REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

CURUAN TIMBER CORPORATION,
Petitioner,

- versus -

C.T.A. CASE NO. 3582

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

Promulgated :
SEP 20 1994

x - x

DECISION

This is a Judicial claim for refund of the sum of P355,436.40 allegedly representing 25% of the specific taxes collected on various oils and fuels which it purchased from Caltex (Philippines), Inc., during the period from November 1980 to September 1982, actually used in connection with the exploitation and operation of its forest concession.

The records show that petitioner is a domestic corporation duly licensed to operate a forest concession with timber licensed duly issued by the then Ministry of Natural Resources. It has authority to cut, collect and remove timber from its forest concession area located in

922-A

Zamboanga del Norte and Zamboanga City (Exhs. "A", "A-1").

During the period from November 1980 to September 1982, petitioner purchased from Caltex (Philippines), Inc., various quantities of refined and manufactured mineral oils, motor fuel, and diesel fuel oils (T.S.N. dated June 21, 1985 p. 61, Exhs. "B" to "N-1" to "Z-51", "AA" to "DD-44", "F", "F-1") which petitioner actually and exclusively used in connection with the exploitation and operation of its forest concession. Said oil company paid and passed on to petitioner the specific taxes imposed under Sections 153 and 154 of the 1977 Tax Code on refined and manufactured mineral oils, motor fuels and diesel fuel oil that the oil company supplied to petitioner.

On January 19, 1983, petitioner filed with respondent a claim for refund in the amount of P355,436.40 computed as follows:

	VOLUME (Liters/Kilos)	PRODUCT COST	SPECIFIC TAX	25% REFUND
DIESEL	1,844,600	P5,406,360.00	P322,805.00	P80,701.25
REG. GASOLINE	924,920	4,434,923.00	832,428.00	208,107.00
OIL & LUBRICANTS	247,477	2,289,040.00	197,981.60	49,495.40
EXTRA GASOLINE	62,000	308,495.00	62,000.00	15,500.00
GREASE (Kilos)	3,262	34,467.00	1,631.00	407.75
KEROSENE	70,000	204,781.00	4,900.00	1,225.00
	T O T A L	P12,678,066.00	P1,421,745.60	P355,436.40

922-B

representing twenty five percent (25%) of the specific taxes collected on the oils used by the petitioner in its operation as a lumber concessionaire.

Without waiting for respondent's decision, petitioner filed the petition for review before this Court on February 8, 1983, praying for an order requiring respondent to pay 20% interest per annum in addition to its claim for refund, for the alleged arbitrary refusal to refund the instant claim. Petitioner likewise prayed for the cost of suit.

In support of its claim for refund petitioner relied on the case of **Insular Lumber Co. v. Court of Tax Appeals and Commissioner of Internal Revenue**, G.R. No. L-31057, May 29, 1981 where the Supreme Court held that the proviso of Section 5 of Republic Act No. 1435 is in effect a partial exemption from the imposed increased specific tax on manufactured oils.

Section 5 of Republic Act NO. 1435 provides:

> "**SEC. 5** The proceeds of the additional tax on manufactured oils shall accrue to the road and bridge funds of the political subdivision for whose benefit the tax is collected: Provided, however, That whenever any oils mentioned above are used by miners or forest concessionaires in their operations, twenty-five per centum of the specific tax paid thereon shall be refunded by the Collector of Internal Revenue upon submission of proof of actual use of oils and under similar conditions enumerated in sub-paragraphs one and two of

section one hereof, amending section one hundred forty-two of the Internal Revenue Code: Provided, further That no new road shall be constructed unless the routes or location thereof shall have been approved by the Commissioner of Public Highways after a determination that such road can be made part of an integral and articulated route in the Philippine Highway System, as required in section twenty-six of the Philippine Highway Act of 1953."

Respondent, however, asserted that the above section of R.A. No. 1435 has already been repealed by Section 343 of the NIRC of 1977 (P.D. Nos. 1158 and 1158-A) which provides in part:

"SEC. 343 Granting provinces, cities and municipalities shares in the specific tax on certain petroleum products. - In addition to the internal revenue allotment under Section three hundred forty-four, provinces, cities and municipalities shall share in the specific taxes on the following petroleum products in such amount as may be equivalent to the collections therefrom at the rates indicated hereunder:

xxx xxx xxx

The additional allotment is in lieu of local taxes imposed on petroleum products and for this purpose, Section twenty-four of Presidential Decree numbered 231, otherwise known as the Local Tax Code, has been repealed by Presidential Decree numbered 436 on March 30, 1974.

xxx xxx xxx

Respondent further argued that petitioner's right to claim for a partial refund of specific taxes paid prior to February 8, 1981 had already prescribed. And finally he claimed that the government cannot be made to pay interest in the absence of any statutory provision authorizing such payment.(Collector of Internal Revenue v. St. Paul's Hospital of Iloilo, G.R. No. 612127, May 25, 1959 (105 Phil. 1319): The Marine Trading Co. Inc., v. Government of the Philippine Island, G.R. No. 13422, November 8, 1918 (39 Phil. 29): Gregoria Sarasola v. Wenceslao Trinidad, Collector of Internal Revenue of the Philippine Island, G.R. No. L-14595 October 11, 1919 (40 Phil. 252). Neither can the cost of suits be imposed on the government. [Section 1 Rule 142, Rules of Court; Collector of Internal Revenue v. Convention of Phil. Baptist Church and the Court of Tax Appeals, G.R. No. L-11807, May 19, 1961 (2 SCRA 10)].

Respondent opted not to offer any evidence there being no dispute on the material facts. Instead, he submitted the case for decision on a purely legal question.

The basic issues therefore, boil down to:

> 1: Whether or not the privilege of a 25% refund of specific taxes paid on manufactured oils used in petitioner's forest concession as provided under Section 5 of Republic Act No. 1435 still subsists; and
>
> 2. In the affirmative, whether or not petitioner is entitled to the total amount sought for.

We find for the petitioner.

In the case of Commissioner of Internal Revenue v. Atlas Consolidated Mining and Development Corporation, et. al., G.R. No. L-93631 November 12, 1990, the Supreme Court, in a Resolution by the Third Division, ruled that "the purpose for the increase in the rate of tax cannot in anyway negate the policy behind the grant of partial refund. The Court sees no inconsistency between the increase in specific tax rates and the retention of the refund privilege. In fact, with the increased specific tax rates, the grant of partial refund to mining and lumber concessionaires is made more imperative considering that they seldom use the highways, the construction of which are financed by specific taxes."

On the argument of respondent that petitioner is entitled to a refund only if the additional specific taxes imposed by the municipalities and cities concerned have been paid, he pointed out that there is no such ordinance imposing an additional specific tax to miners and forest concessionaires. Hence, no refund could be availed of as perceived from a reading of the provisions of Sections 4 and 5 of Republic Act 1435.

In this connection, we find fitting the following comments of the Supreme Court in the case of Commissioner of **Internal Revenue v. Atlas Consolidated Mining and Development Corp. et al.**, (supra)

> "A reading of the legislative proceedings leading to the enactment of RA 1435 shows that mining and lumber concessionaires were granted partial refund of specific taxes because the gasoline and fuel they consume is mostly used within their own compounds and roads. RA 1435 gave these concessionaires relief, in the form of a tax refund, since their trucks and vehicles seldom ply the national highways, the construction of which is funded by the specific tax collected by the national government. There is therefore no rationale in conditioning the grant of refund on the payment of these mining or lumber concessionaires of any additional local tax.
>
> Moreover, Section 5 states 'that the 25% specific tax shall be refunded by the Collector of Internal Revenue.' Since it is the latter who collects the specific taxes due to the national government, then it follows that the refund refers to a refund of the specific taxes paid to the national government, not the specific taxes paid to the local government."

And in the more recent case of **Commissioner of Internal Revenue v. Rio Tuba Nickel Mining Corporation and Court of Tax Appeals**, G.R. Nos. 8358384, September 30, 1991 (202 SCRA 137), The Supreme Court Third Division held: "(t)o our mind, the proviso in Section 5 standing alone is enough basis for the grant of refund. xxx. In fact, the entire proviso of Section 5 does not even make any reference to Section 4 which empowers municipalities and cities to impose the additional tax on oils sold or distributed within their territorial jurisdiction. What is clear therein is that the Revenue Commissioner shall refund 25% of the specific tax whenever any oils mentioned above are used by miners or forest concessionaires in their operations and the procedure for refund is complied with."

Finding for petitioner, the only thing left for the Court's determination is the amount of specific taxes to be refunded by respondent in favor of petitioner Curuan Timber Corporation.

As indicated earlier, Petitioner claimed that it is entitled to the 25% partial refund of specific taxes paid from its purchase of various refined and manufactured mineral oils, motor fuel oils, diesel oil and lubricating oils from November 1980 to September 1982 in the total amount of P355,436.40.

On the other hand respondent insisted, assuming arguendo, that the privilege of partial refund of specific tax still subsists, petitioner's claim for refund of said taxes paid from February 8, 1981 has already prescribed, the petition for review having been filed only on February 8, 1983. Further, the claim for partial refund on specific tax paid after September 1982 should likewise be denied as the same is not subject to application for administrative refund nor is it the subject matter of the judicial action.

In this connection, we are adopting our ruling in the case of **Aras-Asan Timber Co., Inc. v. Commissioner of Internal Revenue**, CTA Case No.. 3524, December 17, 1993, where we followed Section 135 of the Tax Code insofar as applicable in the computation of the prescriptive period to recover excess payment of the tax, to wit:

> "The Tax Code provides for the judicial remedy of filing a claim for refund within a period of two (2) years from the date of payment of the tax pursuant to the provision of Section 230 (formerly Section 292).
>
> Section 135 of the Tax Code insofar as pertinent provides 'that specific taxes on locally manufactured petroleum products levied under Section 153, 155 and 156 of this title, <u>except lubricating oil and grease</u>, shall paid within fifteen (15) days from the date of removal thereof from the place of production.'
>
> It is therefore evident that the manufacturer of petroleum products has up to 15 days from the date of its removal within which to pay the specific taxes on locally manufactured petroleum products. As an exception, manufacturers of lubricating oil and grease have to pay the specific tax collected from the purchases on the date of its removal form the place of production."

The court after examining the invoices offered by petitioner as evidence, arrived at the following computations on the refundable 25% taxes paid on Diesel and Regular Gasoline, from February 24, 1981 to September

30, 1985 and oils and lubricant from February 8,. 1981 to September 30, 1982, as follows:

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF JANUARY, 1981
(Exhibit "J")

			QUANTITY IN LITERS				
Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
32062	01-26-81	J-27	4,000		2,000		
32103	01-29-81	J-30	4,000		4,000		
32116	01-30-81	J-31			400		
32117	01-30-81	J-32	4,000		2,000		
32067	01-26-81	J-45	2,000				
32124	01-30-81	J-46	3,000		600		
	TOTAL		17,000		9,000		

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF FEBRUARY, 1981
(Exhibit "K")

			QUANTITY IN LITERS				
Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
32230	02-07-81	K-1	2,000		400		
32252	02-09-81	K-3	2,000		6,000		
32271	02-10-81	K-4	6,000				
32328	02-13-81	K-5	2,000		6,000		
32329	02-13-81	K-6				6,000	
32352	02-16-81	K-7	6,000				
32362	02-17-81	K-8	2,000		6,000		
32441	02-21-81	K-9	4,000		4,000		
77851	02-25-81	K-10	2,000		6,000		
32287	02-11-81	K-11		96			
32325	02-13-81	K-12	2,600		400		
32355	02-16-81	K-13		1,260			
32358	02-16-81	K-14	2,000	630	400		
32384	02-19-81	K-15		840			
77877	02-27-81	K-16	2,000	210	400		
32488	02-24-81	K-17	1,000		3,000	2,000	

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
32487	02-24-81	K-18		1,260			
32422	02-20-81	K-19		420			
32429	02-20-81	K-20	2,000				
32478	02-23-81	K-21	6,000				
32492	02-24-81	K-22	2,000	420			
77861	02-26-81	K-23	6,000				
32278	02-10-81	K-24	4,000		4,000		
32284	02-11-81	K-25	1,000			2,000	3,000
32273	02-10-81	K-26	2,000	630	400		
32189	02-04-81	K-29	2,000				
32166	02-03-81	K-30	4,000		4,000		
32219	02-06-81	K-33			400		
32248	02-09-81	K-34	4,000		2,000		
32294	02-11-81	K-35		420	400		
32299	02-12-81	K-36		1,470			
32314	02-12-81	K-38	4,000		2,000		
32351	02-16-81	K-39	4,000		2,000		
32367	02-17-81	K-40			400		
32383	02-19-81	K-41		1,260			
32417	02-20-81	K-42	6,000				
32432	02-21-81	K-43	1,000	40			
32462	02-23-81	K-44			400		
32479	02-23-81	K-45	4,000		2,000		
77864	02-26-81	K-46			200		
77874	02-27-81	K-47		1,470	200		
77866	02-27-81	K-48	6,000				
	T O T A L		91,600	10,426	51,000	10,000	3,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF MARCH, 1981
(Exhibit "L" AND "L-1")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
77974	03-07-81	L-2	4,000		2,000		
78016	03-09-81	L-3	4,000		2,000		
78046	03-12-81	L-4		1,260			
78051	03-12-81	L-5	6,000				
78126	03-16-81	L-6	4,000		2,000		
78163	03-19-81	L-7		1,050	400		

922-H

Invoice No.	Date Shipped	Exh.	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
78246	03-23-81	L-9	4,000		2,000		
78216	03-21-81	L-10		1,260			
78226	03-22-81	L-11	4,000		2,000		
11203	03-31-81	L-12		1,050			
78275	03-25-81	L-13		1,680			
78299	03-26-81	L-14	4,000		2,000		
11204	03-31-81	L-15		420			
77911	03-03-81	L-17		1,050			
77930	03-04-81	L-18	2,000		6,000		
78045	03-12-81	L-19	2,000		6,000		
78099	03-14-81	L-20		1,050			
78110	03-16-81	L-21		840			
78131	03-17-81	L-22	4,000		4,000		
78151	03-19-81	L-23			4,000	4,000	
78217	03-21-81	L-24		1,050			
78243	03-23-81	L-25	4,000		4,000		
78256	03-24-81	L-26		136			
11205	03-31-81	L-27		840			
11206	03-31-81	L-28		420			
77966	03-06-81	L-29	1,000			3,000	2,000
78030	03-10-81	L-30	1,000		3,000	2,000	
78213	03-21-81	L-31			3,000	1,000	2,000
78253	03-24-81	L-32	5,000				
78317	03-28-81	L-33	6,000				
78162	03-19-81	L-34	2,000	210	400		
78122	03-16-81	L-35	3,000				
78013	03-09-81	L-36	3,000	630	400		
77943	03-05-81	L-37	3,000		400		
78055	03-12-81	L-38	4,000	1,050	600		
78249	03-23-81	L-39	2,000		400		
78294	03-26-81	L-40	2,000	488	600		
78022	03-10-81	L-41	1,000	40			
77951	03-05-81	L-42			400		
77954	03-05-81	L-43	6,000				
78012	03-09-81	L-44		210	400		
78039	03-11-81	L-45		210	400		
78096	03-14-81	L-46		210	400		
78137	03-17-81	L-47			200		
78272	03-25-81	L-48			400		
11207	03-31-81	L-49			400		
77913	03-03-81	L-51	4,000		2,000		
77973	03-06-81	L-52		1,260			
	T O T A L		85,000	16,414	49,800	10,000	4,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF APRIL, 1981
(Exhibit "M")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
11449	04-22-81	M-1		630			
11358	04-13-81	M-2	4,000		2,000		
11359	04-13-81	M-3	6,000				
11366	04-13-81	M-4			400		
11426	04-20-81	M-5	4,000		2,000		
11446	04-22-81	M-6			400		
11447	04-22-81	M-7	6,000				
11450	04-22-81	M-8		840			
11477	04-24-81	M-9	4,000		2,000		
11517	04-27-81	M-10		1,050			
11539	04-28-81	M-11		1,470	400		
11540	04-28-81	M-12	1,000	40			
11543	04-28-81	M-13	4,000		2,000		
11584	04-30-81	M-14			600		
11578	04-30-81	M-15	2,000		4,000		
11225	04-01-81	M-16	2,600	20			
11265	04-04-81	M-17	4,000		2,000		
11246	04-02-81	M-18	4,000		2,000		
11251	04-03-81	M-19		1,050			
11252	04-03-81	M-22	2,000	420	400		
11257	04-03-81	M-23	3,000				
11266	04-04-81	M-25	4,000		2,000		
11289	04-06-81	M-26	2,000		400		
11296	04-08-81	M-27		20	400		
11302	04-08-81	M-28	4,000		2,000		
11303	04-08-81	M-29	2,000		4,000		
11324	04-10-81	M-30	3,000			2,000	1,000
11330	04-10-81	M-31	2,000			4,000	
11336	04-11-81	M-32	2,000	630	400		
11340	04-11-81	M-33		1,260			
11356	04-11-81	M-34			6,000		
11513	04-25-81	M-35	2,000		4,000		
11448	04-22-81	M-36			3,000	2,000	1,000
11438	04-21-81	M-37	6,000				
11384	04-15-81	M-38	3,000	210	400		
11339	04-11-81	M-54		1,260			
	TOTAL		76,600	8,900	40,800	8,000	2,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF MAY, 1981
(Exhibit "N")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
11615	05-03-81	N-1	6,000				
11622	05-04-81	N-2	2,000	630	400		
11631	05-04-81	N-3	4,000		2,000		
11646	05-05-81	N-4	3,000		1,000		2,000
11659	05-07-81	N-5	8,000				
11691	05-08-81	N-6		1,260			
11696	05-08-81	N-7		840			
11698	05-08-81	N-8			400		
11702	05-09-81	N-9	4,000		2,000		
11721	05-11-81	N-11	2,000	420	200		
11759	05-13-81	N-13	4,000		2,000		
11776	05-14-81	N-14		40			
11778	05-15-81	N-15		60	400		
11786	05-15-81	N-16	3,000	420	600		
11787	05-15-81	N-17		840			
11789	05-15-81	N-18	4,000		2,000		
11832	05-18-81	N-19	2,000		4,000		
11839	05-19-81	N-20	2,000	40	400		
11842	05-19-81	N-21	1,000	40			
11848	05-20-81	N-22		1,260			
11880	05-22-81	N-23			400		
11888	05-23-81	N-24	2,000	840			
11904	05-25-81	N-25	4,000		2,000		
11908	05-25-81	N-26		1,050			
11925	05-26-81	N-27	2,600	210	400		
11942	05-27-81	N-28			400		
11949	05-28-81	N-29	8,000				
15251	05-28-81	N-30		630			
15257	05-28-81	N-32			6,000		
15273	05-30-81	N-33	4,000		2,000		
11863	05-21-81	N-34	8,000				
11788	05-15-81	N-35			2,000	4,000	
11649	05-05-81	N-36	2,000		4,000		
11722	05-11-81	N-37	2,000		4,000		
11752	05-13-81	N-38	8,000				
11872	05-22-81	N-39	2,000		4,000		
	T O T A L		87,600	8,580	40,600	4,000	2,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF JUNE, 1981
(Exhibit "O")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
15296	06-01-81	O-1	1,000	100			
15306	06-01-81	O-2	2,000				
15316	06-02-81	O-3		420			
15330	06-02-81	O-4	3,000		2,000		1,000
15348	06-03-81	O-5		278	400		
15357	06-04-81	O-6	6,000				
15361	06-04-81	O-7	8,000				
15381	06-05-81	O-8	4,000		2,000		
15385	06-05-81	O-9	4,000		2,000		
15398	06-06-81	O-10	8,000				
15408	06-06-81	O-11	2,000		400		
15413	06-08-81	O-12		1,260			
15447	06-09-81	O-13	2,000		4,000		
15448	06-09-81	O-14	4,000		2,000		
15452	06-10-81	O-15			400		
15467	06-11-81	O-16	4,000	840	600		
15479	06-11-81	O-17		1,260			
15500	06-15-81	O-18	4,000		2,000		
15501	06-15-81	O-19		840			
15511	06-17-81	O-20	2,000		4,000		
15513	06-17-81	O-21	1,000		2,000		3,000
15518	06-17-81	O-22	6,000				
15533	06-18-81	O-23			400		
15578	06-22-81	O-24	6,000				
15583	06-22-81	O-25		420	600		
15596	06-23-81	O-26	1,000	40			
15604	06-25-81	O-27	2,000		4,000		
15606	06-24-81	O-28		20	400		
15616	06-25-81	O-29	4,000		2,000		
15634	06-26-81	O-31	3,000				
15644	06-27-81	O-32	6,000				
15658	06-27-81	O-33		840			
15665	06-29-81	O-34		210	400		
15677	06-29-81	O-35	4,000		2,000		
15686	06-30-81	O-36	2,000		4,000		
	T O T A L		89,000	6,528	35,600		4,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF JULY, 1981
(Exhibit "P")

			QUANTITY IN LITERS				
Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
15691	07-01-81	P-1	6,000				
15755	07-04-81	P-2		420			
15748	07-04-81	P-3	6,000				
15747	07-04-81	P-4	8,000				
15767	07-06-81	P-5	2,000	48			
15779	07-07-81	P-6	2,000		4,000		
15783	07-07-81	P-7			3,000	1,000	2,000
37557	07-08-81	P-9	2,000	210	600		
37576	07-09-81	P-10		1,050			
37580	07-10-81	P-11	6,000				
37583	07-10-81	P-12		630			
15703	07-01-81	P-13		1,260			
15705	07-01-81	P-14	6,000				
15732	07-03-81	P-15			400		
15759	07-06-81	P-16	6,000	60			
37554	07-08-81	P-17			400		
37589	07-10-81	P-18	4,000		2,000		
37587	07-10-81	P-19		1,260			
37612	07-11-81	P-20			200		
37639	07-14-81	P-21		20	400		
37654	07-15-81	P-22	4,000		2,000		
37671	07-16-81	P-23		1,050			
37695	07-18-81	P-24		80	400		
37755	07-21-81	P-25	6,000				
37761	07-21-81	P-26	4,000		2,000		
37807	07-24-81	P-27		1,260			
37821	07-25-81	P-28			400		
37837	07-27-81	P-29	4,000		2,000		
37588	07-10-81	P-30	2,000		4,000		
37625	07-13-81	P-31	2,000	420	400		
37627	07-13-81	P-32		136			
37630	07-13-81	P-33	4,000		2,000		
37680	07-16-81	P-34		1,050			
37652	07-15-81	P-35	2,000		4,000		
37687	07-17-81	P-36	2,000	630	400		
37741	07-20-81	P-37		1,260			
37768	07-22-81	P-38	4,000		4,000		
37791	07-23-81	P-39	2,000		400		

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
37822	07-25-81	P-40		420			
37844	07-27-81	P-41	2,200	20	400		
37874	07-29-81	P-42	2,000		4,000		
	T O T A L		88,200	11,284	37,400	1,000	2,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF AUGUST, 1981
(Exhibit "Q")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
46816	08-18-81	Q-1	4,000		2,000		
46835	08-19-81	Q-2		1,470			
46868	08-21-81	Q-3	4,000		2,000		
51409	08-27-81	Q-4		1,470			
51412	08-27-81	Q-5	4,000		2,000		
46785	08-15-81	Q-7	4,000		2,000		
37901	08-01-81	Q-8	4,000		2,000		
37984	08-05-81	Q-9		1,050			
37991	08-05-81	Q-10	2,000		2,000		
46671	08-07-81	Q-11	2,000				
51432	08-28-81	Q-13		40	400		
46836	08-19-81	Q-14		80			
46794	08-18-81	Q-15		250			
46678	08-07-81	Q-16			400		
37931	08-03-81	Q-17		40	400		
51410	08-27-81	Q-18	1,000	40			
46797	08-15-81	Q-19	1,000	40			
37902	08-01-81	Q-20	6,000				
37908	08-01-81	Q-21	3,000			1,000	2,000
37941	08-03-81	Q-22	6,000				
46774	08-14-81	Q-23	3,000				3,000
46877	08-22-81	Q-24	6,000				
51442	08-29-81	Q-25		128			
37914	08-01-81	Q-26	2,000	630	400		
46689	08-08-81	Q-27	1,000	420	200		
46724	08-11-81	Q-28	1,400				
46819	08-18-81	Q-29	2,000	420	400		
46827	08-18-81	Q-30		20			
46867	08-21-81	Q-31	2,000	210	400		

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
51378	08-24-81	Q-32	2,000	210	400		
46771	08-13-81	Q-33		100			
46781	08-14-81	Q-34		60			
46795	08-15-81	Q-35			600		
37990	08-05-81	Q-37			2,000		
46657	08-06-81	Q-38		1,680			
46670	08-07-81	Q-39	2,000		3,000		
46706	08-08-81	Q-40	2,000		5,000		
46759	08-13-81	Q-41	4,000		2,000		
46822	08-18-81	Q-42	2,000		4,000		
46821	08-18-81	Q-43		840			
46857	08-20-81	Q-44	3,000		4,000		
51392	08-25-81	Q-45	3,000		4,000		
51423	08-28-81	Q-46		1,050			
51466	08-31-81	Q-47	4,000		2,000		
	T O T A L		80,400	10,248	41,600	1,000	5,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF SEPTEMBER, 1981
(Exhibit "R")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
51496	09-02-81	R-2			6,000		
51527	09-03-81	R-3		420			
51575	09-05-81	R-5	4,000		2,000		
51599	09-07-81	R-6		420			
51637	09-10-81	R-7	2,000		4,000		
51646	09-11-81	R-8		1,680			
51705	09-16-81	R-9	4,000		2,000		
51785	09-23-81	R-10		1,260			
51786	09-23-81	R-11	2,000		4,000		
51842	09-28-81	R-12		630			
51849	09-28-81	R-13	4,000		2,000		
51680	09-14-81	R-14		20			
51845	09-28-81	R-15	6,000				
51765	09-22-81	R-16	6,000				
51766	09-22-81	R-17			2,000	3,000	1,000
51620	09-09-81	R-18	6,000				
51543	09-04-81	R-19	2,000		1,000		3,000

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
51469	09-01-81	R-20	6,000				
51796	09-24-81	R-21	2,200	630	200		
51799	09-24-81	R-22		24			
51751	09-21-81	R-23		40			
51731	09-18-81	R-24	2,200	60			
51730	09-18-81	R-25		420	400		
51635	09-10-81	R-26	2,000		400		
51472	09-01-81	R-27	2,000	630	400		
51816	09-25-81	R-28	2,000		4,000		
51792	09-24-81	R-29	1,000	40			
51700	09-16-81	R-30			400		
51784	09-23-81	R-31			400		
51774	09-22-81	R-32		1,260			
51748	09-21-81	R-33	4,000		2,000		
51683	09-15-81	R-34		1,260			
51673	09-14-81	R-35	4,000		2,000		
51619	09-09-81	R-36	4,000		2,000		
51584	09-07-81	R-37			400		
51541	09-04-81	R-38		1,260			
51533	09-03-81	R-39	4,000		2,000		
	TOTAL		69,400	10,054	37,600	3,000	4,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF OCTOBER, 1981
(Exhibit "S")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
51888	10-01-81	S-1	3,000				3,000
51904	10-01-81	S-2	400				
51905	10-01-81	S-3		220			
51900	10-02-81	S-4	4,000		2,000		
51918	10-02-81	S-5	2,000		4,000		
51922	10-03-81	S-6	2,000	210	400		
51927	10-03-81	S-7			400		
51930	10-03-81	S-8		1,050			
51967	10-05-81	S-9	4,000		2,000		
51982	10-06-81	S-10	4,000		2,000		
51992	10-06-81	S-11	1,000	40			
51995	10-08-81	S-12	2,000	210	400		

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
59159	10-08-81	S-13		1,250			
59169	10-09-81	S-14		1,250			
59174	10-09-81	S-15	4,000		2,000		
59179	10-10-81	S-16	6,000				
59200	10-13-81	S-17		210	400		
59218	10-14-81	S-18		210			
59242	10-16-81	S-19	2,000		4,000		
59252	10-17-81	S-20	2,000	420			
59253	10-17-81	S-21		20			
59279	10-19-81	S-22			400		
59285	10-19-81	S-23	4,000		2,000		
59292	10-20-81	S-24		1,250			
59301	10-20-81	S-25	4,000		2,000		
59303	10-20-81	S-26			200		
59304	10-21-81	S-27	6,000				
59341	10-23-81	S-28	2,200		400		
59345	10-23-81	S-29		120			
59347	10-23-81	S-30	4,000		2,000		
59353	10-23-81	S-31	2,000		4,000		
59380	10-26-81	S-32				3,000	3,000
59400	10-27-81	S-33		1,050			
59401	10-27-81	S-34		840			
59402	10-27-81	S-35			420		
59404	10-27-81	S-36	2,000		4,000		
59407	10-27-81	S-37	1,000	420			
59429	10-29-81	S-38					5,000
59431	10-29-81	S-39	2,000		4,000		
	T O T A L		63,600	8,770	37,020	3,000	11,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF NOVEMBER, 1981
(Exhibit "T")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
59507	11-04-81	T-1		60	400		
59524	11-05-81	T-2		840			
59534	11-05-81	T-3	4,000		2,000		
59573	11-09-81	T-4			400		
59619	11-12-81	T-5		250	400		

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
59647	11-14-81	T-6	4,000		2,000		
59680	11-18-81	T-7		60	200		
59717	11-19-81	T-8	4,000		2,000		
59725	11-20-81	T-9		1,260			
59746	11-21-81	T-10			200		
93469	11-25-81	T-11	4,000		2,000		
93479	11-25-81	T-12			200		
93509	11-28-81	T-13			200		
59501	11-03-81	T-15		96			
59499	11-03-81	T-16	2,000		4,000		
59509	11-04-81	T-17	2,200	630	400		
59537	11-06-81	T-18	4,000		2,000		
59531	11-06-81	T-19		1,260			
59588	11-10-81	T-20	2,000		4,000		
59643	11-14-81	T-21		420			
93496	11-27-81	T-22	4,000		2,000		
93495	11-27-81	T-23		840			
93493	11-27-81	T-24	2,000		400		
93453	11-23-81	T-25	200	210	200		
93452	11-23-81	T-26		840			
59762	11-21-81	T-27	4,000		2,000		
59716	11-20-81	T-28	2,000		4,000		
59673	11-17-81	T-29	1,000			2,000	3,000
59668	11-16-81	T-30	2,200		200		
59656	11-15-81	T-31	4,000		2,000		
	T O T A L		45,600	6,766	31,200	2,000	3,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF DECEMBER, 1981
(Exhibit "U")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
93576	12-03-81	U-1		1,260			
93577	12-03-81	U-2	4,000		2,000		
93596	12-04-81	U-3			200		
93616	12-05-81	U-4	1,000			2,000	3,000
93619	12-05-81	U-5	200	24			
93620	12-05-81	U-6	4,000		2,000		
93664	12-08-81	U-7		80	200		

922-21

Invoice No.	Date Shipped	Exh.	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
93666	12-08-81	U-8	4,000		2,000		
93673	12-09-81	U-9	4,000		2,000		
93674	12-09-81	U-10		1,470			
93675	12-09-81	U-11		40			
93676	12-09-81	U-12	2,000	210	200		
93713	12-12-81	U-13		630			
93725	12-12-81	U-14		210			
93727	12-12-81	U-15	4,000		2,000		
93736	12-14-81	U-16			200		
93749	12-14-81	U-17	2,000	420	200		
93750	12-14-81	U-18	4,000		2,000		
93751	12-14-81	U-19	2,000		4,000		
93762	12-15-81	U-20	1,000	60			
93777	12-16-81	U-21		420			
93773	12-16-81	U-22		420			
93781	12-16-81	U-23	4,000		2,000		
93790	12-17-81	U-24	1,000	210			
93792	12-17-81	U-25	4,000		2,000		
93793	12-17-81	U-26	2,000		4,000		
93798	12-18-81	U-27		1,050			
93830	12-19-81	U-28		2,730			
93833	12-19-81	U-29	2,000		4,000		
93843	12-21-81	U-30	4,000		2,000		
93844	12-21-81	U-31	4,000		2,000		
93849	12-21-81	U-32		60	200		
93855	12-22-81	U-33	2,000		200		
93857	12-22-81	U-34		210			
93873	12-23-81	U-35	4,000		2,000		
93918	12-28-81	U-36		40	200		
93920	12-28-81	U-37	2,000		200		
	T O T A L		61,200	9,544	35,800	2,000	3,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF JANUARY, 1982
(Exhibit "V")

Invoice No.	Date Shipped	Exh.	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
93966	01-04-82	V-1	4,000		2,000		
93978	01-04-82	V-2	2,000	654	400		

922 - VV

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
93997	01-05-82	V-3		1,470			
94000	01-05-82	V-4		210	200		
94016	01-06-82	V-5	2,000		4,000		
94044	01-08-82	V-6	4,000		2,000		
94050	01-08-82	V-7	1,000	40			
94051	01-08-82	V-8					
94065	01-09-82	V-9	1,000			2,000	3,000
94078	01-11-82	V-10	2,000	210	400		
94089	01-11-82	V-11	2,000		4,000		
94099	01-12-82	V-12		420			
94106	01-12-82	V-13		80	200		
94117	01-13-82	V-14	4,000		2,000		
94118	01-13-82	V-15					
94134	01-14-82	V-16	400	210			
94136	01-14-82	V-17		1,470			
94141	01-14-82	V-18	4,000		2,000		
94143	01-15-82	V-19		1,470			
94171	01-18-82	V-20	4,000		2,000		
94179	01-18-82	V-21			200		
94184	01-18-82	V-22	2,000	420	400		
94188	01-18-82	V-23	2,000		4,000		
94196	01-19-82	V-24	2,000		4,000		
94199	01-19-82	V-25	400				
94211	01-20-82	V-26					
94231	01-21-82	V-27			200		
94232	01-21-82	V-28	4,000		2,000		
94242	01-22-82	V-29	2,000	210	200		
94259	01-23-82	V-30		1,260			
94267	01-25-82	V-31		60	600		
94286	01-25-82	V-32			6,000		
94287	01-25-82	V-33	4,000		2,000		
94291	01-26-82	V-34	200	420			
94292	01-26-82	V-35					
94302	01-26-82	V-36		2,520			
94310	01-27-82	V-37	2,000		2,000		
94311	01-27-82	V-38	6,000		2,000		
94327	01-29-82	V-39	6,000		2,000		
94328	01-29-82	V-40	2,000		2,000		
94331	01-29-82	V-41			200		
94351	01-30-82	V-42	2,000		400		
94356	01-30-82	V-43	8,000				
94357	01-30-82	V-44	1,000				
	T O T A L		74,000	11,124	47,400	2,000	3,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF FEBRUARY, 1982
(Exhibit "W")

Invoice No.	Date Shipped	Exh.	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
94380	02-01-82	W-1	6,000		2,000		
94381	02-01-82	W-2	2,000		2,000		
94368	02-02-82	W-3	200				
94387	02-02-82	W-4		1,470			
94388	02-02-82	W-5		630			
94407	02-03-82	W-6	200				
94424	02-04-82	W-7	2,000	840	400		
94431	02-05-82	W-8	200		200		
94432	02-05-82	W-9					
94479	02-08-82	W-10	6,000		2,000		
94491	02-08-82	W-11	1,000	40			
94478	02-08-82	W-12	1,000			2,000	3,000
94481	02-08-82	W-13	2,000		2,000		
94496	02-09-82	W-14		840			
94497	02-09-82	W-15		1,680			
94498	02-09-82	W-16	200		200		
94536	02-11-82	W-17	6,000		2,000		
94534	02-11-82	W-18	2,000		200		
94537	02-11-82	W-19	2,000		2,000		
94566	02-13-82	W-20	200	20	200		
94593	02-15-82	W-21	600	40			
94588	02-15-82	W-22	2,000	420	200		
94586	02-15-82	W-23	4,000		8,000		
95003	02-16-82	W-24		1,680			
95004	02-16-82	W-25		630			
95015	02-16-82	W-26	200		200		
95035	02-17-82	W-27	1,000				
95036	02-17-82	W-28	1,000	100			
95048	02-18-82	W-29	6,000		2,000		
95049	02-18-82	W-30	2,000		2,000		
95091	02-20-82	W-31	400		200		
95087	02-20-82	W-32		20			
95111	02-22-82	W-33	2,000	630	400		
95119	02-22-82	W-34	400	40			
95108	02-22-82	W-35	4,000		2,000		
95125	02-22-82	W-36	1,000	40			
95109	02-22-82	W-37	4,000		2,000		
95128	02-23-82	W-38			400		

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
95156	02-25-82	W-39		1,680			
95158	02-25-82	W-40		1,680			
95168	02-26-82	W-41	400		200		
	TOTAL		60,000	12,480	30,800	2,000	3,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF MARCH, 1982
(Exhibit "X")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
95211	03-01-82	X-1	4,000		2,000		
95215	03-01-82	X-2			200		
95210	03-01-82	X-3	4,000		2,000		
95225	03-02-82	X-4	2,000	630	400		
95240	03-03-82	X-5	1,000		2,000	3,000	
95260	03-04-82	X-6			6,000		
95265	03-04-82	X-7	400	80	200		
95259	03-04-82	X-8	4,000		2,000		
95278	03-04-82	X-9		1,470			
95279	03-04-82	X-10		210			
95311	03-06-82	X-11	4,000		2,000		
95312	03-06-82	X-12	2,000		400		
95310	03-06-82	X-13	4,000		2,000		
95326	03-08-82	X-14	400		200		
95347	03-09-82	X-15	6,000				
95368	03-10-82	X-16	1,600	630	400		
95362	03-10-82	X-17	4,000				
95363	03-10-82	X-18		1,260			
95361	03-10-82	X-19	4,000		4,000		
95371	03-11-82	X-20	200	230	200		
95396	03-12-82	X-21	2,000		4,000		
95394	03-12-82	X-22	6,000				
95448	03-15-82	X-23	2,000	464	400		
95455	03-16-82	X-24	6,000				
95454	03-16-82	X-25	6,000				
95458	03-16-82	X-26	200	40	200		
95571	03-16-82	X-27		1,470			
95515	03-18-82	X-28	1,000	210	200		
95510	03-18-82	X-29			8,000		

			QUANTITY IN LITERS				
Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
95511	03-18-82	X-30	4,000				
95538	03-19-82	X-31	1,000		4,000		
95524	03-19-82	X-32		20	200		
95566	03-19-82	X-33	4,000		2,000		
95567	03-20-82	X-34	4,000		2,000		
95587	03-22-82	X-35		1,260			
95588	03-22-82	X-36		2,310			
95582	03-22-82	X-37		250	200		
95619	03-23-82	X-38		210			
95625	03-23-82	X-39	4,000		2,000		
95642	03-24-82	X-40	200				
95626	03-24-82	X-41			6,000		
95662	03-25-82	X-42	2,600	250			
95675	03-26-82	X-43	1,000	40			
95688	03-27-82	X-44	4,000		2,000		
95687	03-27-82	X-45	4,000		2,000		
95717	03-29-82	X-46	200		200		
95726	03-30-82	X-47		1,260			
95730	03-30-82	X-48			2,000		
95721	03-30-82	X-49			400		
95729	03-30-82	X-50	8,000		2,000		
95739	03-31-82	X-51	1,000				
	T O T A L		102,800	12,294	61,800	3,000	

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF APRIL, 1982
(Exhibit "Y")

			QUANTITY IN LITERS				
Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
95746	04-01-82	Y-2	3,000				3,000
20515	04-01-82	Y-3	800	420	400		
20527	04-01-82	Y-4		20			
20560	04-03-82	Y-5	200	210	200		
20593	04-05-82	Y-6	4,000		2,000		
20594	04-05-82	Y-7	4,000		2,000		
20608	04-06-82	Y-8	2,000	420	400		
20606	04-06-82	Y-9		40			
20629	04-06-82	Y-10		210			
20631	04-06-82	Y-11	12,000				

Invoice No.	Date Shipped	Exh.	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
20635	04-07-82	Y-12	200				
20637	04-07-82	Y-13		1,260			
20638	04-07-82	Y-14		840			
20650	04-07-82	Y-15		210			
20706	04-12-82	Y-16	1,000	40			
20707	04-12-82	Y-17	8,000		4,000		
20718	04-12-82	Y-18	200		200		
20728	04-13-82	Y-19	2,000	420	400		
20763	04-14-82	Y-20		1,680			
20765	04-14-82	Y-21		1,050			
20786	04-15-82	Y-24			12,000		
20795	04-16-82	Y-25		370	200		
20809	04-17-82	Y-26	12,000				
20815	04-17-82	Y-27	2,000	420	400		
20860	04-20-82	Y-28	1,000	40			
20864	04-20-82	Y-29	200				
20873	04-20-82	Y-30	2,000		4,000		
20874	04-20-82	Y-31	2,000		4,000		
20880	04-21-82	Y-32		840			
20882	04-21-82	Y-33			200		
20886	04-21-82	Y-34	200				
20893	04-21-82	Y-35	6,000				
20911	04-22-82	Y-36		60			
20930	04-23-82	Y-37	200		200		
20934	04-24-82	Y-38		1,050			
20935	04-23-82	Y-39		1,260			
20941	04-23-82	Y-40	800	210	200		
20947	04-24-82	Y-41	6,000				
20968	04-24-82	Y-42		1,050			
20979	04-26-82	Y-43	200				
20985	04-26-82	Y-44	600	40			
20991	04-26-82	Y-45	1,000				
21006	04-27-82	Y-46	200				
21010	04-27-82	Y-47	6,000				
21025	04-28-82	Y-48	8,000		4,000		
21027	04-28-82	Y-49	800		400		
21051	04-30-82	Y-50	200				
21052	04-30-82	Y-51	6,000				
21053	04-30-82	Y-52			8,000		
21055	04-30-82	Y-53	4,000				
21056	04-30-82	Y-54		840			
21057	04-30-82	Y-55		1,260			
21059	04-30-82	Y-56	200		200		
	T O T A L		97,000	14,260	43,400		3,000

922 - 27

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF MAY, 1982
(Exhibit "Z")

Invoice No.	Date Shipped	Exh.	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
21116	05-03-82	Z-2	1,600	420	200		
21118	05-03-82	Z-2-a	200		200		
21123	05-03-82	Z-3				3,000	1,000
21128	05-04-82	Z-4			2,000		
21127	05-04-82	Z-4-a	1,000	40			
21139	05-04-82	Z-5	12,000				
21142	05-04-82	Z-6	6,000				
21164	05-06-82	Z-7	2,000	234	200		
21178	05-07-82	Z-8	200		200		
21184	05-08-82	Z-9	8,000		4,000		
21193	05-08-82	Z-10	6,000				
21203	05-08-82	Z-11		840			
21204	05-08-82	Z-12		1,260			
21209	05-08-82	Z-13			200		
21227	05-10-82	Z-14		480			
21234	05-11-82	Z-15	6,000				
21241	05-11-82	Z-17		1,470			
21242	05-11-82	Z-18		840			
21244	05-11-82	Z-19	200		200		
27171	05-14-82	Z-20	8,000		4,000		
25227	05-14-82	Z-21	2,000		200		
25229	05-14-82	Z-22			200		
25237	05-15-82	Z-23	6,000				
25250	05-15-82	Z-24	8,000		4,000		
25267	05-18-82	Z-25	400	630	200		
25276	05-18-82	Z-26		136			
25279	05-18-82	Z-27	600				
25286	05-18-82	Z-28		420			
25287	05-18-82	Z-29	1,000	40			
27204	05-19-82	Z-30			200		
25291	05-19-82	Z-31	6,000				
25311	05-19-82	Z-32			200		
25320	05-20-82	Z-33	400				
27208	05-22-82	Z-34	400		200		
27216	05-22-82	Z-34-a	2,000	630	400		
27221	05-22-82	Z-35	4,000		8,000		
27224	05-22-82	Z-36		40	400		
27233	05-24-82	Z-37	8,000		4,000		
27257	05-25-82	Z-38	400		200		
27270	05-25-82	Z-39		420			

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
27277	05-25-82	Z-40	6,000				
27287	05-26-82	Z-41	400				
27301	05-26-82	Z-42	2,000	210	400		
27306	05-26-82	Z-43			200		
27316	05-27-82	Z-44			200		
27321	05-27-82	Z-45		840			
27322	05-27-82	Z-46		1,470			
27327	05-27-82	Z-47	6,000				
27347	05-28-82	Z-48	4,000		8,000		
27356	05-29-82	Z-49	6,000				
27358	05-29-82	Z-50	400				
27375	05-31-82	Z-51		40			
	T O T A L		115,200	10,460	38,200	3,000	1,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF JUNE, 1982
(Exhibit "AA")

Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
			QUANTITY IN LITERS				
27399	06-01-82	AA-1	400				
27393	06-01-82	AA-2	8,000		4,000		
27419	06-02-82	AA-3	200		200		
27426	06-02-82	AA-4	1,000	210	400		
27416	06-02-82	AA-5	6,000				
27434	06-03-82	AA-6	200				
27445	06-03-82	AA-7		420			
27913	06-05-82	AA-8	6,000				
27927	06-08-82	AA-9	400	250	200		
27942	06-08-82	AA-10	400				
27954	06-09-82	AA-11	6,000				
27952	06-09-82	AA-12		1,260			
27951	06-09-82	AA-14		1,050			
27971	06-10-82	AA-15	8,000		4,000		
27962	06-10-82	AA-16	400	20			
27978	06-11-82	AA-17	2,000	420	400		
27992	06-12-82	AA-18	6,000				
28004	06-14-82	AA-19	400		200		
28017	06-14-82	AA-20	8,000		4,000		
28010	06-14-82	AA-21	6,000				

Invoice No.	Date Shipped	Exh.	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
28036	06-16-82	AA-22	6,000				
28035	06-16-82	AA-23	400				
28062	06-17-82	AA-23-a	200		200		
28087	06-19-82	AA-24		1,890			
28095	06-19-82	AA-25	8,000		4,000		
28088	06-19-82	AA-26		1,050			
28093	06-19-82	AA-27	6,000				
28091	06-19-82	AA-28	2,000	210	400		
28108	06-21-82	AA-29	200	40			
28102	06-21-82	AA-30	200		200		
28109	06-21-82	AA-31	6,000				
28103	06-21-82	AA-32	400				
28120	06-22-82	AA-33	8,000		4,000		
28135	06-23-82	AA-34			200		
28125	06-23-82	AA-35	400	20			
28153	06-25-82	AA-36	6,000				
28170	06-26-82	AA-37	200		200		
28190	06-28-82	AA-38	400	290	200		
28194	06-28-82	AA-39	4,000		8,000		
28195	06-28-82	AA-40	400				
28204	06-29-82	AA-41		1,260			
28125	06-29-82	AA-42		40			
28210	06-29-82	AA-43	6,000				
28217	06-30-82	AA-44	8,000		4,000		
28219	06-30-82	AA-45	2,000	864	400		
	T O T A L		124,200	9,294	35,200		

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF JULY, 1982
(Exhibit "BB")

Invoice No.	Date Shipped	Exh.	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
28240	07-01-82	BB-1	400		200		
28243	07-01-82	BB-2					3,000
28271	07-02-82	BB-3	8,000		4,000		
28279	07-03-82	BB-4	400	20			
28280	07-03-82	BB-5			200		
28281	07-03-82	BB-6		420			
28297	07-05-82	BB-7	2,000		200		

Invoice No.	Date Shipped	Exh.	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
28298	07-05-82	BB-8			200		
28301	07-05-82	BB-9	8,000		4,000		
28316	07-06-82	BB-10	400				
28324	07-07-82	BB-11			400		
28325	07-07-82	BB-12		1,470			
28326	07-07-82	BB-13		1,680			
28361	07-09-82	BB-14	4,000		8,000		
28385	07-10-82	BB-15	400	60			
28386	07-10-82	BB-16	200		200		
28414	07-13-82	BB-17	8,000		4,000		
28419	07-13-82	BB-18		840			
28420	07-13-82	BB-19		420			
28426	07-13-82	BB-20	200		200		
28434	07-13-82	BB-21	400				
28463	07-15-82	BB-22	200		200		
28469	07-16-82	BB-23	2,000	630	400		
28470	07-16-82	BB-24		40			
28483	07-16-82	BB-25	200		200		
28500	07-17-82	BB-26	400				
28512	07-19-82	BB-27	8,000		4,000		
28517	07-20-82	BB-28	400	270	200		
28529	07-20-82	BB-29	400				
28538	07-21-82	BB-30	8,000		4,000		
28547	07-22-82	BB-31	3,000	210	600		
28558	07-23-82	BB-32	800	20			
28577	07-24-82	BB-33			200		
28601	07-26-82	BB-34		1,260			
28602	07-26-82	BB-35		1,680			
28607	07-26-82	BB-36			200		
28609	07-26-82	BB-37	8,000		4,000		
28631	07-29-82	BB-38			200		
23751	07-29-82	BB-39		840			
23753	07-29-82	BB-40	800				
23754	07-29-82	BB-41	4,000		8,000		
23776	07-31-82	BB-42	200	210	200		
23778	07-31-82	BB-43	8,000		4,000		
	T O T A L		76,800	10,070	48,000		3,000

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF AUGUST, 1982
(Exhibit "CC")

			QUANTITY IN LITERS				
Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
23792	08-01-82	CC-1	3,000	630	400		
23793	08-01-82	CC-2		210			
23825	08-04-82	CC-3	4,000		8,000		
23828	08-04-82	CC-4	600	20			
23840	08-05-82	CC-6		1,260			
23841	08-05-82	CC-7		1,260			
23850	08-06-82	CC-8	200				
23871	08-07-82	CC-9			200		
23890	08-09-82	CC-10	3,000	420	600		
23891	08-09-82	CC-11		210			
23905	08-10-82	CC-12	400				
23918	08-10-82	CC-13	8,000		4,000		
23921	08-11-82	CC-14	1,000	210			
23928	08-11-82	CC-15		1,680			
23925	08-11-82	CC-16	8,000		4,000		
23929	08-11-82	CC-17		840			
23947	08-12-82	CC-18	2,000	24	400		
23951	08-13-82	CC-19	200				
23963	08-14-82	CC-20	600	40			
23986	08-16-82	CC-21	4,000		8,000		
23980	08-16-82	CC-22		40	200		
23993	08-17-82	CC-23	2,000		400		
24001	08-17-82	CC-24	1,000	60			
24014	08-19-82	CC-25	800				
24020	08-19-82	CC-26			200		
24046	08-20-82	CC-27	200				
24078	08-23-82	CC-28			200		
24090	08-24-82	CC-29	800	40			
24118	08-26-82	CC-30		1,890			
24116	08-26-82	CC-31	200		200		
24118	08-26-82	CC-32		1,260			
24152	08-28-82	CC-33	2,000	630	600		
24162	08-28-82	CC-35	8,000		4,000		
24171	08-30-82	CC-36	800				
24169	08-30-82	CC-37	8,000		4,000		
24197	08-31-82	CC-38		840			
24196	08-31-82	CC-39		420			
24202	08-31-82	CC-40	1,000	40			
	T O T A L		59,800	12,024	35,400		

PURCHASES OF MANUFACTURED OILS
FOR THE MONTH OF SEPTEMBER, 1982
(Exhibit "DD")

			QUANTITY IN LITERS				
Invoice No.	Date Shipped	Exh.	Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
24213	09-01-82	DD-2		40			
24215	09-01-82	DD-3	200				
24230	09-02-82	DD-4		60			
24233	09-02-82	DD-5			200		
24242	09-03-82	DD-6	2,000	678	400		
24270	09-04-82	DD-7	8,000		4,000		
24260	09-04-82	DD-9		100			
24283	09-06-82	DD-10	200		200		
24294	09-07-82	DD-11	800				
24301	09-07-82	DD-12	8,000		4,000		
24308	09-08-82	DD-13		1,050			
24309	09-08-82	DD-14		1,680			
24318	09-09-82	DD-15	400				
24363	09-13-82	DD-16	2,000	630	600		
24364	09-13-82	DD-17		210			
24365	09-13-82	DD-18	800				
24366	09-13-82	DD-19	200	250	200		
24367	09-13-82	DD-20	8,000		4,000		
24384	09-13-82	DD-21	1,000	40			
24389	09-14-82	DD-22	8,000		4,000		
24395	09-14-82	DD-23		630			
24398	09-14-82	DD-24		840			
24419	09-16-82	DD-25	200		200		
24420	09-16-82	DD-26	2,000	210	400		
24428	09-17-82	DD-27	800				
24453	09-18-82	DD-28		1,050			
24454	09-18-82	DD-29		840			
24462	09-18-82	DD-30	200				
24472	09-20-82	DD-31	2,000	210	200		
24474	09-20-82	DD-32	4,000		8,000		
24485	09-21-82	DD-33	8,000		4,000		
24493	09-21-82	DD-34		840			
24499	09-21-82	DD-35	200				
24526	09-23-82	DD-36	800	210			
24530	09-23-82	DD-37	2,000	420			
24549	09-24-82	DD-38	8,000		4,000		
24576	09-27-82	DD-39		270			
24577	09-27-82	DD-40	200				

Invoice No.	Date Shipped	Exh.	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
24578	09-27-82	DD-41		1,680			
24591	09-28-82	DD-42	8,000		4,000		
24622	09-30-82	DD-43	2,000				
24624	09-30-82	DD-44	200				
	T O T A L		78,200	11,938	38,400		

RECAP OF MANUFACTURED OILS PURCHASES:

MONTH	QUANTITY IN LITERS Diesel	Oil and Lubricants	Regular Gasoline	Extra Gasoline	Kerosene
January 1981	17,000		9,000		
February 1981	91,600	10,426	51,000	10,000	3,000
March 1981	85,000	16,414	49,800	10,000	4,000
April 1981	76,600	8,900	40,800	8,000	2,000
May 1981	87,600	8,580	40,600	4,000	2,000
June 1981	89,000	6,528	35,600		4,000
July 1981	88,200	11,284	37,400	1,000	2,000
August 1981	80,400	10,248	41,600	1,000	5,000
September 1981	69,400	10,054	37,600	3,000	4,000
October 1981	63,600	8,770	37,020	3,000	11,000
November 1981	45,600	6,766	31,200	2,000	3,000
December 1981	61,200	9,544	35,800	2,000	3,000
January 1982	74,000	11,124	47,400	2,000	3,000
February 1982	60,000	12,480	30,800	2,000	3,000
March 1982	102,800	12,294	61,800	3,000	
April 1982	97,000	14,260	43,400		3,000
May 1982	115,200	10,460	38,200	3,000	1,000
June 1982	124,200	9,294	35,200		
July 1982	76,800	10,070	48,000		3,000
August 1982	59,800	12,024	35,400		
September 1982	78,200	11,938	38,400		
T O T A L	1,643,200	211,458	826,020	54,000	56,000

COMPUTATION OF 25% SPECIFIC TAX REFUND
UNDER R.A. 1435

Manufactured Oil	Quantity	Specific Tax Rate	Amount
Diesel	1,385 MT*	P1.00/MT	P 1,385.00
Lubricating Oils	211,458 L	0.07/L	14,802.06
Regular Gasoline	826,020 L	0.08/L	66,081.60
Extra Gasoline	54,000 L	0.08/L	4,320.00
Kerosene	56,000 L	0.025/L	1,400.00
Total specific taxes paid			P87,988.66
Multiply by specific tax refund rate			* 25%
Total specifc tax to be refunded			P21,997.17

*(1,643,200 x 0.8429) + 1,000 = 1,385.0533

Original Claim
for Refund : November 1980 to September 1982

Case filed with
C.T.A. : February 8, 1983

Counting for the 2-year period should start:

1. In case of lubricants - February 8, 1981

2. Other than lubricants - February 24, 1981

Thus purchases of lubricating oils from November 1980 to February 7, 1981 and purchases of manufactured oils other than lubricants from November 1980 to January 23, 1981 have already prescribed. (Exhs. "H-1" to "H-47", "I-1" to "J-26", "J-28", "J-29", "J-33", "J-45", "K-1", "K-28", "K-31" and "K-33".

Petitioner originally claimed for refund of the specific tax on manufactured oils from November 1980 to September 1982. However, in counting the prescriptive period, the date of filing with the court should be controlling.

The Resolution of the Supreme Court dated March 25, 1992 in the Rio Tuba Case (SUPRA) stated that the claim for refund of specific taxes should be computed on the basis of the amounts deemed paid under Section 1 and 2 of R.A. No. 1435, without interest.

> "**SECTION 1.** Section one hundred and forty two of the National Internal Revenue Code, as amended, is further amended to read as follows:
>
> > "SEC. 142. *Specific Tax on manufactured oils and other fuel.*- On refined and manufactured mineral oils and motor fuels, there shall be collected the following taxes:
> >
> > (a) xxx xxx xxx
> >
> > (b) Lubricating oils, per liter of volume capacity, seven centavos;
> >
> > (c) Naphtha, gasoline, and all other similar products of distillation, per liter of volume capacity, eight centavos; and
> >
> > (d) xxx xxx xxx
>
> "**SEC. 2.** Section one hundred and forty-five of the National Internal Revenue Code, as amended, is further amended to whereas as follows:
>
> > **SEC. 145.** *Specific Tax on Diesel fuel oil.* - On fuel oil, commercially known as diesel fuel oil, and on all similar fuel oils, having more or less the same generating power, there shall be collected, per metric ton, one peso."

With respect to the amount refundable on purchases of diesel and Bunker fuel oils, both parties agreed and arrived at a formula in converting liters of diesel to metric tons. The base for computing the amount refundable for specific taxes paid on diesel should be what is prescribed in Section 2 of R.A. No. 1435. The formula to convert liters to metric tons of diesel fuel as agreed upon by the parties is:

$$\frac{\text{No. liters x specific gravity}}{1,000} = \text{Metric Ton}$$

It was further agreed that the <u>specific gravity of diesel is 0.8429</u>.

Thus, the total number of liters of diesel subject to refund is 1,643,200 equivalent to 1,385 metric tons computed as follows:

$$\frac{1,643,200 \times 0.8429}{1,000} = 1,286 \text{ metric ton of diesel}$$

After having converted the liters of diesel to metric tons the Court can now compute the amount to which petitioner is entitled to be refunded on the specific taxes paid on the use of lubricating oils, regular gasoline, extra gasoline and kerosene purchased for the period February 24, 1981 to September 30, 1982. Petitioner is therefore entitled to be refunded in the amount of P21,997.17 computed as follows:

COMPUTATION OF 25% SPECIFIC TAX REFUND
UNDER R.A. 1435

Manufactured Oil	Quantity	Specific Tax Rate	Amount
Diesel	1,385 MT*	P1.00/MT	P 1,385.00
Lubricating Oils	211,458 L	0.07/L	14,802.06
Regular Gasoline	826,020 L	0.08/L	66,081.60
Extra Gasoline	54,000 L	0.08/L	4,320.00
Kerosene	56,000 L	0.025/L	1,400.00
Total specific taxes paid			P87,988.66
Multiply by specific tax refund rate			* 25%
Total specific tax to be refunded			P21,997.17

*(1,643,200 x 0.8429) + 1,000 = 1,385.0533

Regarding the 20% interest per annum being claimed by petitioner, the rule is that no interest on refund of tax can be awarded unless authorized by the law or the collection of the tax was attended by arbitrariness (Collector v. Prieto, 112 phil 907; **Commissioner v. Astureas Sugar Central**, 2 SCRA 1140; **Commissioner of Internal Revenue v. American Rubber Co.**, 18 SCRA 842; **Atlas Fertilizer Corporation v. Commissioner of Internal Revenue**, 100 SCRA 556; **Shell Philippines, Inc., v. Central Bank of the Philippines**, 162 SCRA 288.) An action is not arbitrary when exercised honestly and upon due consideration where there is a room for two opinions, however it may be believed that an erroneous conclusion was reached. (F.B. Moreno, Philippines law Dictionary [3rd edition] p. 69, citing **Imperial Development**

Corporation v. Añover, 08473-hP. August 23, 1979) Arbitrariness presupposes excusable or obstinate, disregard of legal provision' (**Victoria's Milling Co. Inc., v. Commissioner of Internal Revenue, et. al.**, 19 SCRA 430) none of the exceptions are present in the instant case. Respondent's decision denying Petitioner's claim for refund was based on an honest interpretation of law. Petitioner is not entitled to the payment of interest.

MOREOVER, the Supreme Court held in the Rio Tuba case that no interest shall be charged in computing the 25% refund of specific taxes paid. (See Supreme Court Resolution dated March 25, 1992).

In the same manner petitioner's prayer for costs of suit cannot be granted. It is an elementary rule that the government shall not be liable for cost of suits unless otherwise provided by law. (Section 1, Rule 142. Revised Rules of Court; **Collector of Internal Revenue v. Convention of the Philippine Baptist churches and the Court of Tax Appeals**, 2 SCRA 10.)

WHEREFORE, the respondent Commissioner of Internal Revenue is hereby ordered to **REFUND** to **Petitioner, CURUAN TIMBER CORPORATION** the sum of P21,997.17, without interest, equivalent to 25% partial refund of specific taxes paid on its purchases of Diesel fuel, oil, and lubricants, Regular gasoline, extra gasoline and kerosene pursuant to the provision of Section 5 pf Republic Act No. 1435 in relation to Section 142(b) and (c) of the NIRC and Section 145 as prescribed under Section 1, 2 of R.A. No. 1435.

SO ORDERED.

RAMON O. DE VEYRA
Associate Judge

WE CONCUR:

ERNESTO D. ACOSTA
Presiding Judge

MANUEL K. GRUBA
Associate Judge

CERTIFICATION

I hereby certify that the decision was reached after due consultation among the members of the Court of Tax Appeals in accordance with Section 13, Article VIII of the Constitution.

ERNESTO D. ACOSTA
Presiding Judge
Court of Tax Appeals