REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

THIRD DIVISION

MONARCH AGRICULTURAL PRODUCTS, INC., Petitioner,	CTA CASE NO. 9834
	Members:
- versus -	BAUTISTA, *Chairperson* FABON-VICTORINO, *and* RINGPIS-LIBAN, *JJ.*
COMMISSIONER OF INTERNAL REVENUE, Respondent.	Promulgated: JUL 20 2018 2:34 p.m.

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RESOLUTION

In its Motion to Withdraw dated June 29, 2018, petitioner informs the Court of its decision not to judicially pursue its claim for refund of excess input value-added tax arising from zero-rated sales subject of the instant Petition. Petitioner will instead exercise the administrative options available to it in claiming such refund. As such, petitioner prays for the withdrawal of the instant Petition for Review.

Section 3, Rule 50 of the Revised Rules of Court, in relation to Section 3,[1] Rule 1 of the Revised Rules of the Court of Tax Appeals, pertinently provides:

> SEC. 3. *Withdrawal of appeal*. – An appeal may be withdrawn as of right at any time before the filing of the appellee's brief. Thereafter, the withdrawal may be allowed in the discretion of the court.

Thus, an appeal, such as the instant Petition for Review, may be withdrawn at any time before the filing of the appellee's brief, or in this case, the Answer by respondent.

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[1] SEC. 3. *Applicability of the Rules of Court*. – The Rules of Court in the Philippines shall apply suppletorily to these Rules.

Considering that Summons has yet to issue and no Answer has yet been filed, the withdrawal of the Petition is clearly a matter of right or the part of petitioner.

WHEREFORE, the Motion to Withdraw dated June 29, 2018 filed by petitioner is **GRANTED**.

Consequently, the Petition For Review dated May 2, 2018 filed by petitioner Monarch Agricultural Products, Inc. is hereby **DEEMED WITHDRAWN**. This case is considered **CLOSED** and **TERMINATED**.

SO ORDERED.

LOVELL R. BAUTISTA
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice