23-000625-0027

**REPUBLIC OF THE PHILIPPINES**
**COURT OF TAX APPEALS**
**QUEZON CITY**

**FIRST DIVISION**

**CTA CASE NO. 11364**

**PETRON CORPORATION,**
Petitioner,

- versus -

**COMMISSIONER OF INTERNAL REVENUE,**
Respondent.

# NOTICE OF RESOLUTION

**To:**

**OFFICE OF THE SOLICITOR GENERAL**
134 Amorsolo Street, Legazpi Village
Makati City

**ATTY. AYESHA HANIA B. GUILING-MATANOG**
**ATTY. CLARISSA J. VIRTUDES-BABARAN**
Bureau of Internal Revenue
Room 703, Litigation Division, BIR National Office Buildling
Sen. Miriam P. Defensor-Santiago Avenue
Diliman, Quezon City

**DU-BALADAD AND ASSOCIATES**
20th Floor, Chatham House Bldg.
Valero Cor. Rufino Streets,
Salcedo Village, Makati City

***GREETINGS:***

You are hereby notified by these presents that on **September 12, 2024,** a Resolution was rendered in the above-entitled case, copy of which is attached hereto.

Quezon City, Philippines, **September 13, 2024.**

**Atty. Margarette Y. Guzman**
Executive Clerk of Court III

REPUBLIC OF THE PHILIPPINES
**COURT OF TAX APPEALS**
Quezon City

FIRST DIVISION

**PETRON CORPORATION**,
Petitioner,

- versus -

**COMMISSIONER OF INTERNAL REVENUE**,
Respondent.

CTA CASE NO. **11364**

Members:

**DEL ROSARIO**, P.J., *Chairperson*,
**BACORRO-VILLENA**, *and*
**CUI-DAVID**, JJ.

Promulgated:
SEP 12 2024, 9:20AM

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# RESOLUTION

For the Court's resolution is petitioner Petron Corporation's (**petitioner**'s/**Petron**'s) "Motion to Withdraw Petition for Review (with Motion to Cancel Scheduled Hearings)" (**Motion to Withdraw**) filed on 04 July 2024, with respondent Commissioner of Internal Revenue's (**respondent**'s/**CIR**'s) "Comment" filed on 19 July 2024.

Earlier, in a Minute Resolution dated 01 August 2024, this Court noted respondent's Comment, submitted petitioner's Motion to Withdraw for resolution, and cancelled the hearings scheduled for 22 August 2024, 03 October 2024 and 14 January 2025.

In its Motion to Withdraw, petitioner informed this Court that, subsequent to the filing of its Petition for Review, the Bureau of Internal Revenue (**BIR**), in a Letter dated 17 April 2024[1], approved its administrative claim for a refund in the amount of **₱25,154,673.35**, which substantially covers the refund claim subject of this case (₱25,553,412.35).[2] This claim arose from the erroneous payment of excise taxes on imported LPG that was later sold to tax-exempt entities during the period from 01 January 2022 to 31 December 2022.

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1 Annex "A" to Petitioner's "Motion to Withdraw Petition for Review (with Motion to Cancel Scheduled Hearings)".

2 Difference of only ₱398,739.00.

Petitioner also informed the Court that the Bureau of Customs (**BOC**), through the Chairman of the Tax Credit Committee, Atty. Clarence S. Dizon, issued a Tax Credit Certificate (**TCC**) dated 18 June 2024[3], confirming the BIR's approval of its excise tax refund in the amount of **₱25,154,673.35**.

In his or her Comment, respondent interposes no objection to the withdrawal of the case and submits the action thereof to the discretion of this Court.

**WITH THE FOREGOING**, finding petitioner's Motion to Withdraw to be in order, and considering that it is petitioner's prerogative to withdraw its own Petition for Review, with no objection from respondent, the same is hereby **GRANTED**. Accordingly, the instant Petition for Review filed on 22 December 2023 is hereby **WITHDRAWN** and the above-captioned case is now **CLOSED** and **TERMINATED**.

**SO ORDERED.**

**ROMAN G. DEL ROSARIO**
Presiding Justice

**JEAN MARIE A. BACORRO-VILLENA**
Associate Justice

**LANEE S. CUI-DAVID**
Associate Justice

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[3] Annex "B" to Petitioner's "Motion to Withdraw Petition for Review (with Motion to Cancel Scheduled Hearings)".