REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
Quezon City

Special Third Division

SECURITY HOLDINGS, INC.,
Petitioner,

- versus -

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA CASE NO. 9353

Members:

FABON-VICTORINO, *and*
RINGPIS-LIBAN, *JJ.*

Promulgated:

NOV 06 2018
3:54 p.m.

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RESOLUTION

For resolution is Petitioner's "Manifestation and Motion" filed on September 17, 2018, without Respondent's comment thereon[1].

In its motion, Petitioner states that on June 10, 2016, it received a Second Letter of Authority ("LOA") No. SN: eLA201200036142 from the Bureau of Internal Revenue ("BIR") dated June 07, 2016. The Second LOA covers the same period and tax type covered by the First LOA No. VO8-2014-00000321/SN: eLA201100078546. The deficiency Value-Added Tax ("VAT") assessment from the First LOA is the subject of the "Petition for Review" filed on May 19, 2016.

Petitioner manifests that on December 08, 2018, it received a Formal Assessment Notice ("FAN") for the Second LOA. Petitioner then filed its Letter Protest dated December 27, 2017 by way of Reply to the FAN. In a BIR Letter dated February 12, 2018, the BIR granted Petitioner's request for reinvestigation. Results of the reinvestigation show that the deficiency income tax and VAT assessments were based primarily on the sale of assets, which were later found by BIR to be capital assets pursuant to Section 39(A)(i) of the Tax Code. As such, the income tax and VAT assessments were removed from the list of taxes to be included in Final Decision of Disputed Assessment ("FDDA"). Only the

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1 Records Verification Report dated October 23, 2015 issued by the Judicial Records Division stating that Respondent failed to file his comment on Petitioner's "Manifestation and Motion".

Documentary Stamp Tax and Improperly Accumulated Earnings Tax assessments remain in the total amount of Php639,463.02, which Petitioner paid to the BIR on April 25, 2018 as per attached BIR Payments Forms and bank remittances.

In view of the foregoing, Petitioner points out that the subject assessment is deemed settled and terminated, the instant Petition deemed moot and academic. Petitioner thus prays that its Petition for Review filed on May 19, 2016 be withdrawn from the records of the Court.

On October 23, 2018, the Judicial Records Division issued a Records Verification Report stating that Respondent failed to file his comment on Petitioner's "Manifestation and Motion".

WHEREFORE, finding Petitioner's "Manifestation and Motion" to be in order, the same is **GRANTED**. The instant Petition for Review is deemed **WITHDRAWN**. Consequently, all further antecedents of the case are **CANCELLED**.

SO ORDERED.

ESPERANZA R. FABON-VICTORINO
Associate Justice

MA. BELEN M. RINGPIS-LIBAN
Associate Justice