REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

FIRST DIVISION

MYREGALO.COM INC. (formerly "MYAYALA.COM.PH"),
Petitioner,

- versus -

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA Case No. 9468

Members:

DEL ROSARIO, P.J. *Chairperson,*
UY, *and*
MINDARO-GRULLA, *JJ.*

Promulgated:

DEC 06 2017 ; 10:30 a.m.

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RESOLUTION

For resolution is petitioner's **Motion for Withdrawal of Petition** filed on September 20, 2017, without respondent's comment despite due notice as per Records Verification dated November 2, 2017.

Records disclose that on September 14, 2016, petitioner filed a Petition (with Motion to Suspend Collection of Tax) praying that respondent's Final Decision on Disputed Assessment dated August 15, 2016, which held petitioner liable for alleged deficiency Income Tax and Value Added Tax for taxable year 2011 in the aggregate amount of Fourteen Million One Hundred Seventy Eight Thousand Five Hundred Seventy Pesos and Thirteen Centavos (₱14,178,570.13), be reversed, set aside and declared null and void.

In its Motion, petitioner stated that it has decided to withdraw the pending Petition in order to give way to the compromise settlement of the Income Tax and Value Added Tax assessments against it for taxable year 2011 with respondent.

Pursuant to the Revised Rules of the Court of Tax Appeals (RRCTA), the Rules of Court shall suppletorily apply to the RRCTA[1] and the procedure in the Court *En Banc* or in Division in original and in appealed cases shall be the same as those in petitions for review and appeals before the Court of Appeals.[2] In this regard, Section 3, Rule 50 of the Rules of Court provides:

> "RULE 50
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> DISMISSAL OF APPEAL
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> xxx
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> 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 – An appeal may be withdrawn as of right at any time before the filing of the appellee's brief.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."

There being no objection from respondent, there is no reason for the Court not to grant the Motion for Withdrawal of Petition.

By withdrawing its Petition, petitioner is deemed to have accepted respondent's Final Decision on Disputed Assessment dated August 15, 2016, assessing it of deficiency Income Tax and Value Added Tax in the total amount of Fourteen Million One Hundred Seventy Eight Thousand Five Hundred Seventy Pesos and Thirteen Centavos (₱14,178,570.13).

WHEREFORE, petitioner's Motion for Withdrawal of Petition is **GRANTED.** The Petition is **DISMISSED** and the case is considered **CLOSED** and **TERMINATED**. The Final Decision on Disputed Assessment dated August 15, 2016, assessing petitioner for deficiency Income Tax and Value Added Tax in the total amount of Fourteen Million One Hundred Seventy Eight Thousand Five Hundred Seventy Pesos and Thirteen Centavos (₱14,178,570.13), is **DECLARED** final and executory.

SO ORDERED.

ROMAN G. DEL ROSARIO
Presiding Justice

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[1] Section 3, Rule 1 of the RRCTA.
[2] Section 1, Rule 7 of the RRCTA.

ERLINDA P. UY
Associate Justice

CIELITO N. MINDARO-GRULLA
Associate Justice