REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC

TOTAL (PHILIPPINES) CORPORATION,
Petitioner,

-versus-

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA EB No. 1154
(CTA Case Nos. 7898, 7980 & 8008)

Present:
Del Rosario, *P.J.,*
Castañeda, Jr.,
Bautista,
Uy,
Casanova,
Fabon-Victorino,
Mindaro-Grulla,
Cotangco-Manalastas, and
Ringpis-Liban, *JJ.*

Promulgated:

SEP 24 2015 2:10 p.m.

x---x

RESOLUTION

CASTAÑEDA, JR., *J.*:

This resolves petitioner's Motion for Reconsideration of the April 21, 2015 Decision filed on May 20, 2015 with respondent's Comment/Opposition (Re: Motion for Reconsideration) filed on July 10, 2015. Petitioner prays that this Court reconsider its Decision and that judgment be rendered ordering respondent to refund or issue tax credit certificate in favor of herein petitioner in the amount of one hundred and twenty million, five hundred and seventy thousand, nine hundred and sixty-six pesos, and three centavos (P120,570,966.03)

The dispositive portion of the assailed Decision states:

> **WHEREFORE,** in view of the foregoing, the Petition for Review is **DISMISSED.** Accordingly, the assailed Decision and Resolution of the CTA Special First Division promulgated

on July 24, 2013 and March 17, 2014, respectively, are hereby **AFFIRMED.**

SO ORDERED.

Hence, this resolution.

Petitioner's grounds for the reconsideration are, as follows: (a) there was sufficient proof to show that the zero-rated sales of petitioner in the amount of P1,091,958,783.59 pertained to zero-rated sales; (b) there is no requirement under the law to validate the input VAT carried over from previous quarters; (c) petitioner's input VAT in the amount of P99,993,863.07 should not be disallowed; and (d) in claims for refund of input VAT, it is not required that the input VAT attributable to zero-rated sales must exceed output VAT.

Respondent, in her Comment/Opposition, states that the arguments raised by petitioner in the instant motion are mere rehash of the arguments it raised in the petition for review which had already been conclusively passed upon by the Honorable Court.

After a careful study of the grounds raised by the petitioner in its motion as well as the Comment of the respondent, the Court *en banc* finds no valid or cogent reason to deviate from our findings and conclusions reached in our Decision dated April 21, 2015, thus, the motion is denied.

"In a claim for tax refund or tax credit, the applicant must prove not only entitlement to the grant of the claim under substantive law. It must also show satisfaction of all the documentary and evidentiary requirements for an administrative claim for a refund or tax credit."[1] In this case, petitioner "failed to prove that the sales were made to entities duly registered with Philippine Economic Zone Authority (PEZA), Clark Development Corporation (CDC), or Board of Investment (BOI)."[2] Petitioner also failed to comply with the substantiation requirements under the law and its implementing regulations.

Moreover, "it would be 'improper' or inappropriate, if not irregular, to grant a refund of, or issue a tax credit certificate for, input VAT in favor of petitioner where there are still unpaid output VAT for taxable year 2007."[3]

---

[1] *Western Mindanao Power Corporation v. Commissioner of Internal Revenue*, G.R. No. 181136, June 13, 2012, 672 SCRA 350.
[2] Assailed Decision, p.8; *Rollo*, p. 144.
[3] Assailed Decision, p. 17, *Rollo*, p. 153.

WHEREFORE, premises considered, petitioner's motion for reconsideration is hereby **DENIED** for lack of merit.

SO ORDERED.

Juanito C. Castañeda, Jr.
JUANITO C. CASTAÑEDA, JR.
Associate Justice

WE CONCUR:

ROMAN G. DEL ROSARIO
Presiding Justice

LOVELL R. BAUTISTA
Associate Justice

ERLINDA P. UY
Associate Justice

CAESAR A. CASANOVA
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

Cielito N. Mindaro-Grulla
CIELITO N. MINDARO-GRULLA
Associate Justice

AMELIA R. COTANGCO-MANALASTAS
Associate Justice

Ma. Belen
MA. BELEN M. RINGPIS-LIBAN
Associate Justice