REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

THIRD DIVISION

ING BANK, N.V. MANILA BRANCH, *Petitioner,*	**CTA Case No. 10520**
	Members:
- versus -	**MANAHAN,** *Chairperson,* **REYES-FAJARDO,** and **ANGELES,** *JJ.*
COMMISSIONER OF INTERNAL REVENUE, *Respondent.*	Promulgated: JAN 05 2026 1:38 p.m.

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RESOLUTION

REYES-FAJARDO, *J.*:

For the Court's resolution is respondent Commissioner of Internal Revenue (CIR)'s *Motion for Partial Reconsideration (Re: Decision promulgated 19 March 2025)*,[1] which seeks the reversal of the Court's Decision promulgated on March 19, 2025,[2] granting partially granting petitioner ING Bank, N.V. Manila Branch's Petition for Review. The dispositive portion reads:[3]

> "**WHEREFORE,** the Petition for Review filed on January 3, 2019, in CTA Case No. 10520, is **PARTIALLY GRANTED**. Accordingly, the Commissioner of Internal Revenue is **DIRECTED** to **REFUND** or **ISSUE a TAX CREDIT CERTIFICATE** in favor of ING Bank, N.V. Manila Branch, the amount of ₱1,373,144.63, representing its erroneously and excessively collected Capital Gains Tax, paid by the latter on May 2, 2019, in relation to the sale

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1 Motion for Partial Reconsideration, Docket, Volume II, pp. 798 - 803. Personally filed on March 31, 2025. Electronically filed on April 2, 2025.

2 Decision, Docket, Volume II, pp. 779 - 795.

3 *Id.* at p. 794.

of its proprietary membership in Manila Polo Club, Inc., covered by Deed of Absolute Sale executed on April 2, 2019.

SO ORDERED."

In ruling so, the Court rejected petitioner's claim for refund of the Documentary Stamp Tax amounting to ₱46,983.00 for failure to present sufficient proof that such DST payment was made for, or in connection with the sale of Manila Polo Club, Inc. Share under Mr. Johannes Buitenga's name to Ms. Majini Oberoi; and granted petitioner's claim for refund of the Capital Gains Tax (CGT) except only the portion pertaining to surcharge and interest[4] on the deficiency CGT in the amount of ₱295,405.37, which was subtracted from the refundable amount.[5]

Unfazed, respondent submits that the Court erred in partially granting petitioner's claim for refund and argues that petitioner presented no proof of payment of the CGT.[6]

By way of *Comment*,[7] petitioner retorts that respondent's *Motion for Partial Reconsideration* deserves scant consideration as the ground raised therein is bereft of legal and factual basis.

We decide.

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

Court records clearly reveal that petitioner presented its duly filed Bureau of Internal Revenue (BIR) Form No. 1707 (CGT Return),[8] with attached proof of payment made through the Philippine Payment and Settlement System (PhilPass) of the Bangko Sentral ng

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4 Pursuant to per Section 248(A)(4) and 249(A) of the Tax Code.

5 Pursuant to the SC ruling in *SMI-ED Phil. Technology, Inc. v. Commissioner of Internal Revenue*, G.R. No. 175410, November 12, 2014 and *Commissioner of Internal Revenue v. Toledo Power Company*, G.R. Nos. 196415 & 196451, December 2, 2015.

6 Motion for Partial Reconsideration, Docket, Volume II, p. 800.

7 Comment (Re: Motion for Partial Reconsideration dated March 31, 2025), personally filed on April 28, 2025 and electronically filed on April 29, 2025. Docket, Volume II, unpaginated.

8 Exhibit "P-11," Docket, Volume II, pp. 585-589. Admitted in evidence per resolution dated October 27, 2022.

Pilipinas.[9] Conformably, a Certification was issued by Marilou S. Valles, Chief of the Large Taxpayers - Documents Processing & Quality Assurance Division of the BIR, confirming that petitioner paid CGT in the amount of ₱1,668,550.00 on May 2, 2019.[10]

WHEREFORE, premises considered, respondent's *Motion for Partial Reconsideration (Re: Decision promulgated 19 March 2025)* is **DENIED** for lack of merit. The Decision promulgated on March 19, 2025 is **AFFIRMED.**

SO ORDERED.

Catherine T. Manahan

CATHERINE T. MANAHAN
Associate Justice

Marian Ivy F. Reyes-Fajardo

MARIAN IVY F. REYES-FAJARDO
Associate Justice

HENRY S. ANGELES
Associate Justice

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9 Exhibit "P-8," Docket, Volume II, pp. 575-580. Admitted in evidence per resolution dated October 27, 2022.

10 Exhibit "P-8-1," Docket, Volume II, p. 580. Admitted in evidence per resolution dated October 27, 2022.