

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

TESSY MERIDORES,
doing business under
the name and style of
ELEVEN INDUSTRIES,
Petitioner,

- versus -

C.T.A. CASE NO. 4320

HON. SALVADOR M. MISON,
in his official capacity
as Commissioner of Customs,
Respondent.

8/20/91

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R E S O L U T I O N

On July 17, 1991, petitioner filed a "Motion To Withdraw Petition And To Release Surety Bond" praying for the withdrawal of the amended petition for review as well as the release and lifting of the surety bond (CBIC Bond No. 0300) posted and the time deposit (proceeds of EBC CTD No. 204339) of P570,000.00 assigned in favor of the Country Bankers Insurance Corporation, the surety in this case, in order to cover the bond on the ground that out of the 8 packages, subject matter of the present suit, ordered by this Court to be released infavor of petitioner after the posting of said bond only 3 packages can be released by respondent since the other 5 packages are missing and cannot be located despite diligent efforts on the part of respondent's

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officials to locate them and considering this recent development petitioner is no longer interested in pursuing this case. Petitioner also surrenders to this court the unused original copies of the Bureau of Customs Gate Pass No. 7164 dated May 30, 1991 expressing her intent and desire to abandon the subject shipment involved in this case.

Petitioner's motion to withdraw and release surety bond was set for hearing on July 26, 1991 but despite proper notice of hearing served on respondent's counsel the latter failed to appear at the scheduled date of hearing of said motion. Hence, this Court submitted petitioner's motion for resolution.

In view of the lack of interest on the part of petitioner to prosecute her appeal with this Court and there being no objection nor comment interposed by respondent's counsel due to his failure to appear on the hearing set for this motion despite proper service of the notice of hearing which was received by respondent's counsel on July 19, 1991, this court RESOLVES to GRANT petitioner's motion to withdraw petition. Likewise, it is hereby ordered that the surety bond (CBIC Bond No. 0300) issued by the Country Bankers Insurance Corporation on February 8, 1990 in the amount of P570,000.00 be lifted and the

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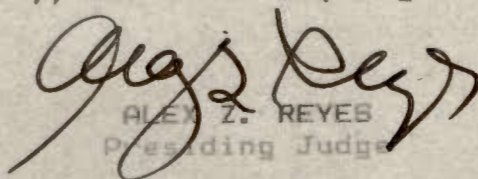
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Deed of Assignment of petitioner's time deposit (EBC CTD No. 204339) issued by petitioner in favor of the Country Bankers Insurance Corporation is hereby cancelled considering the surety bond on which this deed of assignment is based has already been lifted.

ACCORDINGLY, let the amended petition for review be deemed withdrawn and the above-entitled case considered closed and terminated.

SO ORDERED.

Quezon City, Metro Manila, August 20, 1991.


ALEX Z. REYES
Presiding Judge

ORIGINAL SIGNATURE
ERNESTO D. ACOSTA
Associate Judge

(On Leave)
CONSTANTE C. RODRIGUEZ
Associate Judge