

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

PHILIPPINE AIRLINES, INC.,
Petitioner,

- versus -

C.T.A. CASE NO. 2839

THE COMMISSIONER OF INTERNAL
REVENUE,
Respondent.

X - - - - - X

4/15/81

R E S O L U T I O N

When this case was called for hearing on March 25, 1981, neither petitioner nor counsel was present notwithstanding proper notice thereof. Consequently, respondent moved in open court for the dismissal of the case on the ground of lack of interest on the part of petitioner to prosecute its appeal. However, prior to the aforesaid scheduled hearing, petitioner, on March 24, 1981, filed an "Urgent Motion For Postponement" alleging:

1. That petitioner just received today (March 23rd) the notice setting the hearing of the above-entitled case on Wednesday, March 25, 1981.
2. That on the same date and time, undersigned counsel will be attending the Annual Stockholders' Meeting of Republic Broadcasting System, Inc., of which he is the Corporate Secretary.
3. That in view thereof, undersigned counsel would be unable to attend the hearing of this case on March 25th.
4. That while petitioner notes the warning of this Honorable Court that the postponement of the case on February 27, 1981 would be the last postponement, un-

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dersigned counsel is constrained to submit the instant motion for unavoidable reason cited above without intention to delay.

Considering that this case has been pending trial on the merits since October 1976 and has been postponed for no less than ten (10) times, two of which were by agreement of the parties, and the rest were mainly at the instance of petitioner's counsel allegedly because he had to attend to other court hearings, and considering further the warning of this Court in its order of March 3, 1981 granting petitioner's motion that the postponement of this case on February 27, 1981 would be the last postponement, we find respondent's motion well taken.

Accordingly, petitioner's motion for postponement filed on March 24, 1981, which evinces utter disregard of the order of the Court, is hereby denied. The above-entitled case is therefore dismissed for lack of interest on the part of petitioner to prosecute its appeal.

SO ORDERED.

Quezon City, April 15, 1981.

Amante Filler
AMANTE FILLER
Presiding Judge

Alex Z. Reyes
ALEX Z. REYES
Associate Judge

Constante C. Roaquin
CONSTANTE C. ROAQUIN
Associate Judge