

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
MANILA

PHILIPPINE AMERICAN DRUG COMPANY,
Petitioner,

- versus -

C.T.A. CASE NO. 50

COLLECTOR OF INTERNAL REVENUE,
Respondent.

x- - - - -x

R E S O L U T I O N

This is in connection with the "Motion To Dismiss" filed by the petitioner Philippine American Drug Company, dated February 18, 1955, praying that the above-entitled case be dismissed without special pronouncement as to costs.

It appears that on August 4, 1949, the respondent Collector of Internal Revenue levied and assessed against the petitioner the amount of ₱33,260.85 representing alleged deficiency sales tax, surcharges and penalties on dental gold imported by the latter in the years 1946 to 1948, inclusive. The petitioner paid the said sum of ₱33,260.85, but on September 10, 1953, it filed with the respondent a claim for refund thereof on the ground that the said assessment is erroneous and illegal. No action having been taken by the respondent on the said claim for refund within the period of two (2) years, the petitioner, on December 16, 1954, filed a petition for review with this Court in order to protect its right to recover the aforesaid amount of ₱33,260.85, in accordance with the provisions of Section 306 of the National Internal Revenue Code. However, on February 17, 1955, the petitioner received a letter from respondent informing the former that a tax credit in the

RESOLUTION -
C.T.A. CASE NO. 50.

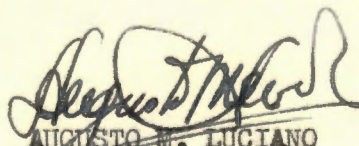
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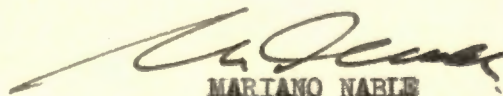
amount of P33,260.85 was granted in its favor, which amount was the subject matter of its claim for refund and of its petition for review filed before this Court. Considering that the petitioner Philippine American Drug Company has no more cause of action against the respondent Collector of Internal Revenue, and with the conformity of the counsel for the respondent; AS PRAYED FOR,

LET the above-entitled case be dismissed without special pronouncement as to costs.

SO ORDERED.

Manila, February 26, 1955.


AUGUSTO M. LUCIANO
Associate Judge


MARIANO NABLE
Presiding Judge