REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

THIRD DIVISION

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FSM CINEMAS, INC.,
Petitioner,

- versus -

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA CASE NO. 7074

Members:

BAUTISTA, *Chairperson*
PALANCA-ENRIQUEZ, *and*
COTANGCO-MANALASTAS, *JJ.*

Promulgated:

APR 4 2011
DPFernando 9:50 a.m.

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RESOLUTION

For resolution are:

1. petitioner's "**Motion to Declare the Alleged Deficiency Income Tax and Value-Added Tax Assessments Extinguished Under Republic Act No. 9480**" filed on February 10, 2010;

2. respondent's "**Comment/Opposition (On Petitioner's Motion to Declare Alleged Deficiency Income tax & VAT Assessments Extinguished under Republic Act No. 9480)**" filed on March 31, 2010;

3. petitioner's "**Comments (to Respondent's Comment/Opposition dated March 29,2010)**" filed on September 28, 2010; and

4. petitioner's "**Compliance/Submission**" filed on March 4, 2011.

On November 19, 2010, this Court issued a Resolution ordering petitioner to file the originals or certified true copies of the tax amnesty documents pertinent to its *Motion to Declare the Alleged Deficiency Income Tax and Value-Added Tax Assessments Extinguished Under Republic Act No. 9480.*

Hence, the *Compliance/Submission* filed by petitioner, submitting the following tax amnesty documents (all faithful reproduction of the originals, except for the Balance Sheet as of December 31, 2005, which is an original copy) to further support its *Motion to Declare the Alleged Deficiency Income Tax and Value-Added Tax Assessments Extinguished Under Republic Act No. 9480:*

1. BIR Form No. 2116 – Tax Amnesty Return;
2. BIR Form No. 0617 – Tax Amnesty Payment Form;
3. Notice of Availment of Tax Amnesty;
4. Statement of Assets, Liabilities and Networth as of 31 December 2005;
5. Balance Sheet as of 31 December 2005 (which forms an integral part of the Audited Financial Statements of FSM Cinemas, Inc. as of and for the year ended 31 December 2005; and
6. Bank Official Receipt issued by an authorized agent bank covering the payment of amnesty tax on 04 March 2008.

Upon examination thereof, this Court finds that the above documents have sufficiently complied with the provisions of Republic Act (R.A.) No. 9480 and its implementing rules and regulations.

WHEREFORE, premises considered, petitioner's "**Motion to Declare the Alleged Deficiency Income Tax and Value-Added Tax Assessments Extinguished under Republic Act No. 9480,**" is hereby **GRANTED.** The *Petition for Review* in the above-captioned case is deemed **PARTIALLY WITHDRAWN** and correspondingly treated as **CLOSED AND TERMINATED** but only insofar as the alleged deficiency Income Tax and Value Added Tax assessments are concerned, subject to the provisions of Republic Act No. 9480.

SO ORDERED.

LOVELL R. BAUTISTA
Associate Justice

OLGA PALANCA-ENRIQUEZ
Associate Justice

AMELIA R. COTANGCO-MANALASTAS
Associate Justice