REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

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TEAM SUAL CORPORATION, (Formerly: MIRANT SUAL CORPORATION),
Petitioner,

- versus -

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

C.T.A. CASE NO. 7398

Members:

ACOSTA, *Chairperson*
BAUTISTA, and
CASANOVA, *JJ.*

Promulgated:

NOV 23 2009; 10:12am

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RESOLUTION

For this Court's resolution is petitioner's **"Motion to Withdraw Petition for Review and to Cancel Hearing"** filed on January 23, 2009, with respondent's **"Comment (to Petitioner's Motion to Withdraw Petition for Review and to Cancel Hearings dated 23 January 2009)"** filed on February 18, 2009.

In its motion and memorandum, petitioner prays that its deficiency income tax assessment for the taxable years 2000 and 2001 in the amounts P313,862,167.55 and P284,219,117.24, respectively, be cancelled; and the instant Petition for Review be considered closed and terminated by reason of the availment of tax amnesty under R.A. 9480.

Respondent opposes petitioner's motion, and argues that petitioner's availment of the tax amnesty have no basis in law and lacks BIR's final determination of whether petitioner has complied with RA 9480.

This Court finds merit in petitioner's Motion.

Records show that petitioner availed of the Tax Amnesty Program under RA 9480. Petitioner offered as evidence the faithful reproductions of the originals of the following documents marked as Exhibits "GGG" to "TTT-1"): (1) Machine validated Development Bank of the Philippines BIR Tax Payment Deposit in the sum of P3,718,049.15; (2) Notice of Availment of Tax Amnesty dated December 19, 2007; (3) Tax Amnesty Return (BIR Form No. 2116); (4) Tax Amnesty Payment Form (BIR Form No. 0617); (5) Statement of Assets, Liabilities and Networth (SALN) as of December 31, 2005, with attached Computation of Tax Amnesty CY 2005 and Annexes; (6) petitioner's Letter to BIR LTAID-II dated May 2, 2008 submitting the Company's Income Tax Return (ITR) and audited financial statements (AFS) of the taxable year ended December 31, 2005; (7) Amended Annual Income Tax Return (BIR Form No. 1702) for the year 2005 with Reference No. 120600001244173 and Original and Amended Audited Financial Statements for the years ended December 31, 2005 and 2004; and (8) judicial affidavits executed by petitioner's witnesses.

As petitioner has satisfactorily complied with the provisions of R.A. No. 9480, and the one-year period provided under Section 4 thereof had already lapsed, petitioner should thereafter be immune from the payment of taxes, as well as the appurtenant civil, criminal or administrative penalties under the National Internal Revenue Code of 1997, as amended, arising from the failure to pay any and all internal revenue taxes for taxable year 2005 and prior years. Therefore, petitioner may now enjoy the immunities provided for by the said law.

WHEREFORE, petitioner's **"Motion to Withdraw Petition for Review and To Cancel Hearing"** is hereby **GRANTED**. The assessments of deficiency income tax for the years 2000 and 2001 in the amounts of P313,862,167.55 and P284,219,117.24, respectively, against petitioner are hereby **CANCELLED** and **SET ASIDE** solely in view of petitioner's availment of Tax Amnesty under RA 9480. Accordingly, the instant Petition for Review is hereby deemed **WITHDRAWN,** and the case is considered **CLOSED** and **TERMINATED.**

SO ORDERED.

ERNESTO D. ACOSTA
Presiding Justice

LOVELL R. BAUTISTA
Associate Justice

CAESAR A. CASANOVA
Associate Justice