REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

COMMISSIONER OF INTERNAL REVENUE, *Petitioner,*	**CTA *EB* NO. 2965** (CTA Case No. 10500)
	Present:
-versus-	**RINGPIS-LIBAN,** **MANAHAN,** **BACORRO-VILLENA,** **MODESTO-SAN PEDRO,** **REYES-FAJARDO,** **CUI-DAVID,** **FERRER-FLORES,** *and* **ANGELES,** *JJ.*
GLOBAL BUSINESS POWER CORPORATION, *Respondent.*	Promulgated: OCT 10 2025 2:55

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D E C I S I O N

MANAHAN, J.:

For review before the Court *En Banc* is a *Petition for Review* filed by petitioner Commissioner of Internal Revenue (CIR) on August 29, 2024,[1] seeking the reversal and setting aside of the Decision dated February 29, 2024[2] and the Resolution dated July 19, 2024,[3] promulgated by the Court

[1] En Banc Docket, pp. 7 to 29.
[2] En Banc Docket, pp. 35 to 51; Docket (CTA Case No. 10500) – Vol. 1, p. 487 to Vol. 2, p. 503.
[3] En Banc Docket, pp. 53 to 57; Docket (CTA Case No. 10500) – Vol. 2, pp. 534 to 538.

in Division in CTA Case No. 10500, entitled "*Global Business Power Corporation vs. Commissioner of Internal Revenue,*" the dispositive portions of which respectively read:

Decision dated February 29, 2024:

"**WHEREFORE**, in light of the foregoing considerations, the present *Petition for Review* is **PARTIALLY GRANTED**. Accordingly, respondent is **ORDERED** to refund to petitioner, or to issue a tax credit certificate in its favor in, the amount of **₱10,521,601.39**, representing petitioner's excess and unutilized CWTs for taxable year 2018.

SO ORDERED."

Resolution dated July 19, 2024:

"**WHEREFORE**, premises considered, respondent's *Motion for Reconsideration (Re: Decision 29 February 2024)* is **DENIED** for lack of merit.

SO ORDERED."

THE PARTIES

Petitioner is the Commissioner of Internal Revenue (CIR), vested by law with authority to enforce and implement the provisions of the 1997 National Internal Revenue Code (NIRC), as amended, as well as related statutes and their implementing rules and regulations. He holds office at the Bureau of Internal Revenue (BIR) National Office Building, BIR Road, Diliman, Quezon City.[4]

Respondent Global Business Power Corporation is a corporation, duly organized and existing under the laws of the Republic of the Philippines, with principal address at 22F G.T. Tower International, 6813 Ayala Avenue corner H.V.

[4] Par. 2, Stipulation of Facts, *Joint Stipulation of Facts and Issues* (JSFI), Division Docket (CTA Case No. 10500) – Vol. 1, p. 338. *an*

Dela Costa Sts., Bel Air, Makati City.[5] It is registered with the BIR Large Taxpayers Service, Revenue District Office No. 125 – Regular LT Division II with Taxpayer Identification No. 216-792-884-00000.[6]

FACTS

On August 28, 2020, respondent filed with the BIR, an Application for Tax Credits/Refunds (BIR Form No. 1914), and the letter evenly dated,[7] applying for refund or issuance of tax credit certificate for the excess and unutilized creditable withholding taxes (CWTs) for taxable year (TY) 2018, in the amount of ₱10,521,601.00.

Considering that petitioner has not issued any decision on respondent's claim for refund or issuance of tax credit certificate,[8] respondent filed its Petition for Review on May 17, 2021 before the Court in Division,[9] praying that judgment be rendered: (1) declaring respondent entitled to a refund or issuance of tax credit certificate in the amount of ₱10,521,601.61, representing excess and unutilized CWTs for TY 2018; and (2) ordering petitioner to grant respondent a refund or issuance of a tax credit certificate in the said amount of ₱10,521,601.61. The case was docketed as CTA Case No. 10500.

Petitioner filed his Answer on October 25, 2021,[10] interposing certain special and affirmative defenses.

Trial then ensued.

On February 29, 2024, the Court in Division promulgated the assailed Decision,[11] partially granting the Petition for Review. The Court in Division ruled that considering that respondent complied with all the requisites for a taxpayer to be entitled to a refund for unutilized excess

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[5] Par. 1, Stipulation of Facts, JSFI, Division Docket (CTA Case No. 10500) – Vol. 1, p. 338.
[6] Par. 4, Stipulation of Facts, JSFI, Division Docket (CTA Case No. 10500) – Vol. 1, p. 339.
[7] Exhibits "8-1" and "8", BIR Records, pp. 208 and 207, respectively.
[8] Par. 5, Stipulation of Facts, JSFI, Docket (CTA Case No. 10500) – Vol. 1, p. 339.
[9] Division Docket (CTA Case No. 10500) – Vol. 1, pp. 7 to 28.
[10] Division Docket (CTA Case No. 10500) – Vol. 1, pp. 274 to 288.
[11] Division Docket (CTA Case No. 10500) – Vol. 1, p. 487 to Vol. 2, p. 503.

CWTs, respondent's claim in the aggregate amount of ₱10,521,601.39 (extent of CWTs duly substantiated by BIR Forms No. 2307) should be granted.[12]

Aggrieved, petitioner filed his Motion for Reconsideration (Re: Decision 29 February 2024) on March 21, 2024,[13] while respondent filed its Opposition [To Respondent's Motion for Reconsideration dated March 18, 2024] on April 26, 2024.[14] However, the same was denied in the assailed Resolution dated July 19, 2024.[15]

On August 13, 2024, petitioner filed his Motion for Extension of Time to File Petition for Review,[16] praying that he be given an additional fifteen (15) days from August 14, 2024, or until August 29, 2024, within which to file his Petition for Review before the Court *En Banc.*

In the Notice of Resolution dated August 14, 2024,[17] the Court *En Banc*, subject to the condition that the motion for extension is filed on time, granted petitioner an additional fifteen (15) days from August 14, 2024, or until August 29, 2024, within which to file his Petition for Review.

Petitioner filed the present *Petition for Review* on August 29, 2024.

In the Notice of Resolution dated October 10, 2024, the Court En Banc directed respondent to file its comment to the Petition.[18] Accordingly, respondent filed its Comment/Opposition [Re: Petition for Review dated August 22, 2024] on October 15, 2024.[19]

The present case was submitted for decision on November 19, 2024.[20]

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[12] Division Docket (CTA Case No. 10500) – Vol. 2, pp. 501 to 502.
[13] Division Docket (CTA Case No. 10500) – Vol. 2, pp. 504 to 521.
[14] Division Docket (CTA Case No. 10500) – Vol. 2, pp. 524 to 531.
[15] Division Docket (CTA Case No. 10500) – Vol. 2, pp. 534 to 538.
[16] En Banc Docket, pp. 1 to 4.
[17] En Banc Docket, p. 6.
[18] En Banc Docket, p. 69.
[19] En Banc Docket, pp. 58 to 64.
[20] Notice of Resolution dated November 19, 2024, Docket, p.70.

ISSUE

Petitioner raises the following ground in support of the present *Petition for Review, viz.*:

> "WITH ALL DUE RESPECT, THE HONORABLE COURT ERRED WHEN IT GRANTED RESPONDENT'S PETITION FOR REVIEW AND DIRECTED PETITIONER TO REFUND TO RESPONDENT THE AMOUNT OF TEN MILLION FIVE HUNDRED TWENTY-ONE THOUSAND SIX HUNDRED ONE PESOS AND THIRTY-NINE CENTAVOS (P10,521,601.39)"[21]

Petitioner's arguments:

Petitioner argues that respondent miserably failed to exhaust administrative remedies before elevating the case to this Court. He asserts that his office must be given every opportunity to decide on the claim for refund prior to the filing of a judicial appeal which respondent failed to do.

Petitioner also emphasized that his inaction on the present claim for refund was due to respondent's failure to comply with several requests for submission of documents essential for deciding the claim, thus, preventing his office from giving a well-informed decision.

On the substantive merits of the claim for refund, petitioner contends that respondent is not entitled to the refund of excess CWTs because it did not comply with the requirements provided by law and jurisprudence. First, petitioner claims that respondent was not able to prove that the refund claimed formed part of its gross income. Second, petitioner alleges that respondent was not able to prove actual remittance of the same alleged withheld taxes to the BIR. Overall, petitioner maintains that the present claim for refund must be denied for failure to submit the complete requirements prescribed under Revenue Memorandum Order (RMO) No. 53-98 and Revenue Regulations (RR) No. 2-2006, hence, it was erroneous on the part of the Court in Division to partially grant the claim for refund of excess and unutilized CWTs for TY 2018.

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[21] Ground, *Petition for Review*, En Banc Docket, p. 10.

Respondent's counter-arguments:

Respondent submits that the *Petition for Review* is a mere reiteration of the arguments raised before the Court in Division, which have already been resolved in the assailed Decision. In any case, respondent maintains that the Court has confirmed that it is entitled to the refund or issuance of tax credit certificate on excess and unutilized CWTs for TY 2018.

RULING OF THE COURT

The present *Petition for Review* is denied for lack of merit.

Prefatorily, the Court *En Banc* notes that petitioner's arguments in the present *Petition for Review* are a mere rehash of his arguments in the Motion for Reconsideration (Re: Decision dated 29 February 2024) that were already sufficiently passed upon and judiciously resolved in the assailed Resolution. To be sure, petitioner utterly failed to raise any compelling reason to warrant the modification much less reversal of the Court in Division's findings. Nevertheless, the Court *En Banc* will address petitioner's arguments to put the issues raised to rest.

Respondent did not violate the doctrine of exhaustion of administrative remedies.

The procedures for claiming the refund of erroneously paid taxes are laid down under Sections 204(C) and 229 of the 1997 NIRC, as amended, and we quote, thus:

> "SEC. 204. *Authority of the Commissioner to Compromise, Abate and Refund or Credit Taxes.* – The Commissioner may –
>
> xxx xxx xxx
>
> (C) Credit or refund taxes erroneously or illegally received or penalties imposed without authority, refund the value of internal revenue stamps when they are returned in

good condition by the purchaser, and, in his discretion, redeem or change unused stamps that have been rendered unfit for use and refund their value upon proof of destruction. **No credit or refund of taxes or penalties shall be allowed unless the taxpayer files in writing with the Commissioner a claim for credit or refund within two (2) years after the payment of the tax or penalty**: *Provided, however,* That a return filed showing an overpayment shall be considered as a written claim for credit or refund." *(Emphasis added)*

"SEC. 229. *Recovery of Tax Erroneously or Illegally Collected.* - **No suit or proceeding shall be maintained in any court for the recovery of any national internal revenue tax hereafter alleged to have been erroneously or illegally assessed or collected**, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessively or in any manner wrongfully collected, **until a claim for refund or credit has been duly filed with the Commissioner**; but such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress.

In any case, no such suit or proceeding shall be filed after the expiration of two (2) years from the date of payment of the tax or penalty regardless of any supervening cause that may arise after payment: *Provided, however,* That the Commissioner may, even without a written claim therefor, refund or credit any tax, where on the face of the return upon which payment was made, such payment appears clearly to have been erroneously paid." *(Emphasis supplied)*

The afore-quoted provisions are clear: within two (2) years from the date of payment of tax, the claimant must first file an administrative claim with respondent before filing its judicial claim with the courts of law. Both claims must be filed within a two (2)-year reglementary period. Timeliness of the filing of the claim is mandatory and jurisdictional, and thus the Court cannot take cognizance of a judicial claim for refund filed either prematurely or out of time.[22]

To be sure, Sections 204 and 229 of the 1997 NIRC, as amended, fixed the same period of two (2) years for filing an administrative claim for refund before the BIR and for initiating a suit before this Court. As long as these two (2)

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[22] *Commissioner of Internal Revenue vs. San Miguel Corporation, et seq.*, G.R. Nos. 180740 and 180910, November 11, 2019.

acts fall within the two (2)-year period, there is no legal impediment to the judicial claim for refund.[23]

Hence, the law only requires that an administrative claim be priorly filed.[24] That is, to give the BIR at the administrative level an opportunity to act on said claim. In other words, for as long as the administrative claim and the judicial claim were filed within the two (2)-year prescriptive period, then there is an "exhaustion of administrative remedies."[25]

Consequently, from the plain language of the law, it does not matter how far apart the administrative and judicial claims were filed, or whether respondent was actually able to rule on the administrative claim, so long as both claims were filed within the two (2)-year prescriptive period.[26]

To further clarify, Section 229 of the 1997 NIRC, as amended, does not mean that the taxpayer must await the final resolution of its administrative claim for refund, since doing so would be tantamount to the taxpayer's forfeiture of its right to seek judicial recourse should the two (2)-year prescriptive period expire without the appropriate judicial claim being filed. Had respondent awaited the action of petitioner knowing fully well that the prescriptive period was about to lapse, it would have resultantly forfeited its right to seek a judicial review of its claim, thereby suffering irreparable damage.[27]

In this case, respondent, having filed its Annual Income Tax Return (ITR) for TY 2018 on April 11, 2019,[28] it had until April 11, 2021, within which to file both its administrative and judicial claims. Respondent filed its administrative claim for refund with the BIR on August 28, 2020,[29] while the judicial claim was filed on May 17, 2021,[30] which is within

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[23] *Commissioner of Internal Revenue vs. Carrier Air Conditioning Philippines, Inc.*, G.R. No. 226592, July 27, 2021.
[24] *Commissioner of Internal Revenue vs. Univation Motor Philippines, Inc. (formerly Nissan Motor Philippines, Inc.)*, G.R. No. 231581, April 10, 2019.
[25] *Id.*
[26] *Id.*
[27] *Commissioner of Internal Revenue vs. Goodyear Philippines, Inc.*, G.R. No. 216130, August 3, 2016.
[28] Exhibit "P-4", BIR Records, pp. 202 to 195.
[29] Exhibits "P-8-1" and "P-8", BIR Records, pp. 208 and 207, respectively.
[30] Division Docket (CTA Case No. 10500) – Vol. 1, pp. 7 to 28.

the extended time granted by the Supreme Court,[31] hence, both claims for refund of unutilized/excess CWTs were seasonably filed within the two (2)-year prescriptive period. Thus, it is undisputable that respondent did not violate the doctrine of exhaustion of administrative remedies and that its judicial claim was timely filed.

Petitioner, however, insists that the alleged inaction on the part of the BIR with respect to respondent's claim for refund is precisely for the reason that respondent failed to comply with the requests for submission made by the BIR after respondent's initial submission of its claim for refund. In failing to submit the documents required for the claim for refund it is as if no request for refund has been filed, and there was no compliance with the administrative remedy requirement.

The Court disagrees with petitioner.

Petitioner avers that during cross examination, his counsel asked respondent's witness, Ms. Reymonda Aida Obrero, of the submission of documents respondent made for its administrative claim of refund, and she testified as follows:

> "ATTY. DIEGO
>
> Q Were you the one and direct [*sic*] communication with the BIR in relation to the Application for Refund?
>
> MS. OBRERO
>
> A Actually, I am not the one, it was through our tax manager but I am informed usually of the status.
>
> xxx xxx xxx
>
> ATTY. DIEGO
>
> Q Were you the ones who prepared and submitted these documents to the BIR or also your tax manager?
>
> MS. OBRERO

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[31] Administrative Circular (AC) No. 15-2021 dated April 3, 2021; AC No. 21-2021 dated April 10, 2021; AC No. 22-2021 dated April 14, 2021; AC No. 29-2021 dated April 30, 2021; AC No. 33-2021 dated May 14, 2021.

A Honestly, I am not the one who prepared it but I signed it.

ATTY. DIEGO

Q After the submission of your tax manager, **am I correct to assume that the BIR talked to your tax manager for the submission of the additional documents?**

MS. OBRERO

A Based on my recollection of what happened, **there is a communication between the BIR and tax manager. However, we decided to file a case already to the CTA because of the non-decision or inactions from the BIR regarding the case, but to my recollection, all the requirements requested by the BIR were submitted.**"[32] (emphasis supplied)

Based on the foregoing, it is clear that petitioner is asserting that respondent's witness admitted that the BIR communicated with respondent's tax manager for the submission of additional documents, but instead of complying with the requests of the BIR, it opted to file a case before the Court.

However, contrary to petitioner's claim, there was no admission from respondent's witness that respondent did not submit additional documents requested by the BIR, in fact, she stated that to her recollection, "all the requirements requested by the BIR were submitted."

Moreover, petitioner did not present any evidence in this case,[33] particularly, any written notice to respondent informing the latter that the documents it submitted were incomplete or that his office requested respondent to submit additional documents.

Failure to submit the documents required under RMO No. 53-98 and RR No.

[32] Transcript of Stenographic Notes for the hearing held on July 28, 2022, pp. 9 and 11.
[33] *Manifestation* dated August 26, 2022, Division Docket (CTA Case No. 10500) – Vol. 1, pp. 425 to 427.

2-2006 is not fatal to respondent's refund claim.

Petitioner maintains that respondent failed to comply with the prescribed checklist of requirements to be submitted involving claims for unutilized CWTs pursuant to RMO No. 53-98 and RR No. 2-2006. He claims that respondent must prove compliance with RMO No. 53-98 and RR No. 2-2006, to give support to the validity of its claim for unutilized CWT for TY 2018. According to petitioner, failure of respondent to prove compliance therewith in the administrative level will effectively divest the BIR of its duty to examine the claim for refund and renders its *Petition for Review* vulnerable and weak, unworthy of refund.

We again disagree with petitioner.

A cursory reading of RMO No. 53-98[34] and RR No. 2-2006[35] shows that nowhere is it stated that the non-submission of the documents enumerated therein would *ipso facto* result in the denial of the claim for tax refund or credit. In fact, RR No. 2-2006 merely imposes a penalty of fine for non-submission of the information or statement required therein, but not the outright denial of any claim for tax refund or credit.

Moreover, even if respondent failed to submit the required complete documents at the administrative level, the same is of no moment. In *Commissioner of Internal Revenue vs. Univation Motor Philippines, Inc. (formerly Nissan Motor Philippines, Inc.)*,[36] the Supreme Court held as follows:

> "Petitioner CIR argued that failure of the respondent to submit the required complete documents as required by Revenue Memorandum Order No. 53-98 and Revenue

[34] SUBJECT: Checklist of Documents to be Submitted by a Taxpayer upon Audit of his Tax Liabilities as well as of the Mandatory Reporting Requirements to be Prepared by a Revenue Officer, all of which Comprise a Complete Tax Docket.

[35] SUBJECT: Mandatory Attachments of the Summary Alphalist of Withholding Agents of Income Payments Subjected to Tax Withheld at Source (SAWT) to Tax Returns With Claimed Tax Credits due to Creditable Tax Withheld at Source and of the Monthly Alphalist of Payees (MAP) Whose Income Received Have Been Subjected to Withholding Tax to the Withholding Tax Remittance Return Filed by the Withholding Agent/Payor of Income Payments.

[36] Ibid.

Regulations No. 2-2006 rendered the petition with the CTA dismissible on the ground of lack of jurisdiction. It reasoned out that when a taxpayer prematurely filed a judicial claim with the CTA, the latter has no jurisdiction over the appeal.

In the instant case, respondent's failure to submit the complete documents at the administrative level did not render its petition for review with the CTA dismissible for lack of jurisdiction. At this point, it is necessary to determine the grounds relied upon by a taxpayer in filing its judicial claim with the CTA. The case of *Pilipinas Total Gas, Inc. v. Commissioner of Internal Revenue* [37] is instructive, thus:

> 'A distinction must, thus, be made between administrative cases appealed due to inaction and those dismissed at the administrative level due to the failure of the taxpayer to submit supporting documents. If an administrative claim was dismissed by the CIR due to the taxpayer's failure to submit complete documents despite notice/request, then the judicial claim before the CTA would be dismissible, not for lack of jurisdiction, but for the taxpayer's failure to substantiate the claim at the administrative level. When a judicial claim for refund or tax credit in the CTA is an appeal of an unsuccessful administrative claim, the taxpayer has to convince the CTA that the CIR had no reason to deny its claim. It, thus, becomes imperative for the taxpayer to show the CTA that not only is he entitled under substantive law to his claim for refund or tax credit, but also that he satisfied all the documentary and evidentiary requirements for an administrative claim. It is, thus, crucial for a taxpayer in a judicial claim for refund or tax credit to show that its administrative claim should have been granted in the first place. Consequently, a taxpayer cannot cure its failure to submit a document requested by the BIR at the administrative level by filing the said document before the CTA.'

In this case, it was the inaction of petitioner CIR which prompted respondent to seek judicial recourse with the CTA. Petitioner CIR did not send any written notice to respondent informing it that the documents it submitted were incomplete or at least require respondent to submit additional documents. As a matter of fact, petitioner CIR did not even render a

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[37] 774 Phil. 473 (2015); G.R. No. 207112, December 8, 2015.

Decision denying respondent's administrative claim on the ground that it had failed to submit all the required documents.

Considering that the administrative claim was never acted upon, there was no decision for the CTA to review on appeal *per se*. However, this does not preclude the CTA from considering evidence that was not presented in the administrative claim with the BIR. Thus, RA No. 1125 states:

> Section 8. *Court of record; seal; proceedings.* — The Court of Tax Appeals shall be a court of record and shall have a seal which shall be judicially noticed. It shall prescribe the form of its writs and other processes. It shall have the power to promulgate rules and regulations for the conduct of the business of the Court, and as may be needful for the uniformity of decisions within its jurisdiction as conferred by law, but such proceedings shall not be governed strictly by technical rules of evidence.

The law creating the CTA specifically provides that proceedings before it shall not be governed strictly by the technical rules of evidence. The paramount consideration remains the ascertainment of truth. **Thus, the CTA is not limited by the evidence presented in the administrative claim in the Bureau of Internal Revenue. The claimant may present new and additional evidence to the CTA to support its case for tax refund.**

Cases filed in the CTA are litigated *de novo* as such, respondent 'should prove every minute aspect of its case by presenting, formally offering and submitting x x x to the Court of Tax Appeals all evidence x x x required for the successful prosecution of its administrative claim.' Consequently, the CTA may give credence to all evidence presented by respondent, including those that may not have been submitted to the CIR as the case is being essentially decided in the first instance." *(Emphasis supplied)*

Based on the foregoing jurisprudential pronouncements, failure to submit the complete documents as required by RMO No. 53-98 and RR No. 2-2006 is of no moment. It is clear that petitioner's inaction in a claim for refund does not preclude this Court from considering evidence that was not presented in the administrative claim with the BIR.

Since this case is essentially being decided in the first instance in the judicial level, the Court in Division may give credence to all evidence presented by respondent, including those that may not have been submitted at the administrative level.

Proof of actual remittance is not indispensable.

Petitioner further contends that proof of actual remittance of the taxes withheld to the BIR is indispensable in a claim for refund of excess CWT.

Petitioner's argument is specious.

This has already been well-settled in the case of *Commissioner of Internal Revenue vs. Philippine National Bank,*[38] where the Supreme Court ruled as follows:

> "Petitioner's posture that respondent is required to establish actual remittance to the Bureau of Internal Revenue deserves scant consideration. **Proof of actual remittance is not a condition to claim for a refund of unutilized tax credits. Under Sections 57 and 58 of the 1997 National Internal Revenue Code, as amended, it is the payor-withholding agent, and not the payee-refund claimant such as respondent, who is vested with responsibility of withholding and remitting income taxes.**
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> This court's ruling in *Commissioner of Internal Revenue v. Asian Transmission Corporation,*[39] citing the Court of Tax Appeals' explanation, is instructive:
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>> **. . . proof of actual remittance by the respondent is not needed in order to prove withholding and remittance of taxes to petitioner.** Section 2.58.3(B) of Revenue Regulations No. 2-98 clearly provides that proof of remittance is the responsibility of the withholding agent and not of the taxpayer-refund claimant. It should be borne in mind by the petitioner that payors of withholding taxes are by themselves constituted as withholding agents of the BIR. The taxes they withhold are held in trust for the government. **In the event**

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[38] G.R. No. 180290, September 29, 2014.
[39] G.R. No. 179617, January 19, 2011.

> **that the withholding agents commit fraud against the government by not remitting the taxes so withheld, such act should not prejudice herein respondent who has been duly withheld taxes by the withholding agents acting under government authority. Moreover, pursuant to Sections 57 and 58 of the NIRC of 1997, as amended, the withholding of income tax and the remittance thereof to the BIR is the responsibility of the payor and not the payee. Therefore, respondent . . . has no control over the remittance of the taxes withheld from its income by the withholding agent or payor who is the agent of the petitioner. The Certificates of Creditable Tax Withheld at Source issued by the withholding agents of the government are *prima facie* proof of actual payment by herein respondent-payee to the government itself through said agents.**" *(Emphasis supplied)*

Thus, petitioner's contention that proof of actual remittance of the taxes withheld to the BIR is indispensable, lacks merit.

The Court in Division was correct in finding that respondent complied with the requisites to claim a refund or credit for unutilized excess CWTs.

Petitioner believes that respondent was not able to prove that the refund claimed formed part of its gross income.

We find that the Court in Division already meticulously verified the evidence presented by respondent and found that respondent complied with all the requisites in order for it to be entitled to a partial refund or credit for unutilized excess CWTs, in the aggregate amount of ₱10,521,601.39.

In *Republic of the Philippines, represented by the Commissioner of Internal Revenue vs. Team (Phils.) Energy*

Corporation (formerly Mirant (Phils.) Energy Corporation),[40] the Supreme Court ruled that "it is fundamental that the findings of fact by the CTA in Division are not to be disturbed without any showing of grave abuse of discretion considering that the members of the Division are in the best position to analyze the documents presented by the parties."

Here, since petitioner failed to raise any new or substantial ground, or any compelling reason whatsoever, to warrant the reversal of the findings and ruling of the Court in Division, this Court *En Banc* affirms the Court in Division's ruling partially granting respondent's refund claim in the amount of ₱10,521,601.39. *Sans* any convincing evidence by petitioner of grave abuse of discretion on the part of the Court, these factual findings stand on solid ground.

In sum, the Court *En Banc* finds no reversible error to disturb the assailed Decision and Resolution of the Court in Division and thus, must be affirmed *in toto*.

WHEREFORE, in light of the foregoing considerations, the present *Petition for Review* is **DENIED** for lack of merit.

Accordingly, the Decision dated February 29, 2024 and the Resolution dated July 19, 2024, promulgated by the Court in Division in CTA Case No. 10500, are **AFFIRMED** *in toto*.

SO ORDERED.

CATHERINE T. MANAHAN
Associate Justice

[40] G.R. No. 188016, January 14, 2015.

WE CONCUR:

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

Marian Ivy F. Reyes - Fajardo
MARIAN IVY F. REYES-FAJARDO
Associate Justice

LANEE S. CUI-DAVID
Associate Justice

CORAZON G. FERRER-FLORES
Associate Justice

HENRY S. ANGELES
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.

MA. BELEN M. RINGPIS-LIBAN
Acting Presiding Justice