

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

First Division

**IN RE: PROTEST ON ITS PAYMENT
OF PHP230,861,688.00 ON MAY
18 AND 19, 2017 REPRESENTING
SUPPOSED OBLIGATIONS
COVERING PORTIONS OF THE
YEARS 2010, 2011 AND 2012
ARISING FROM ITS RAW
MATERIAL MONTHLY
IMPORTATION REQUIREMENTS.**

CTA Case No. 10030

Members:

**DOLE Philippines Inc. – Stanfilco
Division,**

Petitioner,

**DEL ROSARIO, P.J., Chairperson,
FABON-VICTORINO, and
MANAHAN, JJ.**

-versus-

**THE HON. REY LEONARDO B.
GUERRERO and the HON. ATTY.
ROMALINO G. VALDEZ, in their
respective capacities as
Commissioner of Bureau of
Customs and Acting District
Collector – Port of Davao,**

Respondents.

Promulgated:

FEB 03 2020 . 1:10 pm

X - - - - - X

R E S O L U T I O N

On October 29, 2019, petitioner Dole Philippines, Inc.-Stanfilco Division (DPI) filed a **Motion to Withdraw Petition for Review.**

Petitioner DPI avers that its Petition for Review filed in this Court stems from a series of assessments for duties, taxes and applicable penalties on raw materials that it imported in 2010, 2011, and 2012, in excess of the allocated quotas under its Customs Bonded Warehouse license.

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Petitioner DPI also avers that it filed with the Bureau of Customs (BOC) an application for the amendment of its importation quotas from monthly to quarterly basis.

On September 16, 2019, petitioner received from the BOC through Davao District Collector Atty. Erastus Sandino B. Austria a copy of the Resolution No. 155-2019 dated September 5, 2019 wherein the Customs Bonded Warehouse Committee approved said application, hence, it will no longer exceed the allowed monthly importation requirements.

Petitioner further states that due to such favorable action of the BOC, it will not incur further costs in commissioning an Independent Certified Public Accountant (ICPA), hence, its Board of Directors (BOD) approved on October 4, 2019 the withdrawal of its Petition for Review as evidenced by the attached Corporate Secretary's Certificate marked as Annex "A".

Considering that it is amenable to the volume adjustment of its import quotas, that its BOD approved the withdrawal of its petition for review, and the case has yet to proceed to trial proper, hence, not yet submitted for decision, petitioner prays that it be allowed to withdraw its petition knowing that such withdrawal will render the respondent's decision, being the cause of action of the instant petition, final and executory.

Respondents, on the other hand, in their **Comment (to the Motion to Withdraw Petition for Review dated October 29, 2019)** posted on December 18, 2019, state that Commissioner Rey Leonardo B. Guerrero, in his letter dated December 11, 2019, has no objection to such withdrawal as it will effectively abandon petitioner's claim and will no longer require litigation.

Hence, respondents pray that petitioner's instant motion be granted and that their comment be noted.

WHEREFORE, subject to the mutual interest of the parties to immediately terminate the instant case, petitioner's *Motion to Withdraw Petition for Review* is hereby **GRANTED** and respondents' *Comment (to the Motion to Withdraw Petition for Review dated October 29, 2019)* is **NOTED**.

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Accordingly, this Court **APPROVES** the withdrawal of petitioner's Petition for Review and the case is hereby deemed **CLOSED** and **TERMINATED**.

SO ORDERED.



ROMAN G. DEL ROSARIO

Presiding Justice



ESPERANZA R. FABON-VICTORINO
Associate Justice



CATHERINE T. MANAHAN
Associate Justice