Lib

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

COMMONWEALTH MANAGEMENT
AND SERVICE CORPORATION,
Petitioner,

- versus -

C.T.A. CASES NOS. 3383
and 3578

COMMISSIONER OF INTERNAL
REVENUE,
Respondent.

6/30/87

x - - - - - - - - - - - - x

D E C I S I O N

The above-captioned cases are consolidated by reason of common issue involving the same petitioner on its claims for refund of alleged overpayments of income taxes in the amounts of ₱84,334.00 and ₱100,513.00 for the years 1980 and 1981, respectively.

Thus appearing, petitioner, a domestic corporation, had for the taxable year 1980 the withheld income taxes from source by its withholding agents as evidenced by the various BIR Withholding Tax Certificates (Exhibits "B" to "B-7") aggregating the sum of ₱84,334.00. It incurred losses, however, in the net amount of ₱8,871.00 as shown in the income tax return filed with the respondent on April 15, 1981. (Exhibit "A"). Petitioner sought the refund of the total amount withheld as excess income tax payment for the year involved, under letter-claim dated September 11, 1981. (Exhibit "C"). And, to hedge against the running of the period of the statute of limitations filed this petition for review on October 20, 1981. (CTA Case No. 3383).

It does appear likewise that petitioner filed its income tax return for the year 1981 with the respondent's office on March 15, 1982 showing a net loss of ₱2,237.00. (Exhibits "B" and "B-1"). The taxes withheld from its service fees income evidenced by BIR Withholding Tax Certificates (Exhibits "A" to "A-4", inclusive) totalled ₱100,512.00, now sought in the petitioner's claim for refund under letter dated June 28, 1982. (Exhibits "C" and "C-1"). It filed the instant petition for review on June 28, 1982, entitled CTA Case No. 3578.

It does not appear that respondent Commissioner of Internal Revenue disputes the correctness of the material facts nor has presented any evidence controverting the same. Respondent poses no objection in having the cases submitted for decision on the basis of the pleadings and CTA records.

All told the material facts are relatively simple and so are the issues under resolve essentially addressed to the question of whether or not petitioner has established a valid claim to the refund of excess income tax payments for the taxable years in question.

The cases before Us hardly present a gripping question or require a tortured ratiocination. As thus shown the basis for the claims are not short of specific support in terms of tractable data openly laid and fully disclosed. Going by the records, petitioner's income tax returns for the subject taxable years have shown losses and excess income tax payments. Respondent points to no factual errors nor superfluities which need be abridged. Neither were there any deficiency assessments issued. Moreover, the records make it clear that the requisite statements or certifications of the income taxes withheld and deducted by the withholding agents through which respondent collected the income taxes, and upon which tacked the claimed refund could furnish the basis for a definite resolve. But official action thereon appears consigned to a limbo of lingering verification, to date!

We see no reason and none is vouchsafed why these simple cases where fact and fabrication are no longer indistinguishable, should remain curiously unperturbed. It may be necessary to repeat what this Court said in what so plainly apply to the cases at bár that, "But as should be expected, the action could be maintained on the basis of the pleadings, admission and affidavit of the parties which neither provokes any unsettling questions nor involves material factual issues genuinely in dispute. The administrative machinery or process employed on the right to the claim seems to have moved barely at idling speed. To be relatively quiescent for some four (4) years on a claim of such a simple nature and not so considerable a stake which no longer incites controversy nor excites a queasy sense of expectation, creates but an unwarranted bureaucratic inertia of inaction. Readily a legal conclusion can be safely reached. Petitioner or any similarly circumstanced taxpayer for that matter deserves a measure of fair dealing in a more expeditious and competently responsive action. (Commonwealth Pacific Consultants, Ltd., v. Commissioner of Internal Revenue, CTA Case No. 2953, May 15, 1982)," cited in Dataprep (Phils.) Inc. v. Commissioner of Internal Revenue, CTA Case No. 3600, March 30, 1984; appeal withdrawn, G.R. L-67735, September 12, 1984.

The circumstances obtaining in the cases at bar of the mold no different from the aforecited cases compel Us to sustain the tenability of the petitioner's right to the refund based on the pleadings and records.

WHEREFORE, respondent is hereby ordered to refund to the petitioner the amounts of ₱84,334.00 (CTA Case No. 3383) and ₱100,237.00 (CTA Case No. 3578), without pronouncement as to costs.

SO ORDERED.

Quezon City, Metro Manila, June 30, 1987.

ALEX Z. REYES
Associate Judge

WE CONCUR:

AMANTE FILLER
Presiding Judge

CONSTANTE C. ROAQUIN
Associate Judge