

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

SECOND DIVISION

PRIMARY STRUCTURES CORPORATION,
Petitioner,

- versus -

C.T.A. CASE No. 7654

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

Members:

CASTAÑEDA, JR., Chairperson;
UY, and
ENRIQUEZ, JJ.

Promulgated:

FEB 03 2009

X ----- X

RESOLUTION

When this case was called for hearing on January 26, 2009 for the initial presentation of the evidence for the petitioner, only counsel for respondent, Atty. Alvin N. Sto. Domingo, appeared and moved that this case be dismissed for failure to prosecute considering that the initial presentation of the evidence for the petitioner has been postponed for more than one (1) year already and in view of the warning given by the Court to petitioner during the hearing held on December 3, 2008 that the resetting granted therein is for the last time.

WHEREFORE, upon motion counsel for respondent, the Petition For Review filed on June 27, 2007 in the above-captioned case is hereby **DISMISSED** for failure to prosecute pursuant to Section 3 Rule 17 of the 1997 Rules of Civil Procedure.

SO ORDERED.

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

Erlinda P. Uy
ERLINDA P. UY
Associate Justice

Olga Palanca-Enriquez
OLGA PALANCA-ENRIQUEZ
Associate Justice