

**REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY**

FIRST DIVISION

**F.R. ESTUAR & ASSOCIATES
DEVELOPMENT &
MANAGEMENT CO., INC.,**
Petitioner,

CTA CASE NO. 9366

Members:

- versus -

**DEL ROSARIO, P.J., Chairperson,
UY, and
MINDARO-GRULLA, JJ.**

**COMMISSIONER OF
INTERNAL REVENUE,**
Respondent.

Promulgated:

DEC 01 2017 8:36 am

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RESOLUTION

Before this Court is petitioner's **Motion for Leave to Withdraw Petition**, filed on June 15, 2017, with respondent's **Comment (Re: Motion for Leave to Withdraw Petition)**, filed on July 5, 2017.

In its motion, petitioner avers that it was notified that respondent issued a Warrant of Garnishment dated November 8, 2016 directing China Banking Corporation (CBC) to distrain and garnish in favor of respondent so much of petitioner's deposit as to cover the amount of ₱1,512,524.25 representing the alleged total deficiency tax due and collectible. Petitioner further avers that it was informed by CBC that in compliance with the said warrant, CBC already prepared a check in the required amount for immediate surrender to respondent. Effectively, petitioner claims that respondent already collected the alleged tax deficiency.

Because of this development, petitioner was allegedly constrained to re-evaluate its options and available remedies and

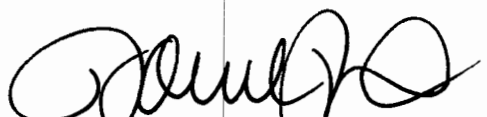
after careful deliberation, its board of directors decided that it would be to petitioner's best interest to no longer pursue the present petition especially considering that respondent already enforced collection through the administrative summary remedy of garnishment.

In his comment, respondent states that he leaves the resolution of the issue to the sound discretion of the Court provided that if the case is dismissed the same cannot anymore be refiled.

WHEREFORE, considering the reasons cited by petitioner, its **Motion for Leave to Withdraw Petition** is **GRANTED**.

Accordingly, CTA Case No. 9366 is deemed **WITHDRAWN** and considered **CLOSED** and **TERMINATED**.

SO ORDERED.


ROMAN G. DEL ROSARIO
Presiding Justice


ERLINDA P. UY
Associate Justice


CIELITO N. MINDARO-GRULLA
Associate Justice