REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

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VISAYAN ELECTRIC COMPANY,
Petitioner,

- versus -

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

C.T.A. CASE NO. 7108

Members:

ACOSTA, *Chairperson*
BAUTISTA, and
CASANOVA, *JJ.*

Promulgated:

SEP 29 2008 ; 9:05am

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RESOLUTION

On April 18, 2008, petitioner filed a **"Motion/Manifestation"** stating that it availed of the benefits of tax amnesty; attaching proofs thereof; and prayed that this Court direct herein respondent to issue an Authority to Cancel Tax Assessment.

Consequently, this Court issued a Resolution dated July 8, 2008 ordering petitioner to submit the original/certified true copies of the required documents pursuant to its availment of tax amnesty. Likewise, petitioner was ordered to file its Motion for the Withdrawal of its Petition for Review pursuant to its manifestation that it had already availed of the provisions of the Tax Amnesty Law of 2007.

As per compliance, petitioner filed a **"Motion for Partial Reconsideration and Compliance"** on July 31, 2008, submitting certified true copies of the required documents, however, prays that the aforesaid Resolution be reconsidered insofar as

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order of the filing of a Motion for the Withdrawal of the Petition for Review is concerned. Petitioner argues that the said filing of a withdrawal will be prejudicial to the interest of the petitioner as it would lose its right to question the deficiency assessments at issue should respondent invalidate its availment of the tax amnesty.

This Court does not agree.

Contrary to petitioner's argument, the withdrawal of the case is not prejudicial to its interest. In a line of cases, this Court had resolved that it is bereft of authority to cancel deficiency tax assessments issued by respondent despite the concerned taxpayer's availment of the provisions of Republic Act No. 9480 considering that the law categorically allows for a one (1) year period for investigation or audit of the documents and/or representations made by the taxpayer who availed of the tax amnesty benefits. And the only reason that petitioner's entitlement to the benefits of the law may be automatically cancelled is when the respondent finds that there has been an understatement of petitioner's networth of up to the extent of thirty percent (30%) or more. Otherwise, the benefits are affirmed. Thus, when petitioner availed of the provisions of R.A. 9480, it is assumed that it is fully aware of this consequence; else, it would not have decided to avail the same.

To reiterate, the consequence of full compliance with the provisions of R.A. 9480 necessarily includes the withdrawal of the Petition for Review and the termination of the case, unless Petitioner waives such right and opts to continuously prosecute its case on the merits. However, in the absence of such intention, and finding petitioner to have satisfactorily complied with the documentary requirements under R.A. 9480, this Court hereby considers petitioner's Petition for Review deemed withdrawn.

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WHEREFORE, premises considered, petitioner's **"Motion/Manifestation"** and **"Motion for Partial Reconsideration"** filed on April 18, 2008 and July 31, 2008, respectively, are hereby **DENIED** for lack of merit. Its "**Compliance**" is hereby noted.

Accordingly, this instant Petition for Review is **DEEMED WITHDRAWN** and this instant case is considered **CLOSED** and **TERMINATED**, subject to the provisions of Republic Act No. 9480.

SO ORDERED.

ERNESTO D. ACOSTA
Presiding Justice

LOVELL R. BAUTISTA
Associate Justice

CAESAR A. CASANOVA
Associate Justice