

REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

Third Division

PHILIPPINE MINING DEVELOPMENT
CORPORATION,

Petitioner,

-versus-

THE COMMISSIONER OF INTERNAL
REVENUE and THE HEAD REVENUE
EXECUTIVE ASSISTANT, LARGE
TAXPAYER SERVICE, in their official
capacities as officers of the Bureau of Internal
Revenue,

Respondents.

CTA CASE NO. 8427

Present:

BAUTISTA, *Chairperson*
PALANCA-ENRIQUEZ, and
COTANGCO-MANALASTAS, *II*.

Promulgated:

JAN 3 2013

Fernando T. Sep. m.

x ----- x

RESOLUTION

On November 13, 2012, petitioner, Philippine Mining Development Corporation, filed a "Motion to Withdraw Petition," stating that parties, after reconciliation of their accounts, have found acceptable the reduced tax deficiency subject of this case; that petitioner is willing to pay the stated amount; and that respondents are willing to accept the same. Petitioner also attached Board Resolution No. BD-16-12, Series of 2012, to its Motion.

On November 19, 2012, the Court ordered respondents Commissioner of Internal Revenue and the Head Revenue Executive Assistant, Large Taxpayer Service to file their Comments.

Per Records Verification of the Judicial Records Division dated December 4, 2012, respondents failed to file their Comments despite notice thereof.

RESOLUTION

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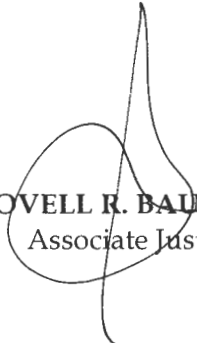
Section 3 of Rule 50 of the Revised Rules of Court provides as follows:

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 — An appeal may be withdrawn as of right at any time before the filing of the appellee's brief.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. (Underlining ours.)

Considering that petitioner has manifested that the parties have arrived at a reduced tax deficiency acceptable to both, the "Motion to Withdraw Petition" is hereby **GRANTED**.

WHEREFORE, premises considered, the Petition for Review is hereby deemed **WITHDRAWN**. This case is hereby considered **CLOSED** and **TERMINATED**.

SO ORDERED.



LOVELL R. BAUTISTA
Associate Justice

(Retired)
OLGA PALANCA-ENRIQUEZ
Associate Justice



AMELIA R. COTANGCO-MANALASTAS
Associate Justice