

REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

Third Division

PETRON CORPORATION,

Petitioner,

- versus -

CTA CASE NO. 9222

Members:

Bautista, Chairperson,

Fabon-Victorino, and

Ringpis-Liban, JJ.

COMMISSIONER OF INTERNAL REVENUE, Promulgated:

Respondent. AUG 10 2016

Can 3:13 p.m.

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RESOLUTION

For resolution is petitioner's Motion to Withdraw Petition for Review (with Motion to Cancel Commissioner's Hearings, and the Hearing for Petitioner's Initial Presentation of Evidence and Motion to Commission an Independent CPA) ("Motion to Withdraw") filed on July 29, 2016, with respondent's comment filed on August 2, 2016.

In its Motion to Withdraw petitioner states that it was informed that its applications for tax refund or issuance of a tax credit certificate ("TCC") for excise taxes paid during the period January 2, 2014 to December 31, 2014 filed with the Large Taxpayers Excise Audit Division II was partially granted by respondent; and that on June 28, 2016, the Bureau of Customs, the government agency deputized and authorized by the Bureau of Internal Revenue to issue TCC involving claims for refund of taxes on importations, issued a TCC in its favor in the total amount of Thirty Three Million Seven Hundred Seventeen Thousand Two Hundred Fifty One and 35/100 Pesos (Php33,717,251.35) representing excise taxes erroneously paid for its locally manufactured Jet A-1 fuel and unleaded gasoline fuel sold and delivered to various international carriers and tax-exempt entities for the period January 1, 2014 to December 31, 2014. Thus, petitioner prayed for the following:

- a. That the Petition for Review be withdrawn from the records of the Court; and
- b. That the Court's Order dated June 22, 2016 setting Commissioner's Hearings on August 9, 11, 16, and 18, 2016, be cancelled; and
- c. Its Order dated June 22, 2016 requiring petitioner to file its Motion to Commission an Independent Certified Public Accountant and the hearing of said motion, along with petitioner's initial presentation of evidence set on August 30, 2016, be cancelled.

In its Comment, respondent interposed no objection to petitioner's Motion to Withdraw.

WHEREFORE, premises considered, petitioner's Motion to Withdraw Petition for Review (with Motion to Cancel Commissioner's Hearings, and the Hearing for Petitioner's Initial Presentation of Evidence and Motion to Commission an Independent CPA) is hereby **GRANTED**. The Petition for Review is hereby **WITHDRAWN**, and this case is now considered **CLOSED** and **TERMINATED**.

Consequently, the May 18, 2016 Resolution setting Commissioner's Hearings on August 9, 11, 16, and 18, 2016, as well as the commissioning of the ICPA on August 30, 2016, as well as the June 22, 2016 Pre-trial Order are hereby **RECALLED** and **SET ASIDE**.

SO ORDERED.


LOVELL R. BAUTISTA
Associate Justice


ESPERANZA R. FABON-VICTORINO
Associate Justice


MA. BELEN M. RINGPIS-LIBAN
Associate Justice