-T-10".
[14] Exhibits "P-100-T-3", "P-100-T-6", "P-100-T-9", and "P-100-T-11".
[15] Exhibits "P-1", "P-1-a" and "P-2", Docket, vol. IV, pp. 2437-2452 and 2453, respectively.
[16] Exhibit "P-1", Docket, vol. IV, pp. 2446-2452.

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On April 14, 2014, respondent filed his Answer[17], interposing the following Special and Affirmative Defenses:

"SPECIAL AND AFFIRMATIVE DEFENSES

4. Petitioner's alleged claim for refund is subject to administrative routinary investigation/examination by the Bureau.

5. The amount of P50,060,766.08 representing alleged unutilized or excess creditable input taxes allegedly paid or incurred on petitioner's domestic purchases of goods other than capital goods, importations of goods other than capital goods, domestic purchases of services, payments for services rendered by non-residents, purchases of capital goods not exceeding P1million, and purchases of capital goods exceeding P1million, for the period 1 January 2012 to 31 December 2012, allegedly attributable to zero-rated sales for the period 1 January 2012 to 31 December 2012 was not properly documented.

6. In an action for refund, the burden of proof is on the taxpayer to establish its right to refund, and failure to sustain the burden is fatal to the claim for refund/credit.

7. Petitioner must show that it has complied with the provisions of Section 112 of the NIRC of 1997 on the prescriptive period for claiming tax refund/credit.

8. Petitioner must prove that it paid the alleged VAT input taxes for the periods stated.

9. Petitioner must prove that its sale of services is subject to VAT at zero percent (0%).

10. Petitioner must prove that its alleged unutilized input VAT has not been applied against any output tax liabilities both in the current or succeeding year.

11. There is no record of petitioner ever submitting complete documents to substantiate its administrative claim for refund. Such is a requirement, otherwise, the administrative body will have sufficient reason to deny the claim. As held by the

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[17] Docket, vol. I, pp. 254-263.

Honorable Supreme Court in the case of *Atlas Consolidated Mining and Development Corporation vs. Commissioner of Internal Revenue, G.R.* 145526, *16 March 2007:*

> 'Petitioner's contention that non-compliance with Revenue Regulations 3-88 could not have adversely affected its case in the CTA indicates a failure on its part to appreciate the nature of the proceedings in that court. First, a judicial claim for refund or tax credit in the CTA is by no means an original action but rather an appeal by way of petition of review of a previous, unsuccessful administrative claim. **Therefore, as in every appeal or petition for review, a petitioner has to convince the appellate court that the quasi-judicial agency a quo did not have any reason to deny its claims. In this case, it was necessary for petitioner to show the CTA not only that it was entitled under substantive law to the grant of its claims but also that it satisfied all the documentary and evidentiary requirements for an administrative claim for refund or tax credit.** Second, cases filed in the CTA are litigated de novo. Thus, a petitioner should prove every minute aspect of its case by presenting, formally offering and submitting its evidence to the CTA. **Since it is crucial for a petitioner in a judicial claim for refund or tax credit to show that its administrative claim should have been granted in the first place, part of the evidence to be submitted to the CTA must necessarily include whatever is required for the successful prosecution of an administrative claim**.' (emphasis and underscoring supplied)

11. The implementing rule for these complete documents required by law is RMO No. 53-98. Annex B-1 of said RMO lists all the required documents as follows:

VALUE-ADDED TAX

(For audit involving Claim for Refund/ TCC)

A.) Requirements from Taxpayer

I. Requirements mention in Annex B

II. Additional General Requirements

1) 3 copies of 'Application for VAT Credit/Refund'

2) Summary List of Local Purchases specifying the following:

xxx xxx xxx

3) Photocopies of VAT purchase invoices for purchase of goods and official receipts for purchase of services. (The invoices/official receipts must be arranged according to the summary list)

4) Summary of importations made during the period with the following details:

xxx xxx xxx

5) Photocopies of invoices, import entry documents, official receipts or confirmation receipts evidencing payment of VAT. (Segregate documents paid by cash from those paid by tax debit memo)

6) VAT Returns filed for the quarter showing that the amount applied for refund/TCC has been reflected as a deduction from the total available input tax, as well as VAT Return for the succeeding quarter

7) Certification of taxpayer showing the amount of Zero-rated Sales, Taxable Sales and Exempt Sales

8) A statement showing the amount and description of the sale of goods and services, name of persons or entities (except in case of exports) to whom the goods or services were sold and date of the transaction, where the applicant's zero-rated transactions are regulated by certain government agency.

9) Articles of Incorporation – for first time filers

10) Sales Contract/Agreement

11) BOI Certificate of Registration

12) BIR Certificate of Registration

13) Certification from BOI, DOF, BOC, EPZA, etc., that subject taxpayer has not filed similar claim for refund covering the same period.

14) Sworn statement that ending inventory as of the close of the period covered by the Claim has been used directly or indirectly in the products subsequently exported as supported by export documents, if the applicant is 100% exporter.

15) Documents of liquidation evidencing the actual utilization of the raw materials in the manufacture of goods at least 70% of which has been actually exported, if the applicant is an indirect exporter.

16) Copy of the ITR and Certified Financial Statements, if applicable.

17) Beginning and ending inventory of raw materials, work-in-process, finished goods, supplies and materials.

Additional Specific Requirements

1) For Zero-Rated Sales of Services (contractors, mining, etc)

a. Authenticated copy/ies of the contract/s showing the person/s for whom the services were rendered, amount of consideration, description of the services and documents evidencing actual payments.

b. Photocopies of official receipts and billings together with a summary of the date of billing, name of principal, official receipt number, date of receipt, amount in foreign currency and the corresponding value thereof, date of remittance, name of bank, bank credit memo number and amount remitted in pesos.

c. Bank credit memoranda and certificate from the BSP with information similar to 1 -c (export sales)

12. As stated above, the first documentary requirement is that provided in Annex B of the same RMO. Annex B provides for more requirements as follows:

VALUE-ADDED TAX

A) Requirements from Taxpayers

1) Proof of claimed tax credits
2) Proof of Tax Compliance Certificates applied
3) Xerox copy of used Tax Credit Certificate (TCC) with annotation of issued TDM at the back, if applicable
4) Proof of payment of deficiency tax, if any
   a) current year/period
   b) previous year/period
5) Certification of the appropriate government agency as to taxpayer's entitlement to tax incentives, if applicable
6) Xerox copies of the Official Receipts evidencing VAT payment on imported purchases, if applicable
7) Proof of exemption under special law, if applicable
8) Certification of the appropriate regulatory agency as to the exempt or zero-rated sales of the taxpayer under its regulatory supervision, if applicable
9) Certificate of Registration issued by the appropriate regulatory agency, together with the conditions attached to such registration, if applicable
10) Proof of 'Approval for Effective Xero-Rating of Sales', if applicable
11) Sample invoice/s for 'Export/Exempt Sales', if applicable
12) Proof that the acceptable foreign currency exchange proceeds on export sales/ foreign currency denominated sales had been duly accounted for in accordance with the rules and regulations of the Bangko Sentral ng Pilipinas (BSP), if applicable.

13. Far from complying with the checklist of requirements, petitioner merely stated in the petition that it submitted complete documents in support of its administrative claim for refund. This is not a claim for erroneously or illegally collected taxes where petitioner has the discretion of choosing the evidence it deems fit to prove its case. This is a claim for excess but legally collected, unutilized input taxes. It does not have to prove its case because the law already acknowledges it is entitled to refund. Thus, it merely has to substantiate the export sales and the excess amount. Hence, petitioner's failure to comply with the duly mandated legal requirements in such claims for refund/tax credit warranted the denial by inaction of the administrative claim.

14. The power to tax is the most effective instrument to raise needed revenues to finance and support the myriad activities of the government for the delivery of basic services essential to the promotion of the general welfare and enhancement of peace, progress, and prosperity of the people (***Mactan Cebu International Airport Authority vs. Marcos, 261 SCRA 667, 690***). Consequently, any delay in implementing tax measures would be to the detriment of the public. It is for this

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reason that claims for refund are required to be done within certain time frames. In the instant petition, the failure of petitioner to comply with such periods is fatal to its cause.

15. Moreover, petitioner's failure to submit documents supporting its claim for refund makes its administrative claim for refund pro-forma. This pro-forma administrative claim should not be taken as proper compliance with the requirements of the law that an administrative claim for refund should have been filed prior to the institution of a judicial claim for refund. Thus, without a validly and duly filed administrative claim for refund, the Honorable Court is without jurisdiction to entertain the Petition for Review. Petitioner's failure to comply with a condition precedent prior to the institution of its petition for review makes it dismissible for absence of jurisdiction on the part of the Honorable Court.

16. The claimant has the burden of proof to establish the factual basis of his claim for tax credit or refund. After all tax refunds, like tax exemptions, are construed strictly against the taxpayer **(Citibank N.A. vs. Court of Appeals and Commissioner of Internal Revenue, 280 SCRA 459; Commissioner of Internal Revenue vs. Tokyo Shipping Co., Ltd., 244 SCRA 332, both cited in Benguet Corporation vs. Commissioner of Internal Revenue, CTA Case No. 5392 promulgated October 30, 1998).**

17. Partaking of the nature of exemptions, claims for refund are strictly construed against the claimant and cannot be allowed unless granted in the most explicit and categorical language **(Sps. Aguilar vs. Commissioner of Internal Revenue, et al., CA G.R.SP No. 16432, March 30, 1999).** Being in the nature of tax exemptions, these claims are regarded as in derogation of sovereign authority and to be construed strictissimi juris against the claimant and liberally in favor of the taxing authority **(Commissioner of Internal Revenue vs. Procter and Gamble Philippines Manufacturing Corporation, 204 SCRA 377).**

18. Claims for refund are construed strictly against the claimant for the same partake the nature of exemption from taxation *(Commissioner of Internal Revenue vs. Ledesma, 31 SCRA 95)* and such, they are looked upon with disfavor *(Western Minolco Corp. vs. Commissioner of Internal Revenue, 124 SCRA 1211)."*

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The case was set for Pre-Trial Conference on May 30, 2014.[18] Respondent's Pre-Trial Brief[19] was filed on May 14, 2014; while petitioner filed its Pre-Trial Brief[20] on May 21, 2014.

The parties filed their Joint Stipulation of Facts and Issues[21] on June 13, 2014 and Supplemental Joint Stipulation of Facts and Issues[22] on July 1, 2014. Both were approved by the Court in the Resolution[23] dated September 17, 2014. The Pre-Trial Order[24] was issued on October 9, 2014.

During the trial, petitioner presented its documentary and testimonial evidence. It presented two witnesses namely: Fernando J. De la Paz;[25] and Atty. Leonard L. Escueta,[26] the Independent Certified Public Accountant (CPA).

On May 12, 2015, petitioner filed its Formal Offer of Evidence[27], offering Exhibits "P-1", inclusive of sub-marking, "P-1-a", "P-2", inclusive of sub-marking, "P-2-a", "P-3", "P-4", "P-5", "P-6", "P-7", "P-8", "P-9", "P-10", "P-11", "P-12", "P-13", "P-14", "P-15", "P-16", "P-17", "P-18", inclusive of sub-marking, "P-18-a", "P-19", inclusive of sub-marking, "P-19-a", "P-20", inclusive of sub-marking, "P-20-a", "P-21", inclusive of sub-marking, "P-21-a", "P-22", inclusive of sub-marking, "P-22-a", "P-100", inclusive of sub-marking, "P-100-A", "P-100-B", inclusive of all sub-markings, "P-100-B-1", inclusive of sub-markings, "P-100-B-2", inclusive of sub-markings, "P-100-B-3", inclusive of sub-markings, "P-100-B-4", inclusive of sub-markings, "P-100-B-5", inclusive of sub-markings, "P-100-C", inclusive of all sub-markings, "P-100-C-1", inclusive of sub-markings, "P-100-C-2", inclusive of sub-markings, "P-100-C-3", inclusive of sub-markings, "P-100-C-4", inclusive of sub-markings, "P-100-C-5", inclusive of sub-markings, "P-100-C-6", inclusive of sub-markings, "P-100-C-7", inclusive of sub-markings, "P-100-C-8", inclusive of sub-markings, "P-

[18] Notice of Pre-Trial Conference, Docket, vol. I, p. 265.
[19] Docket, vol. I, pp. 266-270.
[20] Docket, vol. I, pp. 271-292.
[21] Docket, vol. II, pp. 1339-1341.
[22] Docket, vol. II, pp. 1361-1365.
[23] Docket, vol. II, pp. 1631-1632.
[24] Docket, vol. III, pp. 1648-1656.
[25] Minutes of the hearing dated August 26, 2014, Docket, vol. II, pp. 1621-1625.
[26] Minutes of the hearings dated February 3, 2015 and March 17, 2015, Docket, vol. III, pp. 2199-2200 and 2303-2307, respectively.
[27] Docket, vol. IV, pp. 2317-2436.

100-D", inclusive of all sub-markings, "P-100-D-1", inclusive of sub-markings, "P-100-D-2", inclusive of sub-markings, "P-100-D-3", inclusive of sub-markings, "P-100-D-4", inclusive of sub-markings, "P-100-E", inclusive of all sub-markings, "P-100-E-1", inclusive of sub-markings, "P-100-F", inclusive of all sub-markings, "P-100-F-1", inclusive of sub-markings, "P-100-G", inclusive of all sub-markings, "P-100-G-1", inclusive of sub-markings, "P-100-H", inclusive of all sub-markings, "P-100-H-1", inclusive of sub-markings, "P-100-H-2", inclusive of sub-markings, "P-100-H-3", inclusive of sub-markings, "P-100-H-4", inclusive of sub-markings, "P-100-H-5", inclusive of sub-markings, "P-100-H-6", inclusive of sub-markings, "P-100-I", inclusive of all sub-markings, "P-100-J", inclusive of all sub-markings, "P-100-K", inclusive of all sub-markings, "P-100-K-1", inclusive of sub-markings, "P-100-K-2", inclusive of sub-markings, "P-100-K-3", inclusive of sub-markings, "P-100-K-4", inclusive of sub-markings, "P-100-L", inclusive of all sub-markings, "P-100-L-1", inclusive of sub-markings, "P-100-M", inclusive of all sub-markings, "P-100-M-1", inclusive of sub-markings, "P-100-M-2", inclusive of sub-markings, "P-100-N", inclusive of all sub-markings, "P-100-N-1", inclusive of sub-markings, "P-100-O", inclusive of all sub-markings, "P-100-O-1", inclusive of sub-markings, "P-100-P", inclusive of all sub-markings, "P-100-P-1", inclusive of sub-markings, "P-100-P-2", inclusive of sub-markings, "P-100-Q", inclusive of sub-markings, "P-100-Q-1", inclusive of sub-markings, "P-100-Q-2", inclusive of sub-markings, "P-100-Q-3", inclusive of sub-markings, "P-100-Q-4", inclusive of sub-markings, "P-100-Q-5", inclusive of sub-markings, "P-100-Q-6", inclusive of sub-markings, "P-100-Q-7", inclusive of sub-markings, "P-100-Q-8", inclusive of sub-markings, "P-100-Q-9", inclusive of sub-markings, "P-100-Q-10", inclusive of sub-markings, "P-100-Q-11", inclusive of sub-markings, "P-100-Q-12", inclusive of sub-markings, "P-100-Q-13", inclusive of sub-markings, "P-100-Q-14", inclusive of sub-markings, "P-100-Q-15", inclusive of sub-markings, "P-100-Q-16", inclusive of sub-markings, "P-100-Q-17", inclusive of sub-markings, "P-100-Q-18", inclusive of sub-markings, "P-100-Q-19", inclusive of sub-markings, "P-100-Q-20", inclusive of sub-markings, "P-100-Q-21", inclusive of sub-markings, "P-100-Q-22", inclusive of sub-markings, "P-100-Q-23", inclusive of sub-markings, "P-100-Q-24", inclusive of sub-markings, "P-100-Q-25", inclusive of sub-markings, "P-100-Q-26", inclusive of sub-markings, "P-100-Q-27", inclusive of sub-markings, "P-100-Q-28", inclusive of sub-markings, "P-100-Q-29", inclusive of sub-markings, "P-100-Q-30", inclusive of sub-markings, "P-100-Q-31", inclusive of sub-markings, "P-100-Q-32", inclusive of sub-markings, "P-100-Q-33", inclusive of sub-markings, "P-100-Q-34", inclusive of sub-markings, "P-

100-Q-35", inclusive of sub-markings, "P-100-Q-36", inclusive of sub-markings, "P-100-Q-37", inclusive of sub-markings, "P-100-R", inclusive of sub-markings, "P-100-R-1", inclusive of sub-markings, "P-100-R-2", inclusive of sub-markings, "P-100-R-3", inclusive of sub-markings, "P-100-R-4", inclusive of sub-markings, "P-100-R-5", inclusive of sub-markings, "P-100-R-6", inclusive of sub-markings, "P-100-R-7", inclusive of sub-markings, "P-100-R-8", inclusive of sub-markings, "P-100-R-9", inclusive of sub-markings, "P-100-R-10", inclusive of sub-markings, "P-100-R-11", inclusive of sub-markings, "P-100-R-12", inclusive of sub-markings, "P-100-S", inclusive of sub-markings, "P-100-S-1", inclusive of sub-markings, "P-100-S-2", inclusive of sub-markings, "P-100-T", inclusive of sub-markings, "P-100-T-1", inclusive of sub-markings, "P-100-T-2", inclusive of sub-markings, "P-100-T-3", inclusive of sub-markings, "P-100-T-3-a", inclusive of sub-markings, "P-100-T-3-b", inclusive of sub-markings, "P-100-T-3-c", inclusive of sub-markings, "P-100-T-3-d", inclusive of sub-markings, "P-100-T-3-e", inclusive of sub-markings, "P-100-T-3-f", inclusive of sub-markings, "P-100-T-3-g", inclusive of sub-markings, "P-100-T-3-h", inclusive of sub-markings, "P-100-T-3-i", inclusive of sub-markings, "P-100-T-3-j", inclusive of sub-markings, "P-100-T-3-k", inclusive of sub-markings, "P-100-T-3-l", inclusive of sub-markings, "P-100-T-4", inclusive of sub-markings, "P-100-T-5", inclusive of sub-markings, "P-100-T-6", inclusive of sub-markings, "P-100-T-6-a", inclusive of sub-markings, "P-100-T-6-b", inclusive of sub-markings, "P-100-T-6-c", inclusive of sub-markings, "P-100-T-6-d", inclusive of sub-markings, "P-100-T-6-e", inclusive of sub-markings, "P-100-T-6-f", inclusive of sub-markings, "P-100-T-6-g, inclusive of sub-markings, "P-100-T-6-h", inclusive of sub-markings, "P-100-T-6-i", inclusive of sub-markings, "P-100-T-6-j", inclusive of sub-markings, "P-100-T-6-k", inclusive of sub-markings, "P-100-T-6-l", inclusive of sub-markings, "P-100-T-7", inclusive of sub-markings, "P-100-T-8", inclusive of sub-markings, "P-100-T-9", inclusive of sub-markings, "P-100-T-9-a", inclusive of sub-markings, "P-100-T-9-b", inclusive of sub-markings, "P-100-T-9-c", inclusive of sub-markings, "P-100-T-9-d", inclusive of sub-markings, "P-100-T-9-e", inclusive of sub-markings, "P-100-T-9-f", inclusive of sub-markings, "P-100-T-9-g", inclusive of sub-markings, "P-100-T-9-h", inclusive of sub-markings, "P-100-T-9-i", inclusive of sub-markings, "P-100-T-9-j", inclusive of sub-markings, "P-100-T-9-k", inclusive of sub-markings, "P-100-T-9-l", inclusive of sub-markings, "P-100-T-10", inclusive of sub-markings, "P-100-T-11", inclusive of sub-markings, "P-100-T-11-a", inclusive of sub-markings, "P-100-T-11-b", inclusive of sub-markings, "P-100-T-11-c", inclusive of sub-markings, "P-100-T-11-d", inclusive of sub-markings, "P-100-T-11-e", inclusive of

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sub-markings, "P-100-T-11-f", inclusive of sub-markings, "P-100-T-11-g", inclusive of sub-markings, "P-100-T-11-h", inclusive of sub-markings, "P-100-T-11-i", inclusive of sub-markings, "P-100-T-11-j", inclusive of sub-markings, "P-100-T-11-k", inclusive of sub-markings, "P-100-T-11-l", inclusive of sub-markings, "P-100-T-11-m", inclusive of sub-markings, "P-100-T-11-n", inclusive of sub-markings, "P-100-T-12", inclusive of sub-markings, "P-100-T-13", inclusive of sub-markings, "P-100-T-14", inclusive of sub-markings, "P-100-T-15", inclusive of sub-markings, "P-100-T-16", inclusive of sub-markings, "P-100-T-17", inclusive of sub-markings, "P-100-T-18", inclusive of sub-markings, "P-100-T-19", inclusive of sub-markings, "P-100-T-20", inclusive of sub-markings, "P-100-T-21", inclusive of sub-markings, "P-100-T-22", inclusive of sub-markings, "P-100-T-23", inclusive of sub-markings, "P-100-T-24", inclusive of sub-markings, "P-100-T-25", inclusive of sub-markings, "P-100-T-26", inclusive of sub-markings, "P-100-T-27", inclusive of sub-markings, "P-100-T-28", inclusive of sub-markings, "P-100-T-29", inclusive of sub-markings, "P-100-T-30", inclusive of sub-markings, "P-100-T-31", inclusive of sub-markings, "P-100-T-32", inclusive of sub-markings, "P-100-T-33", inclusive of sub-markings, "P-100-T-34", inclusive of sub-markings, "P-100-T-35", inclusive of sub-markings, "P-100-U", inclusive of sub-markings, "P-100-U-1", inclusive of sub-markings, "P-100-V", inclusive of sub-markings, "P-100-V-1", inclusive of sub-markings, "P-100-W", inclusive of sub-markings, "P-100-W-1", inclusive of sub-markings, "P-100-W-2", inclusive of sub-markings, "P-100-W-2-a", inclusive of sub-markings, "P-100-W-3", inclusive of sub-markings, "P-100-W-4", inclusive of sub-markings, "P-100-W-4-a", inclusive of sub-markings, "P-100-W-5", inclusive of sub-markings, "P-100-W-5-a", inclusive of sub-markings, "P-100-W-6", inclusive of sub-markings, "P-100-W-6-a", inclusive of sub-markings, "P-100-X", inclusive of sub-markings, "P-100-X-1", inclusive of sub-markings, "P-100-X-1-a", inclusive of sub-markings, "P-100-X-2", inclusive of sub-markings, "P-100-X-2-a", inclusive of sub-markings, "P-100-X-3", inclusive of sub-markings, "P-100-X-3-a", inclusive of sub-markings, "P-100-X-4", inclusive of sub-markings, "P-100-X-4-a", inclusive of sub-markings, "P-100-Y", inclusive of sub-markings, "P-100-Y-1", inclusive of sub-markings, "P-100-Y-2", inclusive of sub-markings, "P-100-Y-3", inclusive of sub-markings, "P-100-Y-4", inclusive of sub-markings, "P-100-Y-5", inclusive of sub-markings, "P-100-Y-6", inclusive of sub-markings, "P-100-Y-7", inclusive of sub-markings, "P-100-Y-8", inclusive of sub-markings, "P-100-Y-9", inclusive of sub-markings, "P-100-Y-10", inclusive of sub-markings, "P-100-Y-10-a", inclusive of sub-markings, "P-100-Y-10-b", inclusive of sub-markings, "P-100-Y-11", inclusive of

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sub-markings, "P-100-Y-11-a", inclusive of sub-markings, "P-100-Y-12", inclusive of sub-markings, "P-100-Y-12-a", inclusive of sub-markings, "P-100-Y-13", inclusive of sub-markings, "P-100-Y-14", inclusive of sub-markings, "P-100-Y-15", inclusive of sub-markings, "P-100-Y-16", inclusive of sub-markings, "P-100-Y-17", inclusive of sub-markings, "P-100-Y-18", inclusive of sub-markings, "P-100-Y-19", inclusive of sub-markings, "P-100-Y-20", inclusive of sub-markings, "P-100-Y-21", inclusive of sub-markings, "P-100-Y-22", inclusive of sub-markings, "P-100-Y-22-a", inclusive of sub-markings, "P-100-Y-22-b", inclusive of sub-markings, "P-100-Y-23", inclusive of sub-markings, "P-100-Y-23-a", inclusive of sub-markings, "P-100-Y-24", inclusive of sub-markings, "P-100-Y-24-a", inclusive of sub-markings, "P-100-Y-25", inclusive of sub-markings, "P-100-Y-26", inclusive of sub-markings, "P-100-Y-27", inclusive of sub-markings, "P-100-Y-28", inclusive of sub-markings, "P-100-Y-29", inclusive of sub-markings, "P-100-Y-30", inclusive of sub-markings, "P-100-Y-31", inclusive of sub-markings, "P-100-Y-32", inclusive of sub-markings, "P-100-Y-33", inclusive of sub-markings, "P-100-Y-34", inclusive of sub-markings, "P-100-Y-34-a", inclusive of sub-markings, "P-100-Y-34-b", inclusive of sub-markings, "P-100-Y-35", inclusive of sub-markings, "P-100-Y-35-a", inclusive of sub-markings, "P-100-Y-36", inclusive of sub-markings, "P-100-Y-36-a", inclusive of sub-markings, "P-100-Y-37", inclusive of sub-markings, "P-100-Y-38", inclusive of sub-markings, "P-100-Y-39", inclusive of sub-markings, "P-100-Y-40", inclusive of sub-markings, "P-100-Y-41", inclusive of sub-markings, "P-100-Y-42", inclusive of sub-markings, "P-100-Y-42-a", inclusive of sub-markings, "P-100-Y-42-b", inclusive of sub-markings, "P-100-Y-43", inclusive of sub-markings, "P-100-Y-43-a", inclusive of sub-markings, "P-100-Y-44", inclusive of sub-markings, "P-100-Y-44-a", inclusive of sub-markings, "P-100-Z", inclusive of sub-markings, "P-100-Z-1", inclusive of sub-markings, "P-100-Z-2", inclusive of sub-markings, "P-100-Z-3", inclusive of sub-markings, "P-100-Z-4", inclusive of sub-markings, "P-100-Z-5", inclusive of sub-markings, "P-100-Z-6", inclusive of sub-markings, "P-100-Z-7", inclusive of sub-markings, "P-100-Z-8", inclusive of sub-markings, "P-100-AA", inclusive of sub-markings, "P-100-AA-1", inclusive of sub-markings, "P-100-AA-2", inclusive of sub-markings, "P-100-AA-3", inclusive of sub-markings, "P-100-AA-4", inclusive of sub-markings, "P-100-AA-5", inclusive of sub-markings, "P-100-AA-6", inclusive of sub-markings, "P-100-AA-7", inclusive of sub-markings, "P-100-AA-8", inclusive of sub-markings, "P-100-AA-9", inclusive of sub-markings, "P-100-AA-10", inclusive of sub-markings, "P-100-AA-11", inclusive of sub-markings, "P-100-AA-12", inclusive of sub-markings, "P-100-AA-13", inclusive of sub-markings, "P-100-AA-14", inclusive of sub-

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markings, "P-100-AA-15", inclusive of sub-markings, "P-100-AA-16", inclusive of sub-markings, "P-100-AA-17", inclusive of sub-markings, "P-100-AA-18", inclusive of sub-markings, "P-100-AA-19", inclusive of sub-markings, "P-100-AA-20", inclusive of sub-markings, "P-100-AA-21", inclusive of sub-markings, "P-100-AA-22", inclusive of sub-markings, "P-100-AA-23", inclusive of sub-markings, "P-100-AA-24", inclusive of sub-markings, "P-100-BB", inclusive of sub-markings, "P-100-BB-1", inclusive of sub-markings, "P-100-BB-2", inclusive of sub-markings, "P-100-BB-3", inclusive of sub-markings, "P-100-BB-4", inclusive of sub-markings, "P-100-BB-5", inclusive of sub-markings, "P-100-BB-6", inclusive of sub-markings, "P-100-BB-7", inclusive of sub-markings, "P-100-BB-8", inclusive of sub-markings, "P-100-BB-9", inclusive of sub-markings, "P-100-BB-10", inclusive of sub-markings, "P-100-BB-11", inclusive of sub-markings, "P-100-BB-12", inclusive of sub-markings, "P-100-BB-13", inclusive of sub-markings, "P-100-BB-14", inclusive of sub-markings, "P-100-BB-15", inclusive of sub-markings, "P-100-BB-16", inclusive of sub-markings, "P-100-BB-17", inclusive of sub-markings, "P-100-BB-18", inclusive of sub-markings, "P-100-BB-19", inclusive of sub-markings, "P-100-BB-19-a", inclusive of sub-markings, "P-100-BB-20", inclusive of sub-markings, "P-100-BB-20-a", inclusive of sub-markings, "P-100-BB-21", inclusive of sub-markings, "P-100-BB-21-a", inclusive of sub-markings, "P-100-CC", inclusive of sub-markings, "P-100-DD", inclusive of sub-markings, "P-100-DD-1" to "P-100-DD-32", inclusive of sub-markings, "P-100-EE", inclusive of sub-markings, "P-100-EE-1" to "P-100-EE-263, inclusive of sub-markings, "P-100-FF", inclusive of sub-markings, "P-100-FF-1" to "P-100-FF-254", inclusive of sub-markings, "P-100-GG", inclusive of sub-markings, "P-100-GG-1", inclusive of sub-markings, "P-100-GG-1-a", inclusive of sub-markings, "P-100-GG-2", inclusive of sub-markings, "P-100-GG-2-a", inclusive of sub-markings, "P-100-GG-3", inclusive of sub-markings, "P-100-GG-3-a" to "P-100-GG-3-g", inclusive of sub-markings, "P-100-GG-4, inclusive of sub-markings, "P-100-GG-4-a", inclusive of sub-markings, "P-100-GG-5", inclusive of sub-markings, "P-100-GG-5-a", inclusive of sub-markings, "P-100-GG-6", inclusive of sub-markings, "P-100-GG-6-a", inclusive of sub-markings, "P-100-GG-7", inclusive of sub-markings, "P-100-GG-7-a", inclusive of sub-markings, "P-100-HH", inclusive of sub-markings, "P-100-HH-1", inclusive of sub-markings, "P-100-HH-1-a", inclusive of sub-markings, "P-100-HH-2", inclusive of sub-markings, "P-100-HH-2-a", inclusive of sub-markings, "P-100-HH-3", inclusive of sub-markings, "P-100-HH-3-a" to "P-100-HH-3-b", inclusive of sub-markings, "P-100-HH-4", inclusive of sub-markings, "P-100-HH-4-a" to "P-100-HH-4-b", inclusive of sub-markings, "P-100-HH-5", inclusive of sub-markings,

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"P-100-HH-5-a", inclusive of sub-markings, "P-100-II", inclusive of sub-markings, "P-100-II-1, inclusive of sub-markings, "P-100-II-1-a" to "P-100-II-1-j", inclusive of sub-markings, "P-100-II-2", inclusive of sub-markings, "P-100-II-2-a" to "P-100-II-2-j", inclusive of sub-markings, "P-100-JJ", inclusive of sub-markings, "P-100-JJ-1", inclusive of sub-markings, "P-100-JJ-1-a", inclusive of sub-markings, "P-100-JJ-2", inclusive of sub-markings, "P-100-JJ-2-a", inclusive of sub-markings, "P-100-KK", inclusive of sub-markings, "P-100-KK-1", inclusive of sub-markings, "P-100-KK-1-a" to "P-100-KK-1-i", inclusive of sub-markings, "P-100-KK-2", inclusive of sub-markings, "P-100-KK-2-a" to "P-100-KK-2-i", inclusive of sub-markings, "P-100-LL", inclusive of sub-markings, "P-100-LL-1", inclusive of sub-markings, "P-100-LL-1-a" to "P-100-LL-1-d", inclusive of sub-markings, "P-100-LL-2", inclusive of sub-markings, "P-100-LL-2-a" to "P-100-LL-2-d", inclusive of sub-markings, "P-100-MM", inclusive of sub-markings, "P-100-MM-1", inclusive of sub-markings, "P-100-MM-1-a" to "P-100-MM-1-c", inclusive of sub-markings, "P-100-MM-2", inclusive of sub-markings, "P-100-MM-2-a" to "P-100-MM-2-b", inclusive of sub-markings, "P-100-MM-3", inclusive of sub-markings, "P-100-MM-3-a", inclusive of sub-markings, "P-100-MM-4", inclusive of sub-markings, "P-100-MM-4-a", inclusive of sub-markings, "P-100-MM-5", inclusive of sub-markings, "P-100-MM-5-a" to "P-100-MM-5-g", inclusive of sub-markings, "P-100-NN", inclusive of sub-markings, "P-100-NN-010001" to "P-100-NN-010302", inclusive of sub-markings, "P-100-NN-020001" to "P-100-NN-020503", inclusive of sub-markings, "P-100-NN-030001" to "P-100-NN-030624", inclusive of sub-markings, "P-100-NN-040001" to "P-100-NN-040233", inclusive of sub-markings, "P-100-NN-050001" to "P-100-NN-050485", inclusive of sub-markings, "P-100-NN-060001" to "P-100-NN-060449", inclusive of sub-markings, "P-100-NN-070001" to "P-100-NN-070417", inclusive of sub-markings, "P-100-NN-080001" to "P-100-NN-080379", inclusive of sub-markings, "P-100-NN-090001" to "P-100-NN-090519", inclusive of sub-markings, "P-100-NN-100001" to "P-100-NN-100347", inclusive of sub-markings, "P-100-NN-110001" to "P-100-NN-110386", inclusive of sub-markings, "P-100-NN-120001" to "P-100-NN-120543", inclusive of sub-markings, "P-100-OO", inclusive of sub-markings, "P-100-OO-1" to "P-100-OO-46", inclusive of sub-markings, "P-100-PP", inclusive of sub-markings, "P-100-PP-1", inclusive of sub-markings, "P-100-PP-2", inclusive of sub-markings, "P-100-PP-3", inclusive of sub-markings, "P-100-QQ", inclusive of sub-markings, "P-100-QQ-1" to "P-100-QQ-80", inclusive of sub-markings, and "P-100-RR", as documentary exhibits. Respondent filed his

Comment (On Petitioner's Formal Offer of Evidence)[28] on May 13, 2015.

In the Resolution[29] dated June 15, 2015, the Court admitted Exhibits "P-1", "P-1-a", "P-2", "P-2-a", "P-3", "P-4", "P-5", "P-6", "P-7", "P-8", "P-9", "P-10", "P-11", "P-12", "P-13", "P-14", "P-15", "P-16", "P-17", "P-18", "P-18-a", "P-19", "P-19-a", "P-20", "P-20-a", "P-21", "P-21-a", "P-22", "P-22-a", "P-100", "P-100-A", "P-100-B", "P-100-B-1", "P-100-B-2", "P-100-B-3", "P-100-B-4", "P-100-B-5", "P-100-C", "P-100-C-1", "P-100-C-2", "P-100-C-3", "P-100-C-4", "P-100-C-5", "P-100-C-6", "P-100-C-7", "P-100-C-8", "P-100-D", "P-100-D-1", "P-100-D-2", "P-100-D-3", "P-100-D-4", "P-100-E", "P-100-E-1", "P-100-F", "P-100-F-1", "P-100-G", "P-100-G-1", "P-100-H", "P-100-H-1", "P-100-H-2", "P-100-H-3", "P-100-H-4", "P-100-H-5", "P-100-H-6", "P-100-I", "P-100-J", "P-100-K", "P-100-K-1", "P-100-K-2", "P-100-K-3", "P-100-K-4", "P-100-L", "P-100-L-1", "P-100-M", "P-100-M-1", "P-100-N", "P-100-N-1", "P-100-O", "P-100-O-1", "P-100-P", "P-100-P-1", "P-100-P-2", "P-100-Q", "P-100-Q-1", "P-100-Q-2", "P-100-Q-3", "P-100-Q-4", "P-100-Q-5", "P-100-Q-6", "P-100-Q-7", "P-100-Q-8", "P-100-Q-9", "P-100-Q-10", "P-100-Q-11", "P-100-Q-12", "P-100-Q-13", "P-100-Q-14", "P-100-Q-15", "P-100-Q-16", "P-100-Q-17", "P-100-Q-18", "P-100-Q-19", "P-100-Q-20", "P-100-Q-21", "P-100-Q-22", "P-100-Q-23", "P-100-Q-24", "P-100-Q-25", "P-100-Q-26", "P-100-Q-27", "P-100-Q-28", "P-100-Q-29", "P-100-Q-30", "P-100-Q-31", "P-100-Q-32", "P-100-Q-33", "P-100-Q-34", "P-100-Q-35", "P-100-Q-36", "P-100-Q-37", "P-100-R", "P-100-R-1", "P-100-R-2", "P-100-R-3", "P-100-R-4", "P-100-R-5", "P-100-R-6", "P-100-R-7", "P-100-R-8", "P-100-R-9", "P-100-R-10", "P-100-R-11", "P-100-R-12", "P-100-S", "P-100-S-1", "P-100-S-2", "P-100-T", "P-100-T-1", "P-100-T-2", "P-100-T-3", "P-100-T-3-a", "P-100-T-3-b", "P-100-T-3-c", "P-100-T-3-d", "P-100-T-3-e", "P-100-T-3-f", "P-100-T-3-g", "P-100-T-3-h", "P-100-T-3-i", i "P-100-T-3-j", "P-100-T-3-k", "P-100-T-3-l", "P-100-T-4", "P-100-T-5", "P-100-T-6", "P-100-T-6-a", "P-100-T-6-b", "P-100-T-6-c", "P-100-T-6-d", "P-100-T-6-e", "P-100-T-6-f", "P-100-T-6-g, "P-100-T-6-h", "P-100-T-6-i", "P-100-T-6-j", "P-100-T-6-k", "P-100-T-6-l", "P-100-T-7", "P-100-T-8", "P-100-T-9", "P-100-T-9-a", "P-100-T-9-b", "P-100-T-9-c", "P-100-T-9-d", "P-100-T-9-e", "P-100-T-9-f", "P-100-T-9-g", "P-100-T-9-h", "P-100-T-9-i", "P-100-T-9-j", "P-100-T-9-k", "P-100-T-9-l", "P-100-T-10", "P-100-T-11", "P-100-T-11-a", "P-100-T-11-b", "P-100-T-11-c", "P-100-T-11-d", "P-100-T-11-e", "P-100-T-11-f", "P-100-T-11-g", "P-100-T-11-h",

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[28] Docket, vol. IV, pp. 2779-2781.
[29] Docket, vol. IV, pp. 2786-2790.

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“P-100-T-11-i”, “P-100-T-11-j”, “P-100-T-11-k”, “P-100-T-11-l”, “P-100-T-11-m”, “P-100-T-11-n”, “P-100-T-12”, “P-100-T-13”, “P-100-T-14”, “P-100-T-15”, “P-100-T-16”, “P-100-T-17”, “P-100-T-18”, “P-100-T-19”, “P-100-T-20”, “P-100-T-21”, “P-100-T-22”, “P-100-T-23”, “P-100-T-24”, “P-100-T-25”, “P-100-T-26”, “P-100-T-27”, “P-100-T-28”, “P-100-T-29”, “P-100-T-30”, “P-100-T-31”, “P-100-T-32”, “P-100-T-33”, “P-100-T-34”, “P-100-T-35”, “P-100-U”, “P-100-V”, “P-100-W”, “P-100-W-1”, “P-100-W-2”, “P-100-W-2-a”, “P-100-W-3”, “P-100-W-4”, “P-100-W-4-a”, “P-100-W-5”, “P-100-W-5-a”, “P-100-W-6”, “P-100-W-6-a”, “P-100-X-1”, “P-100-X-1-a”, “P-100-X-2-a”, “P-100-X-3”, “P-100-X-3-a”, “P-100-X-4”, “P-100-X-4-a”, “P-100-Y”, “P-100-Y-1”, “P-100-Y-2”, P-100-Y-3”, “P-100-Y-4”, “P-100-Y-5”, “P-100-Y-6”, “P-100-Y-7”, “P-100-Y-8”, “P-100-Y-9”, “P-100-Y-10”, “P-100-Y-10-a”, “P-100-Y-10-b”, “P-100-Y-11”, “P-100-Y-11-a”, “P-100-Y-12”, “P-100-Y-12-a”, “P-100-Y-13”, “P-100-Y-14”, “P-100-Y-15”, “P-100-Y-16”, “P-100-Y-17”, “P-100-Y-18”, “P-100-Y-19”, “P-100-Y-20”, “P-100-Y-21”, “P-100-Y-22”, “P-100-Y-22-a”, “P-100-Y-22-b”, “P-100-Y-23”, “P-100-Y-23-a”, “P-100-Y-24”, “P-100-Y-24-a”, “P-100-Y-25”, “P-100-Y-26”, “P-100-Y-27”, “P-100-Y-28”, “P-100-Y-29”, “P-100-Y-30”, “P-100-Y-31”, “P-100-Y-32”, “P-100-Y-34”, “P-100-Y-34-a”, “P-100-Y-34-b”, “P-100-Y-35”, “P-100-Y-35-a”, “P-100-Y-36”, “P-100-Y-36-a”, “P-100-Y-37”, “P-100-Y-38”, “P-100-Y-39”, “P-100-Y-40”, “P-100-Y-42”, “P-100-Y-42-a”, “P-100-Y-42-b”, “P-100-Y-43”, “P-100-Y-43-a”, “P-100-Y-44”, “P-100-Y-44-a”, “P-100-Z”, “P-100-Z-1”, “P-100-Z-2”, “P-100-Z-3”, “P-100-Z-4”, “P-100-Z-5”, “P-100-Z-6”, “P-100-Z-7”, “P-100-Z-8”, “P-100-AA”, “P-100-AA-1”, “P-100-AA-2”, “P-100-AA-3”, “P-100-AA-4”, “P-100-AA-5”, “P-100-AA-6”, “P-100-AA-7”, “P-100-AA-8”, “P-100-AA-9”, “P-100-AA-10”, “P-100-AA-11”, “P-100-AA-12”, “P-100-AA-13”, “P-100-AA-14”, “P-100-AA-15”, “P-100-AA-16”, “P-100-AA-17”, “P-100-AA-18”, “P-100-AA-19”, “P-100-AA-20”, “P-100-AA-21”, “P-100-AA-22”, “P-100-AA-23”, “P-100-AA-24”, “P-100-BB”, “P-100-BB-1”, “P-100-BB-2”, “P-100-BB-3”, “P-100-BB-4”, “P-100-BB-5”, “P-100-BB-6”, “P-100-BB-7”, “P-100-BB-8”, “P-100-BB-9”, “P-100-BB-10”, “P-100-BB-11”, “P-100-BB-12”, “P-100-BB-13”, “P-100-BB-14”, “P-100-BB-15”, “P-100-BB-16”, “P-100-BB-17”, “P-100-BB-18”, “P-100-BB-19”, “P-100-BB-19-a”, “P-100-BB-20”, “P-100-BB-20-a”, “P-100-BB-21”, “P-100-BB-21-a”, “P-100-CC”, “P-100-DD”, “P-100-DD-1” to “P-100-DD-32”, “P-100-EE”, “P-100-EE-1” to “P-100-EE-190”, “P-100-EE-263, “P-100-FF”, “P-100-FF-1” to “P-100-FF-254”, “P-100-GG”, “P-100-GG-1”, “P-100-GG-1-a”, “P-100-GG-2”, “P-100-GG-2-a”, “P-100-GG-3”, “P-100-GG-4”, “P-100-GG-4-a”, “P-100-GG-5”, “P-100-GG-5-a”, “P-100-GG-6”, “P-100-GG-6-a”, “P-100-GG-7”, “P-100-GG-7-a”, “P-100-HH”, “P-100-HH-1”, “P-100-HH-1-a”, “P-100-HH-2”, “P-100-HH-2-a”, “P-100-HH-3”, “P-100-HH-3-

a", "P-100-HH-4", "P-100-HH-4-a" to "P-100-HH-4-b", "P-100-HH-5", "P-100-HH-5-a", "P-100-II", "P-100-II-1, "P-100-II-1-a" to "P-100-II-1-i", "P-100-II-2", "P-100-II-2-a" to "P-100-II-2-j", "P-100-JJ", "P-100-JJ-1", "P-100-JJ-1-a", "P-100-JJ-2", "P-100-JJ-2-a", "P-100-KK", "P-100-KK-1", "P-100-KK-1-a" to "P-100-KK-1-i", "P-100-KK-2", "P-100-KK-2-a" to "P-100-KK-2-i", "P-100-LL", "P-100-LL-1", "P-100-LL-1-a" to "P-100-LL-1-d", "P-100-LL-2", "P-100-LL-2-a" to "P-100-LL-2-d", "P-100-MM", "P-100-MM-1", "P-100-MM-1-a" to "P-100-MM-1-c", "P-100-MM-2", "P-100-MM-2-a" to "P-100-MM-2-b", "P-100-MM-3", "P-100-MM-3-a", "P-100-MM-4", "P-100-MM-4-a", "P-100-NN", "P-100-NN-010001" to "P-100-NN-010302", "P-100-NN-020001" to "P-100-NN-020503", "P-100-NN-030001" to "P-100-NN-030621", P-100-NN-030624", "P-100-NN-040001" to "P-100-NN-040233", "P-100-NN-050001" to "P-100-NN-050485", "P-100-NN-060001" to "P-100-NN-060449", "P-100-NN-070001" to "P-100-NN-070417", "P-100-NN-080001" to "P-100-NN-080379", "P-100-NN-090001" to "P-100-NN-090519", "P-100-NN-100001" to "P-100-NN-100347", "P-100-NN-110001" to "P-100-NN-110386", "P-100-NN-120001" to "P-100-NN-120513", "P-100-NN-120515" to "P-100-NN-120543", "P-100-OO", "P-100-OO-1" to "P-100-OO-46", "P-100-PP", "P-100-QQ-1" to "P-100-QQ-80", and "P-100-RR".

In the same Resolution, the Court denied the admission of Exhibits "P-100-X", "P-100-GG-3-a" to "P-100-GG-3-g", "P-100-HH-3-b", "P-100-II-1-j", "P-100-MM-5", "P-100-MM-5-a" to "P-100-MM-5-g", "P-100-NN-030622" to "P-100-NN-030623", "P-100-NN-120514", "P-100-QQ", "P-100-U-1", "P-100-V-1", "P-100-X-2", "P-100-Y-33", "P-100-Y-41", "P-100-EE-191" to "P-100-EE-262, "P-100-PP-1", "P-100-PP-2", and "P-100-PP-3".

Petitioner filed its Manifestation and Motion for Partial Reconsideration[30] on July 6, 2015. Respondent, however, failed to file his comment to petitioner's Manifestation and Motion for Partial Reconsideration.[31]

In the Resolution[32] dated February 4, 2016, the Court admitted Exhibits "P-100-X", "P-100-GG-3-a" to "P-100-GG-3-g", "P-HH-100-3-b", "P-100-II-1-j", "P-100-MM-5", "P-100-MM-5-a", to "P-100-MM-5-g",

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[30] Docket, vol. IV, pp. 2793-2802.
[31] Records Verification dated August 18, 2015, Docket, vol. IV, p. 2822.
[32] Docket, vol. IV, pp. 2891-2892.

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"P-100-NN-030622", "P-100-NN-030623", "P-100-NN-120514", "P-100-QQ", "P-100-X-2", "P-100-Y-33", "P-100-Y-41", "P-100-EE-191" to "P-100-EE-262", "P-100-PP-1", "P-100-PP-2", "P-100-PP-3", "P-100-M-2", "P-100-NN-030002" to P-100-NN-030620", "P-100-U-1", and "P-100-V-1".

Petitioner's documentary exhibits are as follows:

Exhibit	Description
P-1, inclusive of sub-marking	Sixteen (16) - paged Petitioner's written Administrative Claim dated November 18, 2013 and filed with the Bureau of Internal Revenue-Large Taxpayers Service (BIR-LTS) on the same date, November 18, 2013, for the cash refund/ VAT refund in the amount of Fifty Million Sixty Thousand Seven Hundred Sixty Six & 08/100 Pesos (P50,060,766.08), representing unutilized or excess creditable input taxes paid or incurred on Petitioner's domestic purchases of goods other than capital goods, importations of goods other than capital goods, domestic purchases of services, payments for services rendered by non-residents, purchases of capital goods not exceeding P1 million, and purchases of capital goods exceeding P1 million, for the period January 1, 2012 to December 31, 2012, all attributable to zero-rated sales for the same period January 1, 2012 to December 31, 2012, pursuant to Sections 108(B)(7) and 112(A) of the National Internal Revenue Code (NIRC) of 1997, as amended
P-1-a	Signature above the printed name "Carmencita P. Victorino," Partner, V.C. Mamalateo & Associates, found on page 16 of Petitioner's Administrative Claim dated November 18, 2013
P-2, inclusive of sub-marking	Petitioner's Application for Tax Credits/Refunds (BIR Form No. 1914), filed with the Bureau of Internal Revenue-Large Taxpayers Service (BIR-LTS) on November 18, 2013, for the cash refund/ VAT refund in the amount of Fifty Million Sixty Thousand Seven Hundred Sixty Six & 08/100 Pesos (P50,060,766.08), representing unutilized or excess creditable input taxes paid or incurred for the period January 1, 2012 to December 31, 2012, all attributable to zero-rated sales for the same period January 1, 2012 to December 31, 2012, pursuant to Sections 108(B)(7) and 112(A) of the NIRC of 1997, as amended
P-2-a	Signature above the printed name "Carmencita P. Victorino," Partner, V.C. Mamalateo & Associates, found on the bottom portion of Petitioner's Application for Tax Credits/Refunds (BIR Form No. 1914)
P-3	Seventy three (73)-paged Build-Rehabilitate-Operate and Transfer (BROT) Agreement dated November 6, 1998, with Cover Page, Title Page, Table of Contents, and Schedules, entered into by and between the National Power Corporation (NPC) and Industrias Metalurgicas Pescarmona, S.A. (IMPSA), covering the Caliraya-Botocan-Kalayaan (CBK) Project
P-4	Five (5)-paged Second Accession Undertaking dated September 20, 2000, with Title Page and Annex, entered into by and among the National Power Corporation (NPC), Industrias Metalurgicas Pescarmona, S.A. (IMPSA), CBK Power Corporation, and CBK Power Company Limited
P-5	One hundred twenty three (123)-paged Turnkey Contract dated August 18, 2000, entered into by and between CBK Power Company Limited and IMPSA Construction Corporation
P-6	Energy Regulatory Commission (ERC) Certificate of Compliance (COC) No. 09-07-GXT49A-0050 dated July 20, 2009, issued for Kalayaan Pump Storage Power Plant Stage I (Kalayaan I)
P-7	Energy Regulatory Commission (ERC) Certificate of Compliance (COC) No. 09-07-GXT49B-0051 dated July 20, 2009, issued for Caliraya Hydroelectric Power Plant
P-8	Energy Regulatory Commission (ERC) Certificate of Compliance (COC) No. 09-07-GXT49C-0052 dated July 20, 2009, issued for Botocan Hydroelectric Power Plant
P-9	Energy Regulatory Commission (ERC) Certificate of Compliance COC No. 10-09-GN12 13354-13373 dated September 27, 2010, issued for Kalayaan II Pump Storage Power Plant (Kalayaan II)
P-10	Certified true copy of Petitioner's Securities and Exchange Commission (SEC) Certificate of Registration, Company Reg. No. A200004027, dated May 25, 2005

Exhibit	Description
P-11	Certified true copy of Petitioner's Amended Certificate of Partnership dated April 22, 2005
P-12	Bureau of Internal Revenue (BIR) Certificate of Registration, OCN 8RC0000019901, dated April 10, 2000
P-13	Bureau of Internal Revenue Large Taxpayers Service (BIR-LTS) Letter of Authority (LOA) SN: eLA201100060454 LOA-121-2013-00000117 dated December 6, 2013, signed by Alfredo V. Misajon, OIC Assistant Commissioner, BIR-LTS, authorizing the examination of the books of accounts and other accounting records for VAT of Petitioner for the period January 1, 2012 to December 31, 2012
P-14	Certified true copy of BIR Ruling No. DA-146-2006 dated March 17, 2006, confirming Petitioner's position that, as an entity engaged in hydropower electric generation, Petitioner's billings/fees to NPC for the sale of electricity generated through hydropower, are subject to VAT at zero percent (0%) as provided in Section 108(B)(7) of the NIRC of 1997, as amended by R.A. 9337
P-15	Energy Regulatory Commission (ERC) Certificate of Compliance (COC) No. 14-07-GXT49A-0050L dated July 14, 2014, issued for Kalayaan Hydro Pump Storage Power Plant (Kalayaan I and II)
P-16	Energy Regulatory Commission (ERC) Certificate of Compliance (COC) No. 14-07-GXT49B-0051L dated July 14, 2014, issued for Caliraya Hydroelectric Power Plant
P-17	Energy Regulatory Commission (ERC) Certificate of Compliance (COC) No. 14-07-GXT49C-0052L dated July 14, 2014, issued for Botocan Hydroelectric Power Plant
P-18, inclusive of sub-marking	Twenty two (22)-paged Judicial Affidavit of Mr. Fernando J. de la Paz, dated May 22, 2014, with attestation dated May 23, 2014, and with attached and referred to documents marked as Exhibits, and filed with this Honorable Court on May 23, 2014
P-18-a	Signature above the printed name "Fernando J. de la Paz" found on page 21 of his Judicial Affidavit dated May 22, 2014
P-19, inclusive of sub-marking	Fifteen (15)-paged Judicial Affidavit of Mr. Fernando J. de la Paz, dated August 15, 2014, with attestation dated August 15, 2014, and with attached and referred to documents marked as Exhibits, and filed with this Honorable Court on August 15, 2014
P-19-a	Signature above the printed name "Fernando J. de la Paz" found on page 11 of his Judicial Affidavit dated August 15, 2014
P-20, inclusive of sub-marking	Seventy five (75)-paged Judicial Affidavit of Atty. Leonard L. Escueta, dated November 14, 2014, with attestation dated November 17, 2014, and with attached and referred to documents marked as Exhibits, and filed with this Honorable Court on November 17, 2014
P-20-a	Signature above the printed name "Leonard L. Escueta" found on page 72 of his Judicial Affidavit dated November 14, 2014
P-21, inclusive of sub-marking	Fifty four (54)-paged Judicial Affidavit of Atty. Leonard L. Escueta, dated January 28, 2015, with attestation dated January 28, 2015, and with attached and referred to documents marked as Exhibits, and filed with this Honorable Court on January 28, 2015
P-21-a	Signature above the printed name "Leonard L. Escueta" found on page 51 of his Judicial Affidavit dated January 28, 2015
P-22, inclusive of sub-marking	Fifty two (52)-paged Judicial Affidavit of Atty. Leonard L. Escueta, dated March 9, 2015, with attestation dated March 9, 2015, and with attached and referred to documents marked as Exhibits, and filed with this Honorable Court on March 9, 2015
P-22-a	Signature above the printed name "Leonard L. Escueta" found on page 49 of his Judicial Affidavit dated March 9, 2015
P-100, inclusive of sub-marking	Eighteen (18)-paged Final Report of Atty. Leonard L. Escueta dated October 24, 2014, with attached and referred to Summary of Exhibits, Schedules, Summaries and voluminous documents marked as Exhibits, and filed with this Honorable Court on October 24, 2014
P-100-A	Signature above the printed name "Leonard L. Escueta" found on page 18 of his Final Report dated October 24, 2014
P-100-B, inclusive of all sub-markings	One (1)-paged Revenue Summary for Taxable Year 2012 Per Audited Financial Statements, Annual Income Tax Returns, Quarterly VAT Returns, Quarterly Summary List of Sales, and Schedule Provided by the Petitioner
P-100-B-1, inclusive of sub-markings	Revenue Summary: Total Amount of Revenue Per Audited Financial Statements
P-100-B-2, inclusive of sub-markings	Revenue Summary: Total Amount of Revenue Per Annual Income Tax Returns

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Exhibit	Description
P-100-B-3, inclusive of sub-markings	Revenue Summary: Total Amount of Revenue Per 2012 Quarterly VAT Returns
P-100-B-4, inclusive of sub-markings	Revenue Summary: Total Amount of Revenue Per 2012 Summary List of Sales
P-100-B-5, inclusive of sub-markings	Revenue Summary: Total Amount of Revenue Per Schedule Provided by the Petitioner
P-100-C, inclusive of all sub-markings	Four (4)-paged Revenue Comparison between 2012 Zero-rated Revenue per General Ledger (GL) vs. 2012 Revenue per AFS; 2012 Zero-rated Revenue per GL vs. 2012 Revenue per ITR; 2012 Revenue per GL (VATable Sales and Zero-Rated Sales) vs. 2012 Revenue per VAT Returns (VATable Sales and Zero-Rated Sales); 2012 Total Revenue per ITR (including Other Income vs. Total Revenue per VAT Returns; Total Revenue per VAT Returns vs. 2012 Total Revenue per SLS vs. per Schedule provided by the Petitioner
P-100-C-1, inclusive of sub-markings	Variance per Revenue Comparison between Zero-rated Revenue per GL Listing vs. Revenue per AFS
P-100-C-2, inclusive of sub-markings	Variance per Revenue Comparison between Zero-rated Revenue per GL vs. Revenue per ITR
P-100-C-3, inclusive of sub-markings	Variance per Revenue Comparison between Revenue per GL (Zero-Rated Sales) vs. Revenue per VAT Returns (Zero-Rated Sales)
P-100-C-4, inclusive of sub-markings	Variance per Revenue Comparison between Revenue per GL (VATable Sales) vs. Revenue per VAT Returns (VATable Sales)
P-100-C-5, inclusive of sub-markings	Variance per Revenue Comparison between Total Revenue per ITR (including Other Income) vs. Total Revenue per VAT Returns
P-100-C-6, inclusive of sub-markings	Variance per Revenue Comparison between Total Revenue per VAT Returns vs. Total Revenue per SLS
P-100-C-7, (inclusive of sub-markings	Variance per Revenue Comparison between Total Revenue per VAT Returns vs. Total Revenue per Schedule by the Petitioner
P-100-C-8, inclusive of sub-markings	Variance per Revenue Comparison between Total Revenue per SLS vs. Total Revenue per Schedule by the Petitioner
P-100-D, inclusive of all sub-markings	Eight (8)-paged 2012 Monthly Revenue Summary per General Ledger
P-100-D-1, inclusive of sub-markings	Total Revenue for the 1st Quarter of 2012 per General Ledger (Pages 1 to 2)
P-100-D-2, inclusive of sub-markings	Total Revenue for the 2nd Quarter of 2012 per General Ledger (Pages 3 to 4)
P-100-D-3, inclusive of sub-markings	Total Revenue for the 3rd Quarter of 2012 per General Ledger (Pages 5 to 6)
P-100-D-4, inclusive of sub-markings	Total Revenue for the 4th Quarter of 2012 per General Ledger (Pages 7 to 8)
P-100-E, inclusive of all sub-markings	One (1)-paged Schedule of 2012 Reversal of Accrual of Revenue Recorded in December 2011 but Invoiced in January 2012
P-100-E-1, inclusive of sub-markings	Total Amount of Reversal of Accrual of Revenue Recorded in December 2011 but Invoiced in January 2012
P-100-F, inclusive of all	One (1)-paged Schedule of 2012 Accrual of Revenue Recorded in December 2012 but Invoiced in January 2013

Exhibit	Description
sub-markings	
P-100-F-1, inclusive of sub-markings	Total Amount of Accrual of Revenue Recorded in December 2012 but Invoiced in January 2013
P-100-G, inclusive of all sub-markings	Six (6)-paged Summary of 2012 Revenue with Corresponding Reference Invoice Details and Official Receipt Details
P-100-G-1, inclusive of sub-markings	Total Amount of 2012 Revenue per Sales Invoice
P-100-H, inclusive of all sub-markings	One (1)-paged Summary of 2012 VATable Sales with Corresponding Reference Document Number
P-100-H-1, inclusive of sub-markings	Total VATable Sales for 1st Quarter of 2012
P-100-H-2, inclusive of sub-markings	Total VATable Sales for 2nd Quarter of 2012
P-100-H-3, inclusive of sub-markings	Total VATable Sales for 3rd Quarter of 2012
P-100-H-4, inclusive of sub-markings	Total VATable Sales for 4th Quarter of 2012
P-100-H-5, inclusive of sub-markings	Total VATable Sales for the Taxable Year 2012
P-100-H-6, inclusive of sub-markings	Total Output VAT for the Taxable Year 2012
P-100-I, inclusive of all sub-markings	One (1)-paged Summary of Cancelled Sales Invoices for Taxable Year 2012
P-100-J, inclusive of all sub-markings	Two (2)-paged Schedule of 2012 Quarterly VAT Returns which Summarizes the Amounts of Sales, Purchases, Output VAT and Input VAT per Quarter Including the Filing Dates, Reference Numbers and the Respective Amendments
P-100-K, inclusive of all sub-markings	Four (4)-paged Input VAT Comparison between Input VAT Receivable per 2012 Audited Financial Statements vs. Input VAT Receivable per 2012 GL; Additions to Input VAT Receivable for 2012 per GL vs. Input VAT per 2012 VAT returns; Input VAT per 2012 SLP and SLI vs. 2012 Input VAT per VAT Returns (on Domestic purchases of capital goods, purchases of Goods other than Capital Goods, Purchases of Services and Importations); Input VAT per 2012 VAT Returns vs. Input VAT per 2012 Schedule provided by the Petitioner
P-100-K-1, inclusive of sub-markings	Input VAT Comparison: Input VAT Receivable per Audited Financial Statements vs. Input VAT Receivable per GL Listings
P-100-K-2, inclusive of sub-markings	Input VAT Comparison: Additions to Input VAT Receivable for 2012 per GL Listing vs. Input VAT for 2012 per VAT returns
P-100-K-3, inclusive of sub-markings	Input VAT Comparison: Input VAT per SLP and SLI vs. Input VAT Returns (on Domestic Purchases of Capital Goods, Purchases of Goods other than Capital Goods, Purchases of Services and Importations)
P-100-K-4, inclusive of sub-markings	Input VAT Comparison: Input VAT per VAT Returns vs. Input VAT per Schedule provided by the Petitioner
P-100-L, inclusive of all sub-markings	Two (2)-paged Schedule of 2012 Input VAT on Capital Goods with the Corresponding Reference Invoice and OR Reference Numbers Showing the Total Amount of the Transaction; and an Independent Computation of the Amortization as Compared with the Net Input VAT Amortization Claimed per 2012 VAT Returns
P-100-L-1, inclusive of sub-markings	Variance between Net Amortization per Independent Computation vs. Net Amortization per VAT Returns Resulting in Potential Underclaiming of Input VAT

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Exhibit	Description
P-100-M, inclusive of all sub-markings	One (1)-paged Summary of Net Amortization of Input VAT on Capital Goods Per 2012 VAT Returns vs. Net Amortization of Input VAT on Capital Goods per Schedule Provided by the Petitioner
P-100-M-1, inclusive of sub-markings	Total Net Amortization per VAT Returns for the Taxable Year 2012
P-100-M-2, inclusive of sub-markings	Variance between Net Amortization of Input VAT on Capital Goods per VAT Returns vs. Net Amortization of Input VAT on Capital Goods per Schedule Provided by the Petitioner
P-100-N, inclusive of all sub-markings	Summary of Input VAT Claimed in 2012 Pertaining to Transactions Recorded Prior to 2012 (i.e., 2011) consisting of seventeen (17) pages
P-100-N-1, inclusive of sub-markings	Total Amount of Input VAT Claimed in 2012 Pertaining to Transactions Recorded Prior to 2012
P-100-O, inclusive of all sub-markings	Four (4)-paged Summary of Input VAT Pertaining to Transactions Recorded in 2012 But Not Yet Claimed as Part of Input VAT Credits in 2012
P-100-O-1, inclusive of sub-markings	Total Amount of Input VAT Pertaining to Transactions Recorded in 2012 but not yet claimed as part of Input VAT Credits in 2012
P-100-P, inclusive of all sub-markings	Detailed Schedule on the Findings and Observations on Input VAT on Capital Goods
P-100-P-1, inclusive of sub-markings	Two (2)-paged Schedule of Input VAT on purchases of Capital Goods more than PhP 1million duly supported by original VAT Invoices issued in the name of CBK and input VAT is amortized over 60 months
P-100-P-2, inclusive of sub-markings	Two (2)-paged Schedule of Input VAT on purchases of Capital Goods more than Php 1million supported by VAT invoices with noted exceptions (i.e., Supported only by photocopy, TIN or Address of CBK not indicated in the invoice)
P-100-Q, inclusive of sub-markings	Summary of Findings and Observations on Input VAT Attributable to Purchases of Goods and Services; Importation and Purchase of Services from Non-Residents
P-100-Q-1, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods and services that are duly supported by VAT Invoices (for goods) or VAT ORs (for services); issued in the name of the Petitioner and dated in the quarter when the corresponding input taxes were claimed (Page Nos. 1 to 144)
P-100-Q-2, inclusive of sub-markings	Schedule of Input tax on Importation of Goods duly supported by original Import Entry and Internal Revenue Declaration (IERD) and original printed copy of Statement of Settlement of Duties and Taxes (SSDT) as proof of payment (Page Nos. 145 to 147)
P-100-Q-3, inclusive of sub-markings	Schedule of Input VAT on Services rendered by Non residents duly supported by BIR Form 1600 filed and paid by the Petitioner on behalf of the non- resident to the BIR in the same quarter when the input taxes are claimed (Page No. 148)
P-100-Q-4, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by a VAT Invoice but not dated within the VAT Taxable quarter but claimed within the same VAT Taxable year (Page No. 149)
P-100-Q-5, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by documents other than the VAT Invoice (i.e., VAT ORs, etc.) (Page Nos. 150 to 151)
P-100-Q-6, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by photocopies and certified true copies of the VAT Invoice (Page No. 152)
P-100-Q-7, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by TIN Sales Invoice (Page No. 153)
P-100-Q-8, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by VAT invoice but with erasures on the invoice amount without counter signature (Page No. 154)
P-100-Q-9, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by VAT invoice but with erasures on the invoice date without counter signature (Page No. 155)
P-100-Q-10, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by VAT invoice but with erasures on the name of the Petitioner with counter signature (Page No. 156)

Exhibit	Description
P-100-Q-11, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by VAT invoice but with erasures on the invoice amount with counter signature (Page Nos. 157 to 160)
P-100-Q-12, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by VAT invoice but with erasures on the invoice date with counter signature (Page No. 161)
P-100-Q-13, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by VAT invoice but with corrections on the TIN written on the invoice without counter signature (Page No. 162)
P-100-Q-14, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by VAT Invoice with preprinted statement "NOT ELIGIBLE TO CLAIM FOR INPUT TAX" (Page Nos. 163 to 164)
P-100-Q-15, inclusive of sub-markings	Schedule of Input VAT on domestic purchase of services supported by documents other than VAT OR (i.e, VAT Reg TIN Collection Receipts and other Non VAT Documents) (Page Nos. 165 to 166)
P-100-Q-16, inclusive of sub-markings	Schedule of Input VAT on domestic purchase of services supported photocopies of VAT OR (Page No. 167)
P-100-Q-17, inclusive of sub-markings	Schedule of Input VAT on domestic purchase of services supported by NON VAT REG TIN OR (Page No. 168)
P-100-Q-18, inclusive of sub-markings	Schedule of Input VAT on domestic purchase of services supported by TIN OR (Page No. 169)
P-100-Q-19, inclusive of sub-markings	Schedule of Input VAT on domestic purchase of services supported by VAT OR issued in the name of the Petitioner but without TIN and / or address of the Petitioner. But supported by VAT invoice issued in the name of the Petitioner, with TIN and address of the Petitioner (Page No. 170)
P-100-Q-20, inclusive of sub-markings	Schedule of Input VAT on domestic purchase of services supported by VAT OR issued in the name of the Petitioner but without TIN and / or address of the Petitioner. Supported by VAT Invoice or any other document without TIN and/or Address (Page No. 171)
P-100-Q-21, inclusive of sub-markings	Schedule of Input VAT on domestic purchase of services supported by VAT OR but not dated within the same VAT taxable year (Page No. 172)
P-100-Q-22, inclusive of sub-markings	Schedule of Input VAT on domestic purchase of services supported by VAT OR but without Authority to Print to show proof of registration with the BIR (Page Nos. 173 to 188)
P-100-Q-23, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of services supported only by certified true copy of the VAT OR (Page Nos. 189 to 190)
P-100-Q-24, inclusive of sub-markings	Schedule of Input VAT on domestic purchase of services supported by a VAT OR but with erasures on the OR amount without counter signature (Page No. 191)
P-100-Q-25, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of services supported by VAT OR but with erasures on the Petitioner's name with counter signature (Page Nos. 192 to 193)
P-100-Q-26, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of services supported by VAT OR but with erasures on OR amount with counter signature (Page Nos. 194 to 201)
P-100-Q-27, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of services supported by VAT OR but with erasures on OR date with counter signature (Page Nos. 202 to 204)
P-100-Q-28, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of services supported by VAT OR issued in the name of the Petitioner but the TIN number reflected in the OR is incorrect (Page No. 205)
P-100-Q-29, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of goods supported by VAT invoice but with corrections on the TIN written on the invoice without counter signature (Page No. 206)
P-100-Q-30, inclusive of sub-markings	Schedule of Input VAT on domestic purchases of services supported by VAT ORs with preprinted statement "NOT VALID FOR INPUT TAX" (Page Nos. 207 to 208)
P-100-Q-31, inclusive of sub-markings	Schedule of Overclaimed input VAT on domestic purchases of goods and services due to arithmetical errors (Page Nos. 209 to 213)
P-100-Q-32, inclusive of sub-markings	Schedule of Underclaimed input VAT on domestic purchases of goods and services due to arithmetical errors (Page Nos. 214 to 230)

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Exhibit	Description
P-100-Q-33, inclusive of sub-markings	Schedule of Overclaimed portion of input tax arising from forex rate used on foreign currency denominated purchases of goods and services (Page Nos. 231 to 232)
P-100-Q-34, inclusive of sub-markings	Schedule of Underclaimed portion of input tax arising from forex rate used on foreign currency denominated purchases of goods and services (Page No. 233)
P-100-Q-35, inclusive of sub-markings	Schedule of Input tax on Importation of Goods without IERD, but supported by original printed copy of the SSDT (Page No. 234)
P-100-Q-36, inclusive of sub-markings	Schedule of Input tax on Importation of Goods duly supported by original IERD and scanned copy of Temporary Assessment Notice (TAN) as proof of payment (Page No. 235)
P-100-Q-37, inclusive of sub-markings	Schedule of Input tax on Importation of Goods duly supported by original IERD and original printed copy of Statement of Settlement of Duties and Taxes (SSDT) as proof of payment but with discrepancy on the input VAT claimed vs. supporting documents (Page Nos. 236 to 237)
P-100-R, inclusive of sub-markings	2012 Audited Financial Statements consisting of fifty four (54) pages Inclusive of Notes to Financial Statements and Cover Page duly stamped "Received" by the SEC
P-100-R-1, inclusive of sub-markings	2012 Input VAT Receivable Balance, net of allowance for Impairment Loss, as of December 31, 2012 per AFS (See ICPA page 4)
P-100-R-2, inclusive of sub-markings	2012 Allowance for Impairment Loss on Input VAT Receivable as of December 31, 2012 per AFS (See ICPA page 4)
P-100-R-3, inclusive of sub-markings	Item revenue described as Financing Income on Concession Receivables for year 2012 per AFS (See ICPA page 5)
P-100-R-4, inclusive of sub-markings	Item revenue described as Operations and Maintenance Fees for year 2012 per AFS (See ICPA page 5)
P-100-R-5, inclusive of sub-markings	Item revenue described as Service Fees for year 2012 per AFS (See ICPA page 5)
P-100-R-6, inclusive of sub-markings	Total Revenue for the year 2012 per AFS (See ICPA page 5)
P-100-R-7, inclusive of sub-markings	Miscellaneous Income described as Foreign Exchange Gain-Realized for 2012 per AFS (See ICPA page 47)
P-100-R-8, inclusive of sub-markings	Miscellaneous Income described as Interest Income-Others for 2012 per AFS (See ICPA page 47)
P-100-R-9, inclusive of sub-markings	Miscellaneous Income described as Gain on disposal and retirement of property Equipment for 2012 per AFS (See ICPA page 47)
P-100 R-10, inclusive of sub-markings	Miscellaneous Income described as Miscellaneous Income for 2012 per AFS (See ICPA page 47)
P-100 R-11, inclusive of sub-markings	Notes to Financial Statement No. 2 prescribes accounting rules on Service Concession Agreements per International Financial Reporting Interpretation Committee (IFRIC) No. 12 (See ICPA page 12)
P-100 R-12, inclusive of sub-markings	Notes to Financial Statement No. 22a which states the amount of revenue declares for income tax purposes (See ICPA page 46)
P-100-S, inclusive of sub-markings	Printed Copy of E-Filed 2012 Annual Income Tax Returns consisting of nine (9) pages
P-100-S-1, inclusive of sub-markings	Total Revenue Declared for taxable year 2012 per Box 16c of the Annual ITR (See ICPA page 2)
P-100-S-2, inclusive of sub-markings	Other Income not subject to Final Tax for taxable year 2012 per Box 19c of the Annual ITR (See ICPA page 2)
P-100-T, inclusive of sub-markings	Summary of 2012 Monthly (Monthly VAT Declarations) and Quarterly VAT Returns including the Original and Amended returns

Exhibit	Description
P-100-T-1, inclusive of sub-markings)	1st Quarter 2012 VAT Return originally e-filed on April 25, 2012 including the Filing Reference Page (See ICPA pages 1- 6)
P-100-T-2, inclusive of sub-markings	1st Quarter 2012 VAT Return amended and e-filed on November 23, 2012 including the Filing Reference Page (See ICPA pages 7 - 11)
P-100-T-3, inclusive of sub-markings	1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 including the Filing Reference Page (See ICPA pages 12 - 16)
P-100-T-3-a, inclusive of sub-markings	VATable Sales Per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-b, inclusive of sub-markings	Zero Rated Sales Per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-c, inclusive of sub-markings	Output Tax Per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-d, inclusive of sub-markings	Input Tax Carried Over from Previous Period Per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-e, inclusive of sub-markings	Input Tax Deferred on Capital Goods Per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-f, inclusive of sub-markings	Input Tax on Purchases of Capital goods <P1M per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-g, inclusive of sub-markings	Input Tax on Purchase of Capital Goods >P1M per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-h, inclusive of sub-markings	Input Tax on Domestic Purchases of Goods other than Capital Goods Per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-i, inclusive of sub-markings	Input Tax on Importation of Goods other than Capital Goods Per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-j, inclusive of sub-markings	Input Tax on Domestic Purchases of Services Per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-k, inclusive of sub-markings	Input Tax on Services Rendered by Non- Residents per VATable Sales Per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-3-l, inclusive of sub-markings	Deferred Input Tax Per 1st Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 13)
P-100-T-4, inclusive of sub-markings	2nd Quarter 2012 VAT Return originally e-filed on July 25, 2012 including the Filing Reference Page (See ICPA pages 17 - 21)
P-100-T-5, inclusive of sub-markings	2nd Quarter 2012 VAT Return amended and e-filed on November 23, 2012 including the Filing Reference Page (See ICPA pages 22 - 26)
P-100-T-6, inclusive of sub-markings	2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 including the Filing Reference Page (See ICPA pages 27 - 31)
P-100-T-6-a, inclusive of sub-markings	VATable Sales Per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-6-b, inclusive of sub-markings	Zero-Rated Sales Per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-6-c, inclusive of sub-markings	Output Tax Per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-6-d, inclusive of sub-markings	Input Tax Carried Over from Previous Period Per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-6-e, inclusive of	Input Tax Deferred on Capital Goods Per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)

Exhibit	Description
sub-markings	
P-100-T-6-f, inclusive of sub-markings	Input Tax on Purchases of Capital Goods <P1M per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-6-g, inclusive of sub-markings	Input Tax on Purchase of Capital Goods >P1M per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-6-h, inclusive of sub-markings	Input Tax on Domestic Purchases of Goods other than Capital Goods Per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-6-i, inclusive of sub-markings	Input Tax on Importation of Goods other than Capital Goods Per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-6-j, inclusive of sub-markings	Input Tax on Domestic Purchases of Services Per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-6-k, inclusive of sub-markings	Input Tax on Services Rendered by Non Residents per VATable Sales Per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-6-l, inclusive of sub-markings	Deferred Input Tax Per 2nd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 28)
P-100-T-7, inclusive of sub-markings	3rd Quarter 2012 VAT Return originally e-filed on October 24, 2012 including the Filing Reference Page (See ICPA pages 32 - 36)
P-100-T-8, inclusive of sub-markings	3rd Quarter 2012 VAT Return amended and e-filed on November 23, 2012 including the Filing Reference Page (See ICPA pages 37 - 41)
P-100-T-9, inclusive of sub-markings	3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 including the Filing Reference Page (See ICPA pages 42 - 46)
P-100-T-9-a inclusive of sub-markings	VATable Sales Per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-b, inclusive of sub-markings	Zero-Rated Sales Per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-c, inclusive of sub-markings	Output Tax Per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-d, inclusive of sub-markings	Input Tax Carried Over from Previous Period Per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-e, inclusive of sub-markings	Input Tax Deferred on Capital Goods Per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-f, inclusive of sub-markings	Input Tax on Purchases of Capital Goods <P1M per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-g, inclusive of sub-markings	Input Tax on Purchase of Capital Goods >P1M per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-h, inclusive of sub-markings	Input Tax on Domestic Purchases of Goods other than Capital Goods Per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-i, inclusive of sub-markings	Input Tax on Importation of Goods other than Capital Goods Per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-j, inclusive of sub-markings	Input Tax on Domestic Purchases of Services Per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-k, inclusive of sub-markings	Input Tax on Services Rendered by Non- Residents per VATable Sales Per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)
P-100-T-9-l, inclusive of sub-markings	Deferred Input Tax Per 3rd Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 43)

Exhibit	Description
P-100-T-10, inclusive of sub-markings	4th Quarter 2012 VAT Return originally e-filed on January 24, 2013 including the Filing Reference page (See ICPA pages 47 - 51)
P-100-T-11, inclusive of sub-markings	4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 including the Filing Reference Page (See ICPA pages 52 - 56)
P-100-T-11-a, inclusive of sub-markings	VATable Sales Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-b, inclusive of sub-markings	Zero-Rated Sales Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-c, inclusive of sub-markings	Output Tax Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-d, inclusive of sub-markings	Input Tax Carried Over from Previous Period Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-e, inclusive of sub-markings	Input Tax Deferred on Capital Goods Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-f, inclusive of sub-markings	Input Tax on Purchases of Capital Goods <P1M per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-g, inclusive of sub-markings	Input Tax on Purchase of Capital Goods >P1M per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-h, inclusive of sub-markings	Input Tax on Domestic Purchases of Goods other than Capital Goods Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-i, inclusive of sub-markings	Input Tax on Importation of Goods other than Capital Goods Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-j, inclusive of sub-markings	Input Tax on Domestic Purchases of Services Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-k, inclusive of sub-markings	Input Tax on Services Rendered by Non Residents per VATable Sales Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-l, inclusive of sub-markings	Deferred Input Tax Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-m, inclusive of sub-markings	VAT Refund/TCC Claimed Per 4th Quarter 2012 VAT Returns amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 53)
P-100-T-11-n, inclusive of sub-markings	Net VAT Payable / (Overpayment) Per 4th Quarter 2012 VAT Return amended and e-filed on October 18, 2013 consisting of five (5) pages (See ICPA page 54)
P-100-T-12, inclusive of sub-markings	January 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on October 18, 2013 consisting of 5 pages including the Filing Reference Page (See ICPA pages 57 - 61)
P-100-T-13, inclusive of sub-markings	January 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on November 22, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 62 - 66)
P-100-T-14, inclusive of sub-markings	January 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on March 13, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 67 - 71)
P-100-T-15, inclusive of sub-markings	January 2012 Monthly VAT Return (Monthly VAT Declaration) originally e-filed on February 20, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 72 - 76)
P-100-T-16, inclusive of sub-markings	February 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on October 18, 2013 consisting of 5 pages including the Filing Reference Page (See ICPA pages 77 - 81)
P-100-T-17, inclusive of sub-markings	February 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on November 22, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 82 - 86)

Exhibit	Description
P-100-T-18, inclusive of sub-markings	February 2012 Monthly VAT Return (Monthly VAT Declaration) originally e-filed on March 20, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 87 - 91)
P-100-T-19, inclusive of sub-markings	April 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on October 18, 2013 consisting of 5 pages including the Filing Reference Page (See ICPA pages 92 - 96)
P-100-T-20, inclusive of sub-markings	April 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on November 23, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 97 - 101)
P-100-T-21, inclusive of sub-markings	April 2012 Monthly VAT Return (Monthly VAT Declaration) originally e-filed on May 21, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 102 - 106)
P-100-T-22, inclusive of sub-markings	May 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on October 18, 2013 consisting of 5 pages including the Filing Reference Page (See ICPA pages 107 - 111)
P-100-T-23, inclusive of sub-markings	May 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on November 23, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 112 - 116)
P-100-T-24, inclusive of sub-markings	May 2012 Monthly VAT Return (Monthly VAT Declaration) originally e-filed on June 21, 2012 consisting of 6 pages including the Filing Reference Page (See ICPA pages 117 - 122)
P-100-T-25, inclusive of sub-markings	July 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on October 18, 2013 consisting of 5 pages including the Filing Reference Page (See ICPA pages 123 - 127)
P-100-T-26, inclusive of sub-markings	July 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on November 23, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 128 - 132)
P-100-T-27, inclusive of sub-markings	July 2012 Monthly VAT Return (Monthly VAT Declaration) originally e-filed on August 16, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 133 - 137)
P-100-T-28, inclusive of sub-markings	August 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on October 18, 2013 consisting of 5 pages including the Filing Reference Page (See ICPA pages 138 - 142)
P-100-T-29, inclusive of sub-markings	August 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on November 23, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 143 - 147)
P-100-T-30, inclusive of sub-markings	August 2012 Monthly VAT Return (Monthly VAT Declaration) originally e-filed on September 19, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 148 - 152)
P-100-T-31, inclusive of sub-markings	October 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on October 18, 2013 consisting of 5 pages including the Filing Reference Page (See ICPA pages 153 - 157)
P-100-T-32, inclusive of sub-markings	October 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on November 23, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 158 - 162)
P-100-T-33, inclusive of sub-markings	October 2012 Monthly VAT Return (Monthly VAT Declaration) originally e-filed on November 21, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 163 - 167)
P-100-T-34, inclusive of sub-markings	November 2012 Monthly VAT Return (Monthly VAT Declaration) duly amended and e-filed on October 18, 2013 consisting of 5 pages including the Filing Reference Page (See ICPA pages 168 - 172)
P-100-T-35, inclusive of sub-markings	November 2012 Monthly VAT Return (Monthly VAT Declaration) originally e-filed on December 20, 2012 consisting of 5 pages including the Filing Reference Page (See ICPA pages 173 - 177)
P-100-U, inclusive of sub-markings	4th Quarter 2010 VAT Return amended on November 11, 2011 consisting of six (6) pages
P-100-U-1, inclusive of sub-markings	Input VAT Carry Over as Reflected in Box 29 of the 4th Quarter 2010 VAT Return (See ICPA page 2)
P-100-V, inclusive of sub-markings	4th Quarter 2011 VAT Return amended on November 22, 2012 consisting of four (4) pages
P-100-V-1, inclusive of sub-markings	Input VAT Carry Over as Reflected in Box 29 of the 4th Quarter 2011 VAT Return (See ICPA page 2)
P-100-W, inclusive of	Summary of 2013 Quarterly VAT Returns including the original and amended returns

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Exhibit	Description
sub-markings	
P-100-W-1, inclusive of sub-markings	1st Quarter 2013 VAT Return originally e-filed on April 23, 2013 consisting of four (4) pages (See ICPA pages 1 - 4)
P-100-W-2, inclusive of sub-markings	1st Quarter 2013 VAT Return amended and e-filed on October 18, 2013 consisting of four (4) pages (See ICPA pages 1 - 4)
P-100-W-2-a, inclusive of sub-markings	Input VAT Carry Over from Previous Period as reflected in Box 20A of the amended 1st Quarter 2013 VAT Return (See ICPA page 1)
P-100-W-3, inclusive of sub-markings	2nd Quarter 2013 VAT Return originally e-filed on July 23, 2013 consisting of four (4) pages (See ICPA pages 1 - 4)
P-100-W-4, inclusive of sub-markings	2nd Quarter 2013 VAT Return amended and e-filed on October 19, 2013 consisting of four (4) pages (See ICPA pages 1 - 4)
P-100-W-4-a, inclusive of sub-markings	Input VAT Carry Over from Previous Period as reflected in Box 20A of the 2nd Quarter 2013 VAT Return (See ICPA page 1)
P-100-W-5, inclusive of sub-markings	3rd Quarter 2013 VAT Return originally e-filed on October 25, 2013 consisting of four (4) pages (See ICPA pages 1 - 4)
P-100-W-5-a, inclusive of sub-markings	Input VAT Carry Over from Previous Period as reflected in Box 20A of the amended 3rd Quarter 2013 VAT Return (See ICPA page 1)
P-100-W-6, inclusive of sub-markings	4th Quarter 2013 VAT Return originally e-filed on January 24, 2014 consisting of four (4) pages (See ICPA pages 1 - 4)
P-100-W-6-a, inclusive of sub-markings	Input VAT Carry Over from Previous Period as reflected in Box 20A of the amended 4th Quarter 2013 VAT Return (See ICPA page 1)
P-100-X, inclusive of sub-markings	Summary of 2014 1st and 2nd Quarter VAT Return, and July and August VAT Returns (Monthly VAT Declarations)
P-100-X-1, inclusive of sub-markings	1st Quarter 2014 VAT Return originally e-filed on April 25, 2014 consisting of four (4) pages (See ICPA pages 1 - 4)
P-100-X-1-a, inclusive of sub-markings	Input VAT Carry Over from Previous Period as reflected in Box 20A of the 1st Quarter 2014 VAT Return (See ICPA page 1)
P-100-X-2, inclusive of sub-markings	2nd Quarter 2014 VAT Return originally e-filed on July 23, 2014 consisting of four (4) pages (See ICPA pages 1 - 4)
P-100-X-2-a, inclusive of sub-markings	Input VAT Carry Over from Previous Period as reflected in Box 20A of the 2nd Quarter 2014 VAT Return (See ICPA page 1)
P-100-X-3, inclusive of sub-markings	July 2014 Monthly VAT Return (Monthly VAT Declaration) originally e-filed on August 20, 2014 consisting of four (4) pages (See ICPA pages 1 - 4)
P-100-X-3-a, inclusive of sub-markings	Input VAT Carry Over from Previous Period as reflected in Box 17A of the Monthly VAT Return (Monthly VAT Declaration) for July 2014 (See ICPA page 1)
P-100-X-4, inclusive of sub-markings	August 2014 Monthly VAT Return (Monthly VAT Declaration) originally e-filed on September 22, 2014 consisting of four (4) pages (See ICPA pages 1 - 4)
P-100-X-4-a, inclusive of sub-markings	Input VAT Carry Over from Previous Period as reflected in Box 17A of the Monthly VAT Return (Monthly VAT Declaration) for August 2014 (See ICPA page 13)
P-100-Y, inclusive of sub-markings	Summary of 2012 Quarterly Summary List of Sales, Purchases and Importations including the Original and Amended Returns
P-100-Y-1, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgment Receipt with Reference Number 20120514-0007138 of the e-submitted 2012 1st Quarter Summary List of Sales, 2012 1st Quarter Summary List of Purchases, and 2012 1st Quarter Summary List of Importations (See ICPA pages 1 - 4) submitted on May 11, 2012
P-100-Y-2, inclusive of	2012 1st Quarter Summary List of Sales (Sales Transaction) consisting of one (1) page (See ICPA page 5)

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Exhibit	Description
sub-markings	
P-100-Y-3, inclusive of sub-markings	2012 1st Quarter Summary List of Importations (Imports Transaction) consisting of one (1) page (See ICPA page 6)
P-100-Y-4, inclusive of sub-markings	2012 1st Quarter Summary List of Purchases (Purchases Transaction) consisting of five (5) pages (See ICPA page 7 - 11)
P-100-Y-5, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgment Receipt with Reference Number 20121123-0096171 of the e-submitted amended 2012 1st Quarter Summary List of Sales, 2012 1st Quarter Summary List of Purchases, and 2012 1st Quarter Summary List of Importations (See ICPA pages 12 - 15) submitted on November 23, 2012
P-100-Y-6, inclusive of sub-markings	2012 1st Quarter Amended Summary List of Sales (Sales Transaction) consisting of one (1) page (See ICPA page 16)
P-100-Y-7, inclusive of sub-markings	2012 1st Quarter Amended Summary List of Importations (Imports Transaction) consisting of one (1) page (See ICPA page 17)
P-100-Y-8, inclusive of sub-markings	2012 1st Quarter Amended Summary List of Purchases (Purchases Transaction) consisting of five (5) pages (See ICPA pages 18 - 22)
P-100-Y-9, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgment Receipt with Reference Number 20131018-033952 of the e-submitted amended 2012 1st Quarter Summary List of Sales, 2012 1st Quarter Summary List of Purchases, and 2012 1st Quarter Summary List of Importations (See ICPA pages 23 - 26) submitted on October 18, 2013
P-100-Y-10, inclusive of sub-markings	2012 1st Quarter Amended Summary List of Sales (Sales Transaction) consisting of one (1) page (see ICPA page 27)
P-100-Y-10-a, inclusive of sub-markings	Total Zero Rated Sales per 2012 1st Quarter Amended Summary List of Sales (Sales Transaction)
P-100-Y-10-b, inclusive of sub-markings	Total VATable Sales per 2012 1st Quarter Amended Summary List of Sales (Sales Transaction)
P-100-Y-11, inclusive of sub-markings	2012 1st Quarter Amended Summary List of Importations (Imports Transaction) consisting of one (1) page (See ICPA page 28)
P-100-Y-11-a, inclusive of sub-markings	Total Input VAT on Importations per 2012 1st Quarter Amended Summary List of Importations (Imports Transaction)
P-100-Y-12, inclusive of sub-markings	2012 1st Quarter Amended Summary List of Purchases (Purchases Transaction) consisting of six (6) pages (See ICPA pages 29 - 34)
P-100-Y-12-a, inclusive of sub-markings	Total Input VAT on Domestic Purchases of Goods and Services Per 2012 1st Quarter Amended Summary List of Purchases (Purchases Transaction)
P-100-Y-13, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgment Receipt with Reference Number 20120727-A168676 of the e-submitted 2012 2nd Quarter Summary List of Sales, 2012 2nd Quarter Summary List of Purchases, and 2012 2nd Quarter Summary List of Importations (See ICPA pages 35 - 38) submitted on July 25, 2012
P-100-Y-14, inclusive of sub-markings	2012 2nd Quarter Summary List of Sales (Sales Transaction) consisting of one (1) page (See ICPA page 39)
P-100-Y-15, inclusive of sub-markings	2012 2nd Quarter Summary List of Importations (Imports Transaction) consisting of one (1) page (See ICPA page 40)
P-100-Y-16, inclusive of sub-markings	2012 2nd Quarter Summary List of Purchases (Purchases Transaction) consisting of four (4) pages (See ICPA pages 41 - 44)
P-100-Y-17, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgment Receipt with Reference Number 20121123-0096261 of the e-submitted 2012 Amended 2nd Quarter Summary List of Sales, 2012 2nd Quarter Summary List of Purchases and 2012 2nd Quarter Summary List of Importations (See ICPA pages 45 - 48) submitted on November 23, 2012
P-100-Y-18, inclusive of sub-markings	2012 2nd Quarter Amended Summary List of Sales (Sales Transaction) consisting of one (1) page (See ICPA page 49)

Exhibit	Description
P-100-Y-19, inclusive of sub-markings	2012 2nd Quarter Amended Summary List of Importations (Imports Transaction) consisting of one (1) page (See ICPA page 50)
P-100-Y-20, inclusive of sub-markings	2012 2nd Quarter Amended Summary List of Purchases (Purchases Transaction) consisting of five (5) pages (See ICPA pages 51 - 55)
P-100-Y-21, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgment Receipt with Reference Number 20131018-0334251of the e-Submitted Amended 2012 2nd Quarter Summary List of Sales, 2012 2nd Quarter Summary List of Purchases, and 2012 2nd Quarter Summary List of Importations (See ICPA pages 56 - 59) submitted on October 18, 2013
P-100-Y-22, inclusive of sub-markings	2012 2nd Quarter Amended Summary List of Sales (Sales Transaction) consisting of one (1) page (See ICPA page 60)
P-100-Y-22-a, inclusive of sub-markings	Total Zero-Rated Sales per 2012 2nd Quarter Amended Summary List of Sales (Sales Transaction)
P-100-Y-22-b, inclusive of sub-markings	Total VATable Sales per 2012 2nd Quarter Amended Summary List of Sales (Sales Transaction)
P-100-Y-23, inclusive of sub-markings	2012 2nd Quarter Amended Summary List of Importations (Imports Transaction) consisting of one (1) page (See ICPA page 61)
P-100-Y-23-a, inclusive of sub-markings	Total Input VAT on Importation per 2012 2nd Quarter Amended Summary List of Importations (Imports Transaction)
P-100-Y-24 inclusive of sub-markings,	2012 2nd Quarter Amended Summary List of Purchases (Purchases Transaction) consisting of five (5) pages (See ICPA pages 62 - 66)
P-100-Y-24-a, inclusive of sub-markings	Total Input VAT on Domestic Purchases of Goods and Services Per 2012 2nd Quarter Amended Summary List of Purchases (Purchases Transaction)
P-100-Y-25, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgment Receipt with Reference Number 20121112-0082658 of the e-submitted 2012 3rd Quarter Summary List of Sales, 2012 3rd Quarter Summary List of Purchases, and 2012 3rd Quarter Summary List of Importations (See ICPA pages 67 - 70) submitted on November 9, 2012
P-100-Y-26, inclusive of sub-markings	2012 3rd Quarter Summary List of Sales (Sales Transaction) consisting of one (1) page (See ICPA page 71)
P-100-Y-27, inclusive of sub-markings	2012 3rd Quarter Summary List of Importation (Imports Transaction) consisting of one (1) page (See ICPA page 72)
P-100-Y-28, inclusive of sub-markings	2012 3rd Quarter Summary List of Purchases (Purchases Transaction) consisting of five (5) pages (See ICPA pages 73 - 77)
P-100-Y-29, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgment Receipt with Reference Number 20121123-0096308 of the e-Submitted 2012 Amended 3rd Quarter Summary List of Sales, 2012 3rd Quarter Summary List of Purchases, and 2012 3rd Quarter Summary List of Importations (See ICPA pages 78 - 81) submitted on November 23, 2012
P-100-Y-30, inclusive of sub-markings	2012 3rd Quarter Amended Summary List of Sales (Sales Transaction) consisting of one (1) page (See ICPA page 82)
P-100-Y-31, inclusive of sub-markings	2012 3rd Quarter Amended Summary List of Importations (Imports Transaction) consisting of one (1) page (See ICPA page 83)
P-100-Y-32, inclusive of sub-markings	2012 3rd Quarter Amended Summary List of Purchases (Purchases Transaction) consisting of five (5) pages (See ICPA pages 84 - 88)
P-100-Y-33, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgment Receipt with Reference Number 20121018-0334110 of the e-submitted Amended 2012 3rd Quarter Summary List of Sales, 2012 3rd Quarter Summary List of Purchases, and 2012 3rd Quarter Summary List of Importations (See ICPA pages 89 - 92) submitted on October 18, 2013
P-100-Y-34, inclusive of sub-markings	2012 3rd Quarter Amended Summary List of Sales (Sales Transaction) consisting of one (1) page (See ICPA page 93)

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Exhibit	Description
P-100-Y-34-a inclusive of sub-markings	Total Zero-Rated Sales per 2012 3rd Quarter Amended Summary List of Sales (Sales Transaction)
P-100-Y-34-b, inclusive of sub-markings	Total VATable Sales per 2012 3rd Quarter Amended Summary List of Sales (Sales Transaction)
P-100-Y-35, inclusive of sub-markings	2012 3rd Quarter Amended Summary List of Importations (Imports Transaction) consisting of one (1) page (See ICPA page 94)
P-100-Y-35-a, inclusive of sub-markings	Total Input VAT on Importation per 2012 3rd Quarter Amended Summary List of Importations (Imports Transaction)
P-100-Y-36, inclusive of sub-markings	2012 3rd Quarter Amended Summary List of Purchases (Purchases Transaction) consisting of six (6) pages (See ICPA pages 95 - 100)
P-100-Y-36-a, inclusive of sub-markings	Total Input VAT on Domestic Purchases of Goods and Services Per 2012 3rd Quarter Amended Summary List of Purchases (Purchases Transaction)
P-100-Y-37, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgment Receipt with Reference Number 20130130-A004367 of the e-Submitted 2012 4th Quarter Summary List of Sales, 2012 4th Quarter Summary List of Purchases, and 2012 4th Quarter Summary List of Importations (See ICPA pages 101 - 104) submitted on January 25, 2013
P-100-Y-38, inclusive of sub-markings	2012 4th Quarter Summary List of Sales (Sales Transaction) consisting of one (1) page (See ICPA page 105)
P-100-Y-39, inclusive of sub-markings	2012 4th Quarter Summary List of Importations (Imports Transaction) consisting of one (1) page (See ICPA page 106)
P-100-Y-40, inclusive of sub-markings	2012 3rd Quarter Summary List of Purchases (Purchases Transaction) consisting of six (6) pages (See ICPA pages 107 - 112)
P-100-Y-41, inclusive of sub-markings	Four (4)-paged E-mail Acknowledgement Receipt with Reference Number 20131018-03344313 of the e-submitted Amended 2012 4th Quarter Summary List of Sales, 2012 4th Quarter Summary List of Purchases, and 2012 4th Quarter Summary List of Importations (See ICPA pages 113 - 116), submitted on October 18, 2013
P-100-Y-42, inclusive of sub-markings	2012 4th Quarter Amended Summary List of Sales (Sales Transaction) consisting of one (1) page (See ICPA page 117)
P-100-Y-42-a, inclusive of sub-markings	Total Zero-Rated Sales per 2012 4th Quarter Amended Summary List of Sales (Sales Transaction)
P-100-Y-42-b, inclusive of sub-markings	Total VATable Sales per 2012 3rd Quarter Amended Summary List of Sales (Sales Transaction)
P-100-Y-43, inclusive of sub-markings	2012 4th Quarter Amended Summary List of Importations (Imports Transaction) consisting of one (1) page (See ICPA page 118)
P-100-Y-43-a, inclusive of sub-markings	Total Input VAT on Importation per 2012 3rd Quarter Amended Summary List of Importations (Imports Transaction)
P-100-Y-44, inclusive of sub-markings	2012 4th Quarter Amended Summary List of Purchases (Purchases Transaction) consisting of six (6) pages (See ICPA pages 119 - 124)
P-100-Y-44-a, inclusive of sub-markings	Total Input VAT on Domestic Purchases of Goods and Services Per 2012 3rd Quarter Amended Summary List of Purchases (Purchases Transaction)
P-100-Z, inclusive of sub-markings	Schedule of 2012 Zero Rated and 2012 VATable Sales Provided by the Petitioner consisting of five (5) pages
P-100-Z-1, inclusive of sub-markings	2012 1st Quarter Total Zero-Rated Sales (See ICPA page 4)
P-100-Z-2, inclusive of sub-markings	2012 2nd Quarter Total Zero-Rated Sales (See ICPA page 4)
P-100-Z-3, inclusive of	2012 3rd Quarter Total Zero-Rated Sales (See ICPA page 4)

Exhibit	Description
sub-markings	
P-100-Z-4, inclusive of sub-markings	2012 4th Quarter Total Zero-Rated Sales (See ICPA page 4)
P-100-Z-5, inclusive of sub-markings	2012 1st Quarter Total VATable Sales (See ICPA page 5)
P-100-Z-6, inclusive of sub-markings	2012 2nd Quarter Total VATable Sales (See ICPA page 5)
P-100-Z-7, inclusive of sub-markings	2012 3rd Quarter Total VATable Sales (See ICPA page 5)
P-100-Z-8, inclusive of sub-markings	2012 4th Quarter Total VATable Sales (See ICPA page 5)
P-100-AA, inclusive of sub-markings	Schedule of 2012 Input VAT per Schedule provided by the Petitioner consisting of fifty two (52) pages
P-100-AA-1, inclusive of sub-markings	Input VAT on Domestic Purchases of Goods other than Capital Goods for the 1st Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 4)
P-100-AA-2, inclusive of sub-markings	Input VAT on Importations for the 1st Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 5)
P-100-AA-3, inclusive of sub-markings	Input VAT on Domestic Purchases of Services for the 1st Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 13)
P-100-AA-4, inclusive of sub-markings	Input VAT on Non-Residents for the 1st Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 13)
P-100-AA-5, inclusive of sub-markings	Input VAT on Domestic Purchases of Capital Goods <P1 million for the 1st Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 13)
P-100-AA-6, inclusive of sub-markings	Input VAT on Net Input VAT Amortizations on Capital Goods >P1M for the 1st Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 14)
P-100-AA-7, inclusive of sub-markings	Input VAT on Domestic Purchases of Goods other than Capital Goods for the 2nd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 17)
P-100-AA-8, inclusive of sub-markings	Input VAT on Importations for the 2nd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 17)
P-100-AA-9, inclusive of sub-markings	Input VAT on Domestic Purchases of Services for the 2nd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 24)
P-100-AA-10, inclusive of sub-markings	Input VAT on Non-Residents for the 2nd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 25)
P-100-AA-11, inclusive of sub-markings	Input VAT on Domestic Purchases of Capital Goods <P1 million for the 2nd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 25)
P-100-AA-12, inclusive of sub-markings	Input VAT on Net Input VAT Amortizations on Capital Goods >P1M for the 2nd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 25)
P-100-AA-13, inclusive of sub-markings	Input VAT on Domestic Purchases of Goods other than Capital Goods for the 3rd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 30)
P-100-AA-14, inclusive of sub-markings	Input VAT on Importations for the 3rd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 30)
P-100-AA-15, inclusive of sub-markings	Input VAT on Domestic Purchases of Services for the 3rd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 37)
P-100-AA-16, inclusive of sub-markings	Input VAT on Non-Residents for the 3rd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 38)

Exhibit	Description
P-100-AA-17, inclusive of sub-markings	Input VAT on Domestic Purchases of Capital Goods <P1 million for the 3rd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 38)
P-100-AA-18, inclusive of sub-markings	Input VAT on Net Input VAT Amortizations on Capital Goods >P1M for the 3rd Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 39)
P-100-AA-19, inclusive of sub-markings	Input VAT on Domestic Purchases of Goods other than Capital Goods for the 4th Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 43)
P-100-AA-20, inclusive of sub-markings	Input VAT on Importations for the 4th Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 43)
P-100-AA-21, inclusive of sub-markings	Input VAT on Domestic Purchases of Services for the 4th Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 51)
P-100-AA-22, inclusive of sub-markings	Input VAT on Non-Residents for the 4th Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 51)
P-100-AA-23, inclusive of sub-markings	Input VAT on Domestic Purchases of Capital Goods <P1 million for the 4th Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 51)
P-100-AA-24, inclusive of sub-markings	Input VAT on Net Input VAT Amortizations on Capital Goods >P1M for the 4th Quarter 2012 per Schedule provided by the Petitioner (See ICPA page 52)
P-100-BB, inclusive of sub-markings	Summary of 2012 Sales per General Ledger per Account Code
P-100-BB-1, inclusive of sub-markings	2011 GL for GL Account Code 4001001 described as Capital Recovery Fee - Kal I Unit I (See ICPA page 1)
P-100-BB-2, inclusive of sub-markings	2012 GL for GL Account Code 4001002 described as Capital Recovery Fee - Kal I Unit 2 (See ICPA page 2)
P-100-BB-3, inclusive of sub-markings	2012 GL for GL Account Code 4001003 described as Capital Recovery Fee - Kal II Unit 3 (See ICPA page 3)
P-100-BB-4, inclusive of sub-markings	2012 GL for GL Account Code 4001004 described as Capital Recovery Fee - Kal II Unit 4 (See ICPA page 4)
P-100-BB-5, inclusive of sub-markings	2012 GL for GL Account Code 4001005 described as Capital Recovery Fee - Caliraya Unit 1 (See ICPA page 5)
P-100-BB-6, inclusive of sub-markings	2012 GL for GL Account Code 4001006 described as Capital Recovery Fee - Caliraya Unit 2 (See ICPA page 6)
P-100-BB-7, inclusive of sub-markings	2012 GL for GL Account Code 4001007 described as Capital Recovery Fee - Botocan Unit 1 (See ICPA page 7)
P-100-BB-8, inclusive of sub-markings	2012 GL for GL Account Code 4001008 described as Capital Recovery Fee - Botocan Unit 2 (See ICPA page 8)
P-100-BB-9, inclusive of sub-markings	2012 GL for GL Account Code 4001009 described as Capital Recovery Fee - Botocan Unit 3 (See ICPA page 9)
P-100-BB-10, inclusive of sub-markings	2012 GL for GL Account Code 4002001 described as Fixed O & M Fee - Kal I Unit I (See ICPA page 10)
P-100-BB-11, inclusive of sub-markings	2012 GL for GL Account Code 4002002 described as Fixed O & M Fee - Kal I Unit 2 (See ICPA page 11)
P-100-BB-12, inclusive of sub-markings	2012 GL for GL Account Code 4002003 described as Fixed O & M Fee - Kal II Unit 3 (See ICPA page 12)
P-100-BB-13, inclusive of sub-markings	2012 GL for GL Account Code 4002004 described as Fixed O & M Fee - Kal II Unit 4 (See ICPA page 13)
P-100-BB-14, inclusive of	2012 GL for GL Account Code 4002005 described as Fixed O & M Fee - Caliraya Unit 1 (See ICPA page 14)

Exhibit	Description
sub-markings	
P-100-BB-15, inclusive of sub-markings	2012 GL for GL Account Code 4002006 described as Fixed O & M Fee - Caliraya Unit 2 (See ICPA page 15)
P-100-BB-16, inclusive of sub-markings	2012 GL for GL Account Code 4002007 described as Fixed O & M Fee - Botocan Unit 1 (See ICPA page 16)
P-100-BB-17, inclusive of sub-markings	2012 GL for GL Account Code 4002008 described as Fixed O & M Fee - Botocan Unit 2 (See ICPA page 17)
P-100-BB-18, inclusive of sub-markings	2012 GL for GL Account Code 4002009 described as Fixed O & M Fee - Botocan Unit 3 (See ICPA page 18)
P-100-BB-19, inclusive of sub-markings	2012 GL for GL Account Code 4002010 described as Capital Recovery Fee Offset (See ICPA pages 19 - 25)
P-100-BB-19-a, inclusive of sub-markings	Total Capital Recovery Fee Offset for 2012 per General Ledger (See ICPA page 25)
P-100-BB-20, inclusive of sub-markings	2012 GL for GL Account Code 4003001 described as Concession Receivable Finance Income (See ICPA page 26)
P-100-BB-20-a, inclusive of sub-markings	Total Concessions Receivable Revenue for 2012 per General Ledger (See ICPA page 26)
P-100-BB-21, inclusive of sub-markings	2012 GL for GL Account Code 4006001 described as Service Fee (See ICPA page 27)
P-100-BB-21-a, inclusive of sub-markings	Total Service Fee for 2012 per General Ledger (See ICPA page 27)
P-100-CC, inclusive of sub-markings	GL of 2012 Miscellaneous Income with Account Code 7004301
P-100-DD, inclusive of sub-markings	Summary of Documents Supporting 2012 VATable Sales Transactions
P-100-DD-1 to P-100-DD-32, inclusive of sub-markings	Supporting Journal Vouchers, Credit/Debit Memos to evidence the VATable Sales Transactions
P-100-EE, inclusive of sub-markings	Summary of 2012 VAT Reg TIN Sales Invoices consisting of six (6) pages
P-100-EE -1 to P-100-EE-263, inclusive of sub-markings	VAT Reg TIN Invoices of the Petitioner used for year 2012
P-100-FF, inclusive of sub-markings	Summary of 2012 VAT Reg TIN Official Receipts consisting of six (6) pages
P-100-FF-1 to P-100-FF-254, inclusive of sub-markings	VAT Reg TIN Official Receipts of the Petitioner Related to Sales in 2012
P-100-GG, inclusive of sub-markings	Summary of 2012 GL Related to Input VAT including different GL Account Codes
P-100-GG-1, inclusive of sub-markings	2012 GL Summary of GL Account Number 1801001 with Account Description - Input VAT Receivable displayed in US Dollar Currency, consisting of one (1) page (See ICPA page 1)
P-100-GG-1-a, inclusive of sub-markings	2012 Ending Balance of Input VAT Receivable per GL Denominated in US Dollar Currency
P-100-GG-2, inclusive of sub-markings	2012 GL Summary of GL Account Number 1801001 with Account Description - Input VAT Receivable displayed in Philippine Currency, consisting of one (1) page (See ICPA page 2)

Exhibit	Description
P-100-GG-2-a, inclusive of sub-markings	2012 Total Net Additions to Input VAT Receivable Denominated in Philippine Currency
P-100-GG-3, inclusive of sub-markings	2012 Detailed GL of Account Number 1801001 with Account Description - Input VAT Receivable, consisting of eighty one (81) pages (See ICPA pages 3-83)
P-100-GG-3-a to P-100-GG-3-g, inclusive of sub-markings	Input VAT per GL Line Item Pertaining to Purchases of Capital Goods >P 1 million
P-100-GG-4, inclusive of sub-markings	2012 GL Summary of GL Account Number 1801004 with Account Description - Deferred Input VAT displayed in US Dollar Currency, consisting of one (1) page (See ICPA page 84)
P-100-GG-4-a, inclusive of sub-markings	2012 Ending Balance of Deferred Input VAT per GL Denominated in US Dollar Currency
P-100-GG-5, inclusive of sub-markings	2012 GL Summary of GL Account Number 1801004 with Account Description - Deferred Input VAT displayed in Philippine currency, consisting of one (1) page (See ICPA page 85)
P-100-GG-5-a, inclusive of sub-markings	2012 Total Net Reductions to Deferred Input VAT denominated in Philippine currency
P-100-GG-6, inclusive of sub-markings	2012 GL Summary of GL Account Number 2101006 with Account Description Output VAT displayed in USD currency consisting of one (1) page (See ICPA page 86)
P-100-GG-6-a, inclusive of sub-markings	2012 Ending Balance of Output VAT per GL denominated in US Dollar currency
P-100-GG-7, inclusive of sub-markings	2012 GL Summary of GL Account Number 2101006 with Account Description - Output VAT displayed in Philippine currency, consisting of one (1) page (See ICPA page 87)
P-100-GG-7-a, inclusive of sub-markings	2012 Total Net Reductions to Output VAT denominated in Philippine currency
P-100-HH, inclusive of sub-markings	Summary of Selected 2012 Property Plant and Equipment GL with corresponding input VAT claim for 2012
P-100-HH-1, inclusive of sub-markings	2012 GL of PPE with Account Code 1721002 and Account Description - Civil Structures consisting of one (1) page (See ICPA page 1)
P-100-HH-1-a, inclusive of sub-markings	2012 GL Line Item of Additions to PPE with the corresponding Input VAT claimed in 2012
P-100-HH-2, inclusive of sub-markings	2012 GL of PPE with Account Code 1710003 and Account Description- CWIP-Others, consisting of one (1) page (See ICPA page 2)
P-100-HH-2-a, inclusive of sub-markings	2012 GL Line Item of Additions to PPE with the corresponding Input VAT claimed in 2012
P-100-HH-3, inclusive of sub-markings	2012 GL of PPE with Account Code 1731001, and Account Description – Furniture and Equipment, consisting of one (1) page (See ICPA page 3)
P-100-HH-3-a to P-HH-100-3-b, inclusive of sub-markings	2012 GL Line Item of Additions to PPE with the corresponding Input VAT claimed in 2012
P-100-HH-4, inclusive of sub-markings	2012 GL of PPE with Account Code 1731001 and Account Description – Vehicles, consisting of one (1) page (See ICPA page 4)
P-100-HH-4-a to P-100-HH-4-b, inclusive of sub-markings	2012 GL Line items of Additions to PPE with the corresponding Input VAT claimed in 2012
P-100-HH-5, inclusive of sub-markings	2012 GL of PPE with Account Code 1738001 and Account Description Computer Equipment, consisting of one (1) page (See ICPA page 5)
P-100-HH-5-a, inclusive of	2012 GL Line item of Additions to PPE with the corresponding Input VAT claimed in 2012

Exhibit	Description
sub-markings	
P-100-II, inclusive of sub-markings	Summary of 2007 GL involving Different Accounts for Property Plant and Equipment and Input VAT Receivable
P-100-II-1, inclusive of sub-markings	2007 GL for Property Plant and Equipment Involving Different Accounts such as CWIP, Furniture and Equipment, Plant and Equipment, Civil Structures, Building, Vehicles, Tools and Equipment, and Computer Equipment, consisting of twenty nine (29) pages (See ICPA pages 1 - 29)
P-100-II-1-a to P-100-II-1-j, inclusive of sub-markings	2007 GL PPE Line Items with corresponding input VAT claimed in 2012
P-100-II-2, inclusive of sub-markings	2007 GL for Input VAT Receivable with Account Code 140105, consisting of one hundred forty two (142) pages (See ICPA pages 30 - 171)
P-100-II-2-a to P-100-II-2-j, inclusive of sub-markings	2007 GL Input VAT Line Items pertaining to PPE additions in 2007 but portion of the input VAT was claimed in 2012
P-100-JJ, inclusive of sub-markings	Summary of 2008 GL involving Different Accounts for Property Plant and Equipment and Input VAT Receivable
P-100-JJ-1, inclusive of sub-markings	2008 GL for Property Plant and Equipment Involving Different Accounts such as CWIP, Furniture and Equipment, Plant and Equipment, Civil Structures, Building, Vehicles, Tools and Equipment, and Computer Equipment, consisting of twenty three (23) pages (See ICPA pages 1 - 23)
P-100-JJ-1-a, inclusive of sub-markings	2008 GL PPE Line Item with Corresponding Input VAT Claimed in 2012
P-100-JJ-2, inclusive of sub-markings	2008 GL for Input VAT Receivable with Account Code 140105 consisting of one hundred thirty (130) pages (See ICPA pages 24 - 153)
P-100-JJ-2-a, inclusive of sub-markings	2008 GL Input VAT Line Item pertaining to PPE additions in 2008 but portion of the input VAT was claimed in 2012
P-100-KK, inclusive of sub-markings	Summary of 2009 GL involving Different Accounts for Property Plant and Equipment and Input VAT Receivable
P-100-KK-1, inclusive of sub-markings	2009 GL for Property Plant and Equipment Involving Different Accounts such as CWIP, Furniture and Equipment, Plant and Equipment, Civil Structures, Building, Vehicles, Tools and Equipment, and Computer Equipment, consisting of eleven (11) pages (See ICPA pages 1 - 11)
P-100-KK-1-a to P-100-KK-1-i, inclusive of sub-markings	2009 GL PPE Line items with corresponding Input VAT claimed in 2012
P-100-KK-2, inclusive of sub-markings	2009 GL for Input VAT Receivable with Account Code 140105 consisting of one hundred seventy five (175) pages (See ICPA pages 12 - 186)
P-100-KK-2-a to P-100-KK-2-i, inclusive of sub-markings	2009 GL Input VAT Line items pertaining to PPE additions in 2009 but portion of the input VAT was claimed in 2012
P-100-LL, inclusive of sub-markings	Summary of 2010 GL involving Different Accounts for Property Plant and Equipment and Input VAT Receivable
P-100-LL-1, inclusive of sub-markings	2010 GL for Property Plant and Equipment Involving Different Accounts such as CWIP, Furniture and Equipment, Plant and Equipment, Civil Structures, Building, Vehicles, Tools and Equipment, and Computer Equipment, consisting of seventy six (76) pages (See ICPA pages 1 - 76)
P-100-LL-1-a to P-100-LL-1-d, inclusive of sub-markings	2010 GL PPE Line Items with corresponding Input VAT claimed in 2012
P-100-LL-2, inclusive of sub-markings	2010 GL for Input VAT Receivable with Account Code 140105 consisting of one hundred sixty nine (169) pages (See ICPA pages 77 - 245)

Exhibit	Description
P-100-LL-2-a to P-100-LL-2-d, inclusive of sub-markings	2010 GL Input VAT Line Items pertaining to PPE additions in 2010 but portion of the input VAT was claimed in 2012
P-100-MM, inclusive of sub-markings	Summary of Selected 2011 Property Plant and Equipment GL with corresponding Input VAT claim for 2012, and GL of 2011 Input VAT Receivable
P-100-MM-1, inclusive of sub-markings	2011 GL of PPE with Account Code 1731001 and Account Description - Furniture and Equipment, consisting of one (1) page (See ICPA page 1)
P-100-MM-1-a to P-100-MM-1-c, inclusive of sub-markings	2011 GL Line Items of Additions to PPE with the corresponding Input VAT claimed in 2012
P-100-MM-2, inclusive of sub-markings	2011 GL of PPE with Account Code 1735001 and Account Description - Vehicles consisting of one (1) page (See ICPA page 2)
P-100-MM-2-a to P-100-MM-2-b, inclusive of sub-markings	2011 GL Line Items of Additions to PPE with the corresponding Input VAT claimed in 2012
P-100-MM-3, inclusive of sub-markings	2011 GL of PPE with Account Code 1737001 and Account Description - Tools and Equipment, consisting of one (1) Page (See ICPA page 3)
P-100-MM-3-a, inclusive of sub-markings	2011 GL Line Item of Additions to PPE with the corresponding input VAT claimed in 2012
P-100-MM-4, inclusive of sub-markings	2011 GL of PPE with Account Code 1738001 and Account Description - Furniture and Equipment, consisting of one (1) page (See ICPA page 4)
P-100-MM-4-a, inclusive of sub-markings	2011 GL Line Item of Additions to PPE with the corresponding input VAT claimed in 2012
P-100-MM-5, inclusive of sub-markings	2011 GL for Input VAT Receivable with Account Code 140105, consisting of eighty eight (88) pages (See ICPA pages 5 - 92)
P-100-MM-5-a to P-100-MM-5-g, inclusive of sub-markings	2011 GL Input VAT Line Items pertaining to PPE additions in 2011 but portion of the input VAT was claimed in 2012
P-100-NN, inclusive of sub-markings	Summary of 2012 Monthly Reference of Voluminous Suppliers' Invoices, Official Receipts to support the input VAT credits of the Petitioner
P-100-NN-010001 to P-100-NN-010302, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of January 2012
P-100-NN-020001 to P-100-NN-020503, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of February 2012
P-100-NN-030001 to P-100-NN-030624, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of March 2012
P-100-NN-040001 to P-100-NN-040233, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of April 2012

Exhibit	Description
P-100-NN-050001 to P-100-NN-050485, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of May 2012
P-100-NN-060001 to P-100-NN-060449, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of June 2012
P-100-NN-070001 to P-100-NN-070417, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of July 2012
P-100-NN-080001 to P-100-NN-080379, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of August 2012
P-100-NN-090001 to P-100-NN-090519, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of September 2012
P-100-NN-100001 to P-100-NN-100347, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of October 2012
P-100-NN-110001 to P-100-NN-110386, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of November 2012
P-100-NN-120001 to P-100-NN-120543, inclusive of sub-markings	Suppliers' Invoices, Official Receipts and Other Documents to support the input VAT credits for the month of December 2012
P-100-OO, inclusive of sub-markings	Summary of Importation Documents for 2012
P-100-OO-1 to P-100-OO-46, inclusive of sub-markings	Importation documents for 2012 such as Import Entry and Internal Revenue Declaration (IERDs) and Statement of Settlements of Duties and Taxes (SSDTs), etc., to support the input VAT on importations claimed in 2012
P-100-PP, inclusive of sub-markings)	Summary of Withholding VAT Returns for the 1st, 2nd and 4th Quarters of 2012
P-100-PP-1, inclusive of sub-markings	2012 1st Quarter Withholding VAT Returns, consisting of two (2) pages (See ICPA pages 1 - 2), to support the input VAT claimed on income payments for services rendered by non-residents
P-100-PP-2, inclusive of sub-markings	2012 2nd Quarter Withholding VAT Returns, consisting of two (2) pages (See ICPA pages 3 - 4), to support the Input VAT claimed on Income payments for services rendered by non-residents
P-100-PP-3, inclusive of sub-markings	2012 4th Quarter 2012 Withholding VAT Returns, consisting of two (2) pages (See ICPA pages 5 - 6), to support the input VAT claimed on income payments for services rendered by non-residents

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Exhibit	Description
P-100-QQ, inclusive of sub-markings	Summary of Suppliers' Invoices Supporting VAT credits pertaining to capital goods for 2012
P-100-QQ-1 to P-100-QQ-80, inclusive of sub-markings	Suppliers' Invoices and ORs for years 2007 to 2012 related to purchases of capital goods to support the input VAT claimed/net input VAT amortizations on capital goods
P-100-RR	Eighteen (18)-paged Summary of Exhibits

Respondent manifested that there is no report of investigation and that he will no longer present any witness.[33] Both parties were given thirty (30) days within which to file their respective memoranda.

Respondent filed his Memorandum[34] on July 16, 2015; while the Memorandum for the Petitioner[35] was filed on March 7, 2016. Hence, the case was submitted for decision.[36]

The parties submitted the following issue[37] for the Court's resolution:

> Whether or not Petitioner is entitled to a cash refund/VAT refund in the amount of Fifty Million Sixty Thousand Seven Hundred Sixty Six & 08/100 Pesos (₱50,060,766.08), allegedly representing unutilized or excess creditable input taxes on Petitioner's domestic purchases of goods other than capital goods, importations of goods other than capital goods, domestic purchases of services, payments for services rendered by non-residents, purchases of capital goods not exceeding ₱1 million, and purchase of capital goods exceeding ₱1 million, for the period January 1, 2012 to December 31, 2012, all attributable to zero-rated sales for the same period January 1, 2012 to December 31, 2012, pursuant to Sections 108(B)(7) and 112(A) of the National Internal Revenue Code (NIRC) of 1997, as amended.

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[33] Minutes of the hearing dated March 17, 2015, Docket, vol. III, p. 2306.
[34] Docket, vol. IV, pp. 2811-2821.
[35] Docket, vol. IV, pp. 2893-2911.
[36] Resolution dated March 15, 2016, Docket, vol. IV, p. 2913.
[37] Joint Stipulation of Facts and Issues, Docket, vol. II, p. 1340.

The Court shall first address the timeliness of petitioner's administrative and judicial claims to determine whether the Court has jurisdiction to take cognizance of the present Petition for Review.

Relevant to the resolution of the present case is Section 112(A) and (C) of the NIRC of 1997, as amended, as follows:

> "SEC. 112. *Refunds or Tax Credits of Input Tax.* –
>
> (A) *Zero-Rated or Effectively Zero-Rated Sales.* – Any VAT-registered person, whose sales are zero-rated or effectively zero-rated may, within two (2) years after the close of the taxable quarter when the sales were made, apply for the issuance of a tax credit certificate or refund of creditable input tax due or paid attributable to such sales, except transitional input tax, to the extent that such input tax has not been applied against output tax: *Provided, however*, That in the case of zero-rated sales under Section 106(A)(2)(a)(1), (2) and (b) and Section 108(B)(1) and (2), the acceptable foreign currency exchange proceeds thereof had been duly accounted for in accordance with the rules and regulations of the Bangko Sentral ng Pilipinas (BSP): *Provided, further*, That where the taxpayer is engaged in zero-rated or effectively zero-rated sale and also in taxable or exempt sale of goods of properties or services, and the amount of creditable input tax due or paid cannot be directly and entirely attributed to any one of the transactions, it shall be allocated proportionately on the basis of the volume of sales: *Provided, finally*, That for a person making sales that are zero-rated under Section 108(B)(6), the input taxes shall be allocated ratably between his zero-rated and non-zero-rated sales.
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> xxx xxx xxx
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> (C) *Period within which Refund or Tax Credit of Input Taxes shall be Made.* – In proper cases, the Commissioner shall grant a refund or issue the tax credit certificate for creditable input taxes within one hundred twenty (120) days from the date of submission of complete documents in support of the application filed in accordance with Subsection (A) hereof.

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In case of full or partial denial of the claim for tax refund or tax credit, or the failure on the part of the Commissioner to act on the application within the period prescribed above, the taxpayer affected may, within thirty (30) days from the receipt of the decision denying the claim or after the expiration of the one hundred twenty day-period, appeal the decision or the unacted claim with the Court of Tax Appeals."

Petitioner's administrative and judicial claims were timely filed.

Pursuant to the above-quoted Section 112(A), the administrative claim for the issuance of tax credit certificate (TCC) or refund of input VAT must be filed with the BIR within two (2) years after the close of the taxable quarter when the zero-rated or effectively zero-rated sales were made.

Applying the foregoing provision, petitioner has two (2) years from the close of the taxable quarter when sales were made to file for the issuance of TCC or a claim for refund of input VAT attributable to its zero-rated or effectively zero-rated sales. Thus, petitioner's last day for filing of its administrative claim for the four (4) quarters of taxable year 2012 fell on the following dates:

Period covered	**Last day of the Two-year period**
January to March 2012 (1st Quarter)	March 31, 2014
April to June 2012 (2nd Quarter)	June 30, 2014
July to Sept. 2012 (3rd Quarter)	September 30, 2014
October to Dec. 2012 (4thQuarter)	December 31, 2014

Evidently, petitioner's administrative claim for refund[38] filed on November 18, 2013 is well within the two-year prescriptive period.

Anent the timeliness of the judicial appeal, Section 112(C) of the NIRC of 1997, as amended, provides that respondent has 120 days from the date of submission of supporting documents within which to act on petitioner's claim.

[38] Exhibits "P-1" and "P-2", Docket, vol. IV, pp. 2437-2452 and 2453, respectively.

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In this case, petitioner simultaneously submitted its complete supporting documents[39] upon filing of its administrative claim on November 18, 2013. It must be noted that the 120-day period started and continued to run from November 18, 2013 until March 18, 2014 since there was no written notice sent by respondent informing petitioner that the documents it submitted were not complete or requiring the latter to submit additional documents. Upon the lapse of the 120-day period on March 18, 2014, petitioner had thirty (30) days or until April 21, 2014[40] within which to file an appeal via Petition for Review before this Court. In view of respondent's inaction on its claim, petitioner filed the present Petition for Review before this Court on March 21, 2014, which is within the required thirty (30)-day period. Hence, both the administrative and judicial claims were seasonably filed.

The Court shall now proceed to determine the merits of petitioner's claim for refund of the amount of ₱50,060,766.08, allegedly representing its unutilized or excess creditable input VAT paid or incurred on its domestic purchases of goods and services, all attributable to zero-rated sales for CY 2012.

Petitioner is engaged in zero-rated or effectively zero-rated sales; sale of power generated through renewable sources of energy is among the transactions subject to zero percent (0%) VAT.

Petitioner maintains that its sales of electricity generated through hydropower to the NPC are subject to zero percent (0%) VAT, pursuant to Section 108(B)(7) of the NIRC of 1997, as amended.

The Court agrees with petitioner.

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[39] Exhibit "P-1", Docket, vol. IV, pp. 2446-2452.
[40] Next working day after April 17, 2014, which is a holiday (Maundy Thursday).

Section 108(B)(7) of the NIRC of 1997, as amended by Republic Act (RA) No. 9337, provides that sale of power generated through renewable sources of energy is among the transactions subject to zero percent (0%) VAT, as follows:

> "SEC. 108. *Value-added Tax on Sale of Services and Use or Lease of Properties.* –
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> xxx xxx xxx
>
> (B) *Transactions Subject to Zero Percent (0%) Rate.* – The following services performed in the Philippines by VAT-registered persons shall be subject to zero percent (0%) rate:
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> xxx xxx xxx
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> (7) Sale of power or fuel generated through renewable sources of energy such as, but not limited to, biomass, solar, wind, hydropower, geothermal, ocean energy, and other emerging energy sources using technologies such as fuel cells and hydrogen fuels."

Also, Section 4.108-5(b)(7) of Revenue Regulations (RR) No. 16-2005, which implements the above-quoted provision, qualifies the applicability of such zero-rating as follows:

> "SECTION 4.108-5. *Zero-Rated Sale of Services.* –
>
> xxx xxx xxx
>
> (b) *Transactions Subject to Zero Percent (0%) VAT Rate.* – The following services performed in the Philippines by a VAT-registered person shall be subject to zero percent (0%) VAT rate:
>
> xxx xxx xxx
>
> (7) Sale of power or fuel generated through renewable sources of energy such as, but not limited to, biomass, solar, wind, hydropower, geothermal and steam, ocean energy, and

other emerging sources using technologies such as fuel cells and hydrogen fuels; *Provided, however*, that zero-rating shall apply strictly to the sale of power or fuel generated through renewable sources of energy, and shall not extend to the sale of services related to the maintenance or operation of plants generating said power."

Corollary to the above provisions, Section 4.108-3(f) of Revenue Regulations No. 16-2005 states:

"SECTION 4.108-3. *Definitions and Specific Rules on Selected Services.* –

xxx xxx xxx

(f) Sale of electricity by generation, transmission, and distribution companies shall be subject to 10% VAT on their gross receipts: *Provided*, That sale of power or fuel generated through renewable sources of energy such as, but not limited to, biomass, solar, wind, hydropower, geothermal, ocean energy, and other emerging sources using technologies such as fuel cells and hydrogen fuels shall be subject to 0% VAT.

'*Generation companies*' refers to persons or entities authorized by the Energy Regulatory Commission (ERC) to operate facilities used in the generation of electricity. For this purpose, generation of electricity refers to the production of electricity by a generation company or a co-generation facility pursuant to the provisions of the R.A. No. 9136 (EPIRA). They shall include all Independent Power Producers (IPPs) and NPC/Power Sector Assets and Liabilities Management Corporation (PSALM)-owned generation facilities."

It must be stressed that petitioner is a special purpose entity, the sole purpose of which is to engage in all aspects of (a) the design, financing, construction, testing, commissioning, operation, maintenance, management and ownership of the Kalayaan II pumped storage hydroelectric power plant, the New Caliraya Spillway, and other assets to be located in the Province of Laguna; and (2) the rehabilitation, upgrade, expansion, testing, commissioning, operation, maintenance and management of the Caliraya, Botocan and Kalayaan I hydroelectric power plants and their related facilities located in the

Province of Laguna, as gleaned from its Securities and Exchange Commission (SEC) Certificate of Registration[41] and Amended Certificate of Partnership.[42]

Petitioner entered into a Second Accession Undertaking[43] with NPC, IMPSA, and CBK Power Corporation on September 20, 2000, wherein petitioner became a party to the BROT Agreement[44] dated November 6, 1998. Under the BROT Agreement and by virtue of the Second Accession Undertaking, petitioner shall assume and undertake the responsibility for the rehabilitation, construction, operation and maintenance of the Caliraya, Botocan, and Kalayaan hydroelectric power plants and other civil structures for the purpose of generating electricity for the NPC. In consideration thereof, NPC shall pay petitioner Capital Recovery Fees and Operation and Maintenance Fees and other fees in accordance with the BROT Agreement.

In performing its obligations under the Accession Undertaking and BROT Agreement, petitioner entered into an agreement designated as Turnkey Contract[45], with IMPSA Construction Corporation on August 18, 2000; by virtue of which IMPSA Construction Corporation undertook the design, engineering, procurement, supply of all plants and materials, rehabilitation, construction, commissioning, testing, completion and handover of such power plants, together with the civil structures, access roads and other works as specified in the BROT Agreement[46].

Petitioner generates electricity through its four (4) hydroelectric power plants, namely: Caliraya, Botocan, Kalayaan I, and Kalayaan II. The plants generate electricity by drawing water from an upstream reservoir, passing the water through a penstock, and in the process utilizing the force of gravity to rotate the turbines. The turbines in turn rotate the generators, thereby generating electricity.[47]

Petitioner's Caliraya, Botocan, Kalayaan I, and Kalayaan II power plants were found by the Energy Regulatory Commission (ERC) to be

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[41] Exhibit "P-10", Docket, vol. IV, pp. 2756-2759.
[42] Exhibit "P-11", Docket, vol. IV, pp. 2760-2767.
[43] Exhibit "P-4", Docket, vol. IV, pp. 2615-2622.
[44] Exhibit "P-3", Docket, vol. IV, pp. 2454-2614.
[45] Exhibit "P-5", Docket, vol. IV, pp. 2623-2751.
[46] Exhibit "P-18", Q&A No. 15, Docket, vol. II, p. 957.
[47] Exhibit "P-18", Q&A No. 37, Docket, vol. II, p. 967.

compliant with the pertinent rules and regulations as evidenced by the Certificates of Compliance (COCs)[48] issued by the ERC to petitioner pursuant to the Implementing Rules and Regulations of RA No. 9136, otherwise known as the "Electric Power Industry Reform Act of 2001". Moreover, the BIR issued BIR Ruling No. DA-146-2006[49] confirming that the billings of petitioner, an entity engaged in hydropower generation, to NPC for the sale of electricity generated through hydropower are subject to VAT at zero percent under Section 108(B)(7) of the NIRC of 1997, as amended by RA No. 9337.

For these reasons, there is no doubt that petitioner's sales of power generated through renewable source, *i.e.*, hydropower, qualifies for VAT zero-rating under Section 108(B)(7) of the NIRC of 1997, as amended.

Petitioner is not entitled to input VAT; petitioner's purchases of local supply of goods, properties and services needed for the development, construction and installation of its plant facilities are zero-rated.

It is clear that petitioner is engaged in zero-rated or effectively zero-rated sales for its sales of electricity to NPC. However, it is also worthy to note that petitioner's purchases of local supply of goods, properties and services needed for the development, construction and installation of its plant facilities are also zero-rated in accordance with Section 15(g) of RA No. 9513 or the Renewable Energy Act of 2008.

RA No. 9513, which was approved on December 16, 2008, provides that all renewable energy (RE) Developers, such as herein petitioner, are entitled to zero-rated VAT on their purchases of local supply of goods, properties and services needed for the development, construction and installation of their plant facilities and to the whole process of exploring and developing renewable energy sources up to its conversion into power, including but not limited to the services performed by subcontractors and/or contractors, as follows:

[48] Exhibits "P-6" to "P-9" and "P-15" to "P-17", Docket, vol. IV, pp. 2752-2755 and 2776-2778, respectively.
[49] Exhibit "P-14", Docket, vol. IV, pp. 2770-2775.

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"CHAPTER VII
GENERAL INCENTIVES

SECTION 15. *Incentives for Renewable Energy Projects and Activities.* – RE Developers of renewable energy facilities, including hybrid systems, in proportion to and to the extent of the RE component, for both power and non-power applications, as duly certified by the DOE, in consultation with the BOI, shall be entitled to the following incentives:

xxx xxx xxx

(g) Zero Percent Value-Added Tax Rate. – The sale of fuel or power generated from renewable sources of energy such as, but not limited to, biomass, solar, wind, hydropower, geothermal, ocean energy and other emerging energy sources using technologies such as fuel cells and hydrogen fuels, shall be subject to zero percent (0%) value-added tax (VAT), pursuant to the National Internal Revenue Code (NIRC) of 1997, as amended by Republic Act No. 9337.

All RE Developers shall be entitled to zero-rated value added tax on its purchases of local supply of goods, properties and services needed for the development, construction and installation of its plant facilities.

This provision shall also apply to the whole process of exploring and developing renewable energy sources up to its conversion into power, including but not limited to the services performed by subcontractors and/or contractors." (*Emphasis supplied*)

The same is implemented by Part III, Rule 5, Section 13(G)(b) of DOE Circular No. DC2009-05-0008 issued by the Department of Energy (DOE) on May 25, 2009, which provides as follows:

"PART III.
Incentives for Renewable Energy Projects and Activities

RULE 5.
General Incentives and Privileges for Renewable Energy Development

SECTION 13. *Fiscal Incentives for Renewable Energy Projects and Activities*

DOE-certified existing and new RE Developers of RE facilities, including Hybrid Systems, in proportion to and to the extent of the RE component, for both Power and Non-Power Applications, shall be entitled to the following incentives:

xxx xxx xxx

G. *Zero Percent Value-Added Tax Rate*

The following transactions/activities shall be subject to zero percent (0%) value-added tax (VAT), pursuant to the National Internal Revenue Code (NIRC) of 1997, as amended by Republic Act No. 9337:

(a) Sale of fuel from RE sources or power generated from renewable sources of energy such as, but not limited to, biomass, solar, wind, hydropower, geothermal, ocean energy, and other emerging energy sources using technologies such as fuel cells and hydrogen fuels;

(b) Purchase of local goods, properties and services **needed for the development, construction, and installation of the plant facilities** of RE Developers; and

(c) **Whole process of exploration and development of RE sources up to its conversion into power**, including, but not limited to, the services performed by subcontractors and/or contractors." (*Emphasis supplied*)

The foregoing provisions are clear. Petitioner, being a RE Developer, is entitled to zero-rated VAT on its purchases of local supply of goods, properties and services needed for the development, construction and installation of its plant facilities and to the whole process of exploring and developing renewable energy sources up to its conversion into power.

In the case of *Bolos vs. Bolos*[50], the Supreme Court discussed the plain-meaning rule or *verba legis*, as follows:

> "A cardinal rule in statutory construction is that when the law is clear and free from any doubt or ambiguity, there is no room for construction or interpretation. There is only room for application. As the statute is clear, plain, and free from ambiguity, it must be given its literal meaning and applied without attempted interpretation. This is what is known as the plain-meaning rule or *verba legis*. It is expressed in the maxim, *index animi sermo*, or 'speech is the index of intention.' Furthermore, there is the maxim *verba legis non est recedendum*, or 'from the words of a statute there should be no departure."

Applying the foregoing provisions, it is evident that no output VAT shall be shifted to or passed on to RE Developers, such as herein petitioner, in connection with their purchases of goods and services needed for the development, construction, and installation of their plant facilities as well as to the whole process of exploration and development of RE sources up to its conversion into power. Conversely, no input VAT shall be paid by RE Developers on these transactions. There being no input VAT to be paid by RE Developers, it necessarily follows that they are not entitled to refund, or issuance of TCC from the said purchases.

Simply stated, petitioner could not have paid input taxes on its purchases of goods and services from VAT-registered suppliers because such purchases being zero-rated, that is, no output tax was paid by the suppliers, no input tax was shifted or passed on to petitioner. The VAT is an indirect tax and the amount of tax may be

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[50] G.R. No. 186400, October 20, 2010.

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shifted or passed on to the buyer, transferee or lessee of the goods, properties or services.[51]

Revenue Memorandum Circular (RMC) No. 42-2003 dated July 15, 2003 provides:

> **"Q-3: There are cases where sales transactions of the suppliers of exporters-claimants were already considered as effectively zero-rated by virtue of BIR's approval of their applications for zero-rating. Notwithstanding such approval, these suppliers still issued VAT invoices, which became the sources of the claim for tax credit. Will these input taxes be denied/disallowed or shall the corresponding output taxes be assessed against the suppliers?**
>
> A-3: When the supplier has an approved application for effectively zero-rating on its sale to the exporter-claimant, the claimant should be aware that the invoices and receipts from that supplier should not carry any VAT component. With an approved zero-rating from the BIR, the supplier will report its sales as zero-rated.
>
> In case the supplier alleges that it reported such sale as a taxable sale, the substantiation of remittance of the output taxes of the seller (input taxes of the exporter-buyer) can only be established upon the thorough audit of the suppliers' VAT returns and corresponding books and records. It is, therefore, imperative that the processing office recommends to the concerned BIR Office the audit of the records of the seller.
>
> **In the meantime, the claim for input tax credit by the exporter-buyer should be denied without prejudice to the claimant's right to seek reimbursement of the VAT paid, if any, from its supplier**." (*Emphasis supplied*)

The present case is analogous to the case of *Coral Bay Nickel Corp. vs. Commissioner of Internal Revenue*[52], wherein the Court of Tax Appeals *En Banc* affirming the Decision[53] of the Court in Division

[51] Section 105, NIRC of 1997, as amended.
[52] CTA EB No. 403 (CTA Case No. 7022), May 29, 2009.
[53] CTA Case No. 7022, March 10, 2008.

ruled that an entity located within the Ecozone cannot seek from the BIR a refund of its unutilized input taxes because under the law and the Cross Border Doctrine of the VAT system, sales of goods and services to PEZA-registered entities such as Coral Bay Nickel Corporation, are subject to zero percent (0%) VAT. The Court *En Banc* further held that in instances when petitioner Coral Bay paid input VAT, notwithstanding that under the law it is subject to VAT at zero percent rate, Coral Bay's recourse is not against the government, but against the seller who shifted to it the output VAT. Pertinent portions of the Decision read:

> "xxx, all sales of goods or property to PEZA-registered enterprises made by VAT registered suppliers from the customs territory shall be subject to 0% VAT, pursuant to *Sec. 106(A)(2)(a)(5), of the NIRC, of 1997, as amended,* in relation to *Article 77(2) of the Omnibus Investments Code*. While all sales of services to PEZA-registered enterprises, made by VAT registered suppliers from the customs territory, shall be subject to 0% VAT, pursuant to *Section 108(B)(3) of the NIRC of 1997, as amended,* in relation to the provisions of *RA 7916* and the 'Cross Border Doctrine' of the VAT system.
>
> xxx xxx xxx
>
> The Cross Border Doctrine provides that no VAT shall be imposed to form part of the cost of goods destined for consumption outside of the territorial border of the taxing authority (*Section 2, Revenue Memorandum Circular No. 74-99*).
>
> **Since, an ECOZONE is regarded as a foreign territory by *RA 7916*, the sales of goods and services therefore by VAT registered enterprises to PEZA-registered enterprises are subject to VAT at zero percent rate. Accordingly, no output VAT shall be shifted to or passed on to PEZA-registered enterprises; conversely, no input VAT shall be paid by PEZA-registered enterprises from said purchases. There being no input VAT paid by PEZA-registered enterprises, it necessarily follows that they are not entitled to refund, or issuance of tax credit certificate from their purchases of goods and services.**

Records show that petitioner is a PEZA registered entity, as evidenced by its PEZA Certificate of Registration No. 02-072 (*Exhibit 'C'*). Applying the foregoing doctrine, petitioner is therefore subject to VAT at zero percent rate. Accordingly, no output VAT shall be shifted to it; hence, petitioner is not entitled to refund or issuance of tax credit certificate from its domestic purchases of goods and services.

It bears stressing that in the aforecited *Toshiba case*, the Supreme Court, citing *Revenue Memorandum Circular No. 42-03*, categorically stated that 'for invoices/receipts issued upon the effectivity of RMC No. 74-99, the claims for input VAT by PEZA-registered companies, regardless of the type or class of PEZA-registration; should be denied'. Since petitioner's claim for refund or issuance of tax credit certificate pertains to input VAT on its domestic purchases of goods and services for the period May 1, 2002 to December 31, 2002 (*Exhibits 'W-1' to W-241'*), which is after the effectivity of *Revenue Memorandum Circular No. 74-99*, petitioner is therefore not entitled to refund, pursuant to the *Toshiba case* and *Revenue Memorandum Circular No. 42-03*.

To allow petitioner a refund or issuance of tax credit certificate of input VAT on its domestic purchases of goods and services, when there is no right to demand it against the government, since its purchases are zero-rated, would unduly enrich petitioner at the expense of the government. Under the law, no one shall unjustly enrich himself at the expense of another. *'Niguno non deue enriquecerse tortizamente condano de otr' (Ong Yong, et al. vs. David S. Tiu, et al., 375 SCRA 640)*. Said ruling is equally true in the field of taxation, particularly in cases involving claims for refunds.

In instances when petitioner paid input VAT, notwithstanding that under the law it is subject to VAT at zero percent rate, petitioner's recourse is not against the government, but against the seller who shifted to it the output VAT. *Revenue Memorandum Circular No. 42-03* is clearly instructive on this matter:

> **'In the meantime, the claim for input tax credit by the exporter-buyer should be denied without prejudice to the claimant's right to**

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seek reimbursement of the VAT paid, if any, from its supplier.'

Pursuant to *Revenue Memorandum Circular No. 42-03*, petitioner's recourse for those purchases of goods and services where it paid VAT is not a claim for refund against the government, or the issuance of a tax credit certificate; but to seek reimbursement of the input VAT paid from its suppliers of goods and services.

For all the foregoing, this Court therefore rules that petitioner, being a PEZA registered enterprise, is not entitled to refund or issuance of a tax credit certificate of its claim for unutilized input VAT, in the amount of P50,124,086.75, attributable to its domestic purchases of goods, other than capital goods, and services for the period May 1, 2002 to December 31, 2002." (*Emphasis supplied*)

The above-quoted ruling was affirmed in the case of *Coral Bay Nickel Corporation vs. Commissioner of Internal Revenue*[54], wherein the Supreme Court held that the proper party to seek the tax refund or credit should be the suppliers, not the petitioner (Coral Bay), as follows:

> "We should also take into consideration the nature of VAT as an indirect tax. Although the seller is statutorily liable for the payment of VAT, the amount of the tax is allowed to be shifted or passed on to the buyer. However, reporting and remittance of the VAT paid to the BIR remained to be the seller/supplier's obligation. Hence, the proper party to seek the tax refund or credit should be the suppliers, not the petitioner."

In the same vein, petitioner's recourse for its purchases of goods and services where it paid VAT is not a claim for refund against the BIR; but to seek reimbursement of its alleged input VAT paid from its suppliers of goods and services since its purchases of local goods, properties and services needed for the development, construction and installation of the plant facilities as well as its purchases of goods, properties and services for the whole process of exploration and development of renewable energy sources up to its conversion into

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[54] G.R. No. 190506, June 13, 2016.

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power, including but not limited to the services performed by subcontractors or contractors, are subject to zero percent VAT under RA No. 9513.

In view of the foregoing, the Court rules that petitioner is not entitled to the refund of the amount of ₱50,060,766.08, allegedly representing its unutilized or excess creditable input taxes paid or incurred on its domestic purchases of goods and services, all attributable to zero-rated sales for calendar year 2012.

WHEREFORE, premises considered, the Petition for Review is **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

ERLINDA P. UY
Associate Justice

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's Division.

ROMAN G. DEL ROSARIO
Presiding Justice
Chairperson, 1st Division