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REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
MANILA CITY

FILIPINAS SHELL PETROLEUM
CORPORATION,
Petitioner,

- versus -

C.T.A. CASE NO. 3228

COMMISSIONER OF INTERNAL
REVENUE,
Respondent.

x - - - - - x

9/5/83

RESOLUTION

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 with-
in the two-year prescriptive period.

"2. A corporation is allowed to claim
automatic tax credit for the excess esti-
mated quarterly income tax paid (Sec. 86,
Tax Code; Sec. 7, Rev. Regs. No. 18-77)
without awaiting the prior approval of the
Commissioner of Internal Revenue (Comm'r.
of Int. Rev., vs. Itogon-Suyoc Mines, Inc.,
26 SCRA 883; 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.

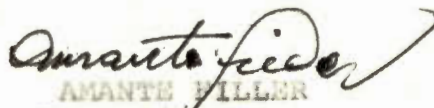
RESOLUTION -
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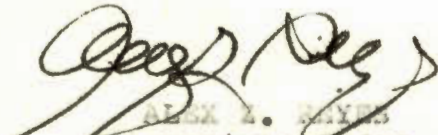
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Let the petition for review be considered
withdrawn and this case deemed closed and terminated.

SO ORDERED.

Quezon City, Metro Manila, September 5, 1983.


AMANTE MILLER
Presiding Judge


ALEX M. REYES
Associate Judge


CONSTANTE O. ROAQUIN
Associate Judge