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REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FILIPINAS SHELL PETROLEUM
CORPORATION,

Petitioner,

- versus -

C.T.A. CASE NO. 3228

COMMISSIONER OF INTERNAL
REVENUE,

Respondent.

x - - - - - - - - - - - - - - x

9/5/83

R E S O L U T I O N

Acting on the "Motion To Withdraw Petition" filed by counsel for petitioner on July 21, 1983, alleging that:

"1. The amount involved herein consists of the excess estimated quarterly income tax paid by petitioner in 1978 which was seasonably covered by claim for refund but not refunded by respondent within the two-year prescriptive period.

"2. A corporation is allowed to claim automatic tax credit for the excess estimated quarterly income tax paid (Sec. 86, Tax Code; Sec. 7, Rev. Regs. No. 10-77) without awaiting the prior approval of the Commissioner of Internal Revenue (Comm'r. of Int. Rev., vs. Itogon-Suyoc Mines, INC., 26 SCRA 869; BIR Ruling No. 213 dated Nov. 6, 1981).

"3. Petitioner applied the amount involved herein against its income tax liabilities for 1980 thereby rendering the instant case moot and academic."

As Prayed for, and without objection on the part of respondent, said motion is hereby GRANTED.

Let the petition for review be considered withdrawn and this case deemed closed and terminated.

SO ORDERED.

Quezon City, Metro Manila, September 5, 1983.

AMANTE FILLER
Presiding Judge

ALEX Z. REYES
Associate Judge

CONSTANTE C. ROAQUIN
Associate Judge