



SECURITIES AND EXCHANGE COMMISSION

SEC FORM 17-C  
CURRENT REPORT UNDER SECTION 17  
OF THE SECURITIES REGULATION CODE  
AND SRC RULE 17.2(c) THEREUNDER

1. February 19, 2020  
Date of Report
2. SEC Identification No.: 91447
3. BIR Tax Identification No.: 410-000-190-324
4. **SEMIRARA MINING AND POWER CORPORATION**  
Exact name of issuer as specified in its charter
5. Philippines  
Province, country or other jurisdiction of incorporation
6.  (SEC Use Only)  
Industry Classification Code:
7. 2/F DMCI Plaza, 2281 Don Chino Roces Avenue, Makati City  
Address of principal office
7. 1231  
Postal Code
8. (2) 888-3055 Fax No. (2) 888-3955  
Issuer's telephone number, including area code
9. ....  
Former name or former address, if changed since last report
10. Securities registered pursuant to Sections 8 and 12 of the SRC or Sections 4 and 8 of the RSA  

<u>Title of Each Class</u>	<u>Number of Shares of Common Stock</u>
<b>Common Shares</b>	<b>4,250,547,620</b>
11. Indicate the item numbers reported herein: **Item 5.**

We refer to the case docketed as “*Commissioner of Internal Revenue vs. Semirara Mining Corporation, G.R. No. 202534*” pending before the 2<sup>nd</sup> Division of the Supreme Court.

As a background, on January 4, 2011, the Court of Tax Appeals (CTA) rendered a Decision [CTA Case No. 7867] granting SMPC’s petition for a refund or issuance of a tax credit certificate in the amount of Php15,292,054.91. The Commissioner of Internal Revenue (CIR) filed a Motion for Reconsideration (MR) which was denied on March 18, 2011. The CIR appealed the case to CTA En Banc [CTA EB No. 752] which later dismissed it on March 22, 2012. An MR was filed, but again dismissed on June 28, 2012. The CIR filed a Petition for Certiorari with the Supreme Court [G.R. No. 202534] on August 29, 2012.

The Supreme Court (SC) Second Division in its Decision dated December 5, 2018 denied the CIR’s Petition for Review questioning the (a) Decision of the CTA dated March 22, 2012, and (b) CTA Resolution dated June 28, 2012. The CTA Decision and Resolution confirmed the VAT-exempt status of SMPC and granted its claim for tax refund. An MR was filed by the CIR on April 26, 2019.

On June 3, 2019 the SC resolved to deny with finality the MR filed by the CIR since no substantial argument having been adduced to warrant reconsideration, and on August 7, 2019, the

SC issued an Entry of Judgment. On September 27, 2019, SMPC moved for the issuance of a writ of execution with the CTA.

Today, we received a copy of the Writ of Execution dated February 12, 2020 ordering the CIR to refund or issue a tax credit certificate in favor of SMPC in the amount of Php15,292,054.91 representing the final withholding value-added tax on its sales of coal for the month of January 2007, which the National Power Corporation erroneously withheld and remitted to the Bureau of Internal Revenue.

**SIGNATURES**

Pursuant to the requirements of the Securities Regulation Code, the issuer has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

Issuer : Semirara Mining Corporation

Signature and Title :   
\_\_\_\_\_ **John R. Sadullo**  
Corporate Secretary

Date : February 19, 2020