REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

SECOND DIVISION

MANILA NORTH TOLLWAYS CORPORATION, Petitioner,	**C.T.A. CASE NO. 7730** Members:
- versus -	**CASTAÑEDA, JR.,** *Chairperson* **UY,** *and* **PALANCA-ENRIQUEZ,** *JJ.*
COMMISSIONER OF INTERNAL REVENUE, Respondent.	**Promulgated:** FEB 06 2009 1:00 p.m.

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RESOLUTION

For resolution are:

a. petitioner's **"Motion to Withdraw Petition"** filed on October 21, 2008;

b. respondent's **"Comment (Re: Petitioner's Motion to Withdraw Petition dated 20 October 2008)"** filed on November 19, 2008;

c. petitioner's **"Reply (To Respondent's Comment to Petitioner's Motion to Withdraw Petition dated 19 November 2008)"** filed on December 10, 2008; and

d. respondent's **"Rejoinder (Re: Reply dated 10 December 2008)"** filed on December 22, 2008.

In petitioner's Motion, it alleges that it availed of the Tax Amnesty Program pursuant to Republic Act 9480 on May 5, 2008, and paid the corresponding tax. Petitioner, thus, prays that the Court will issue an order to allow it to withdraw its Petition for Review filed on February 14, 2008, the cancellation of the assessment made against it by Respondent for the taxable year 2003 and for the return of all its documents, books of accounts and submitted by Respondent in the course of the investigation for the taxable year 2003. Further, petitioner submitted the following documents in support thereof:

a. Tax Amnesty Return (BIR Form No. 2116);
b. Notice of Availment of Tax Amnesty;
c. Statement of Assets, Liabilities and Networth as of December 31, 2005;
d. Land Bank of the Philippines BIR Payment Slip; and
e. Tax Amnesty Payment Form (BIR Form No. 0617);

Finding petitioner's motion to be in order, the same is **GRANTED** as regards its prayer to allow the instant Petition for Review be withdrawn. Accordingly, the instant Petition for Review is **WITHDRAWN** and the above-captioned case is considered **CLOSED** and **TERMINATED**.

As regards petitioner's prayer for the Court to order respondent to cancel the assessment, the same is **DENIED**. The availment of tax amnesty by petitioner may be invalidated upon showing that there is an underdeclaration to the extent of thirty percent (30%) or more of the declared net worth of petitioner, in proceedings initiated within one (1) year from the date of filing of the tax amnesty return and the Statement of Assets, Liabilities, and Networth under Section 4 of R.A. 9480; and, thus, petitioner may not be entitled to the immunities and privileges found in Section 6 of R.A. 9480.

As regards petitioner's prayer for the Court to order respondent to return its documents, books of accounts, and other accounting records submitted in the course of respondent's investigation for the taxable year 2003, the same is **DENIED.** Request for the return of petitioner's documents, books of accounts, and other accounting records should have been filed before the Bureau of Internal Revenue where the same were submitted.

SO ORDERED.

Juanito C. Castaneda, Jr.
JUANITO C. CASTANEDA, JR.
Associate Justice

ERLINDA P. UY
Associate Justice

OLGA PALANCA-ENRIQUEZ
Associate Justice