REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

Third Division

PETRON CORPORATION, *Petitioner,*	**CTA CASE NO. 8949**
- *versus* -	Members: ***Bautista,*** Chairperson, ***Fabon-Victorino,*** and ***Ringpis-Liban,*** JJ.
COMMISSIONER OF INTERNAL REVENUE, *Respondent.*	Promulgated: JUL 27 2016 11:01 a.m.

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RESOLUTION

For resolution are the following:

1. Petitioner's Motion to Withdraw Petition for Review (with Urgent Motion to Defer/Cancel Filing of ICPA Report and Presentation of Testimony of ICPA on September 26, 2016) (the "Motion to Withdraw") filed on June 27, 2016 with respondent's Comment (Re: Petitioner's Motion to Withdraw Petition for Review) filed on July 15, 2016; and

2. Petitioner's Manifestation with Submission filed on June 30, 2016.

On December 18, 2014, petitioner filed a Petition for Review seeking the refund of excise taxes it erroneously paid on locally manufactured Jet A-1 fuel and unleaded gasoline fuel sold and delivered to international carriers and tax-exempt entities during the period December 2012 to December 2013 in the total amount of Php16,039,409.27.

On June 9, 2016, the Court issued a Resolution confirming that during the May 31, 2016 hearing, petitioner's Motion to Commission an independent Certified Public Accountant ("ICPA") was granted; that the ICPA took her oath and was ordered to submit her ICPA Report within thirty (30) days therefrom, or until June 30, 2016; and that the presentation of additional evidence for petitioner was scheduled on September 26, 2016 at 1:30 p.m.

On June 27, 2016, petitioner filed the Motion to Withdraw wherein it stated that during the May 31, 2016 hearing, the ICPA was commissioned and given until June 30, 2016 within which to file her ICPA Report; that petitioner was informed that its applications for tax refund or issuance of a tax credit certificate ("TCC") for the period December 19, 2012 to December 31, 2013 was partially granted by respondent; and that on June 16, 2016, a TCC was issued in petitioner's favor in the total amount of Php15,792,135.13 representing excise taxes erroneously paid by petitioner on its locally manufactured Jet A-1 fuel and unleaded gasoline fuel sold to international carriers and tax-exempt entities for the period January 1, 2013 to December 31, 2013. Thus, petitioner prayed for the following:

a. That the Petition for Review be withdrawn from the records of the Court; and

b. That the Court's order requiring the ICPA to file her report on or before June 30, 2016 and setting the hearing for the presentation of the testimony of the ICPA on September 26, 2016 at 1:30 p.m. be cancelled; or

c. In the alternative, to defer the filing of the ICPA's Report until the Motion to Withdraw is resolved by the Court, and to defer and reschedule the hearing scheduled on September 26, 2016 at 1:30 p.m.

In its Comment, respondent interposed no objection to petitioner's Motion to Withdraw considering that it is well within petitioner's right to withdraw or dismiss the case, subject to the approval of the Honorable Court.

Meanwhile, on June 30, 2016, petitioner filed its Manifestation with Submission wherein it submitted copies of the following documents in support of its Motion to Withdraw: (a) Letter issued by the Bureau of Internal Revenue ("BIR") Large Taxpayers Service, Excise Large Taxpayers Audit Division II informing petitioner that petitioner's claim for refund of excise tax for the period January 1, 2013 to December 31, 2013 in the amount of Php15,792,135.13 was recommended for issuance of TCC; and (b) BIR Authority to Issue Excise Tax Credit/Refund in favor of petitioner for a TCC in the amount of Php15,792,135.13 for the period January 1, 2013 to December 31, 2013.

Petitioner's Manifestation with Submission is hereby **NOTED**.

WHEREFORE, premises considered, petitioner's Motion to Withdraw is hereby **GRANTED**. The Petition for Review is hereby **WITHDRAWN**, and this case is now considered **CLOSED** and **TERMINATED**.

Consequently, the June 9, 2016 Resolution of the Court ordering the submission of the ICPA Report on or before June 30, 2016 as well as scheduling the continuation of the presentation of petitioner's evidence on September 26, 2016 at 1:30 p.m. is hereby **RECALLED** and **SET ASIDE**.

SO ORDERED.

LOVELL R. BAUTISTA
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice