REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

Third Division

MEDIATRIX HOMES INC.,
Petitioner,

-*versus*-

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA CASE NO. 9233

Members:
BAUTISTA, *Chairperson*
FABON-VICTORINO, *and*
RINGPIS-LIBAN, *JJ.*

Promulgated:
MAY 22 2018
2:42 p.m.

x---x

RESOLUTION

For resolution is petitioner's Motion to Withdraw Petition for Review ("Motion") filed on April 12, 2018; with no comment from respondent despite notice.

In its Motion, petitioner avers that the Commissioner of Internal Revenue ("CIR") has the power to compromise, abate, and refund or credit taxes; that efforts have been underway relating to the conclusion of a Compromise Agreement between petitioner and respondent; and that the Agreement is now at its final stages. Petitioner then prays for the withdrawal of the Petition for Review and the dismissal of the instant case.

On April 18, 2018, respondent was ordered to file his comment to petitioner's Motion, which he failed to do *per* Records Verification Report issued by the Judicial Records Division on May 9, 2018.

This Court finds merit in petitioner's Motion.

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

RULE 50

DISMISSAL OF APPEAL

xxx xxx xxx

> 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 *Withdrawal of appeal.* - An appeal may be withdrawn as of right at any time before the filing of the appellee's brief.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.

Considering that petitioner's Motion is reasonable and that respondent was given the opportunity to file his opposition, the Court finds merit in the Motion.

WHEREFORE, petitioner's Motion to Withdraw Petition for Review is hereby **GRANTED**. Accordingly, the Petition for Review is considered **WITHDRAWN** and the case is hereby considered **CLOSED** and **TERMINATED**.

SO ORDERED.

LOVELL R. BAUTISTA
Associate Justice

ESPERANZA R. FABON-VICTORINO
Associate Justice

Ma. Belen

MA. BELEN M. RINGPIS-LIBAN
Associate Justice