REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

TULLETT PREBON (PHILIPPINES) INC.,
Petitioner,

-versus-

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA EB No. 2713
(CTA Case No. 10068)

x- x

COMMISSIONER OF INTERNAL REVENUE,
Petitioner,

-versus-

TULLETT PREBON (PHILIPPINES) INC.,
Respondent.

CTA EB No. 2717
(CTA Case No. 10068)

Present:

DEL ROSARIO, *P.J.,*
RINGPIS-LIBAN,
MANAHAN,
BACORRO-VILLENA,
MODESTO-SAN PEDRO,
REYES-FAJARDO,
CUI-DAVID,
FERRER-FLORES, and
ANGELES, *JJ.*

Promulgated:

JAN 07 2025 4:15pm

x- x

RESOLUTION

REYES-FAJARDO, J.:

For the Court's resolution are the following:

1) *Motion for Reconsideration*[1] filed by the Commissioner of Internal Revenue ("CIR") on April 1, 2024, with *Comment (Re: CIR's Motion for Reconsideration dated February 16, 2024)*[2] filed by Tullet Prebon (Philippines) Inc. ("TPPI") on April 30, 2024; and

2) *Motion for Reconsideration (Re: Decision dated March 7, 2024)*[3] filed by TPPI on April 1, 2024, with *Comment/Opposition*[4] filed by the CIR on May 7, 2024.

The Decision[5] promulgated on March 7, 2024 ("assailed Decision") denied the consolidated Petitions for Review for lack of merit and affirmed the earlier Decision of the Third Division of this Court ("Court in Division") in CTA Case No. 10068, partially granting TPPI's claim for refund and ordering the CIR to issue a tax credit certificate in favor of TPPI, in the reduced amount of ₱7,486,552.83, representing its excess and unutilized creditable withholding tax ("CWT") for calendar year ("CY)" 2016.

The dispositive portion of the assailed Decision reads:

> "**WHEREFORE**, the Petitions for Review, filed by Tullett Prebon (Philippines), Inc. in CTA EB No. 2713, and by the Commissioner of Internal Revenue in CTA EB No. 2717, are **DENIED**, for lack of merit. The Decision dated May 11, 2022, and Resolution dated October 18, 2022, in CTA Case No. 10068, are **AFFIRMED**.
>
> **SO ORDERED**."

In so ruling, the Court found that: 1) TPPI's administrative and judicial claims for CWT refund covering CY 2016, were instituted within the prescribed periods; 2) TPPI's various Certificates of Creditable Taxes Withheld at Source (BIR Form No. 2307), along with the corresponding schedule of creditable taxes withheld demonstrated valid CWTs amounting to ₱10,148,237.77; and 3) TPPI's valid CWTs was appropriately reduced by ₱2,661,684.94,

---

1 Motion for Reconsideration, CTA EB No. 2713, Docket, pp. 130 to 137.
2 Comment, CTA EB No. 2713, Docket, pp. 156 to 165.
3 Motion for Reconsideration, CTA EB No. 2713, Docket, pp. 139 to 147.
4 Comment, CTA EB No. 2713, Docket, pp. 156 to 165.
5 Decision, CTA EB No. 2713, Docket, pp. 116 to 129.

representing CWTs pertaining to income payments which were not traced in its General Ledgers and Official Receipts.

Unconvinced, both parties filed their respective motions for reconsideration.

In his *Motion for Reconsideration,*[6] the CIR maintains that TPPI is not entitled to tax refund.

In its *Comment (Re: CIR's Motion for Reconsideration dated February 16, 2024)*[7] TPPI submits that the CIR's arguments are devoid of any legal or factual basis.

In its *Motion for Reconsideration (Re: Decision dated March 7, 2024),*[8] TPPI argues that it is not required to offer the Reconciliation Schedule as separate evidence being a mere summary of the information contained in the CWT Certificates and Official Receipts that were admitted as part of its evidence.

In his *Comment/Opposition,*[9] the CIR retorts that TPPI's arguments in its motion were exhaustively discussed in the Court in Division's Decision and Resolution and in the Court's assailed Decision.

We decide.

The Court finds no compelling reason to reverse or modify the assailed Decision.

The arguments forwarded by both parties have already been passed upon and discussed at length by the Court. Any further discussion will only be unnecessarily repetitive.

---

6 Supra note 1.
7 Supra note 2.
8 Supra note 3.
9 Supra note 4.

The pronouncement in *Social Justice Society (SJS) Officers, et al. v. Lim*,[10] is instructive:

> The grounds relied on being mere reiterations of the issues already passed upon by the Court, there is no need to "cut and paste" pertinent portions of the Decision or re-write the ponencia in accordance with the outline of the instant motion.
>
> As succinctly put by then Chief Justice Andres R. Narvasa in Ortigas and Co. Ltd. Partnership v. Judge Velasco on the effect and disposition of a motion for reconsideration:
>
>> The filing of a motion for reconsideration, authorized by Rule 52 of the Rules of Court, does not impose on the Court the obligation to deal individually and specifically with the grounds relied upon therefor, in much the same way that the Court does in its judgment or final order as regards the issues raised and submitted for decision. This would be a useless formality or ritual invariably involving merely a reiteration of the reasons already set forth in the judgment or final order for rejecting the arguments advanced by the movant; and it would be a needless act, too, with respect to issues raised for the first time, these being, as above stated, deemed waived because not asserted at the first opportunity. It suffices for the Court to deal generally and summarily with the motion for reconsideration, and merely state a legal ground for its denial (Sec. 14, Art. VIII, Constitution); i.e., the motion contains merely a reiteration or rehash of arguments already submitted to and pronounced without merit by the Court in its judgment, or the basic issues have already been passed upon, or the motion discloses no substantial argument or cogent reason to warrant reconsideration or modification of the judgment or final order; or the arguments in the motion are too unsubstantial to require consideration, etc.

WHEREFORE, in light of the foregoing considerations, the CIR's *Motion for Reconsideration* and TPPI's *Motion for Reconsideration (Re: Decision dated March 7, 2024)* are **DENIED** for lack of merit.

SO ORDERED.

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

---

10 G.R Nos. 187836 & 187916, March 10, 2015.

WE CONCUR:

(I reiterate my Separate Opinion)
ROMAN G. DEL ROSARIO
Presiding Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice

CATHERINE T. MANAHAN
Associate Justice

JEAN MARIE A. BACORRO-VILLENA
Associate Justice

(I join P.J. Del Rosario's Separate Opinion)
MARIA ROWENA MODESTO-SAN PEDRO
Associate Justice

LANEE S. CUI-DAVID
Associate Justice

CORAZON G. FERRER-FLORES
Associate Justice

(I join P.J. Del Rosario's Separate Opinion)
HENRY S. ANGELES
Associate Justice