REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

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BALLAST NEDAM INTERNATIONAL, B.V. -, PHILIPPINES BRANCH,
Petitioner,

- versus -

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

C.T.A. CASE NO. 7051

Members:

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

Promulgated:

SEP 03 2008 7:45 am

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RESOLUTION

Petitioner's "**Manifestation and Compliance**" filed on August 14, 2008 in compliance with the Court' Resolution dated July 8, 2008 and submitting the following documents, viz:

a. Certification issued by the Bureau of Internal Revenue certifying to the availment by petitioner of the provisions of Republic Act No. 9480[1];
b. Notice of Availment of Tax Amnesty (Certified Xerox Copy)[2];
c. BIR Form 2116 Tax Amnesty Return (Original)[3];
d. BIR Form 0617 Tax Amnesty Payment Form (Original)[4];
e. Land Bank of the Philippines BIR Tax Deposit Slip (Certified True Copy)[5];
f. Statement of Assets, Liabilities, and Net worth (Certified Xerox Copy)[6];
g. Report of Independent Auditor – Financial Statements[7]; and
h. 1st Indorsement of Revenue District No. 58, Hilltop, Batangas City[8]

is hereby **NOTED**.

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[1] Annex "A"
[2] Annex "B"
[3] Annex "C"
[4] Annex "D"
[5] Annex "E"
[6] Annex "F"
[7] Annex "G"
[8] Annex "H"

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A perusal of the aforementioned documents shows that petitioner have satisfactorily complied with the requirements prescribed under the provisions of Republic Act (R.A.) No. 9480, or otherwise known as the "Tax Amnesty Law of 2007". However, this Court cannot grant petitioner's prayer for the cancellation of the assessments subject of the provisions of R.A. 9480. It must be stressed that Tax Amnesty Law of 2007 still allows for a one-year period for investigation or audit of the documents and/or representations made by the taxpayer in connection with his availment of the tax amnesty benefit. In other words, the benefit is subject to a suspensive condition. What the taxpayer has is merely an inchoate right, which once it is proven that the taxpayer understated his net worth to the extent of thirty percent (30%), then the benefits of the tax amnesty program are deemed automatically cancelled. Therefore, mere withdrawal of the case is in order.

WHEREFORE, premises considered, petitioner's "**Motion for Cancellation of Assessment and Withdrawal of Petition"** filed on April 15, 2008 is **PARTIALLY GRANTED**. Accordingly, petitioner's deficiency income and value-added tax assessments for the calendar year 2000 in the aggregate amount of P68,279,011.12 are hereby deemed **WITHDRAWN,** and this instant Petition for Review filed on September 15, 2004 is hereby considered **CLOSED** and **TERMINATED,** subject to the provisions of Republic Act No. 9480.

SO ORDERED.

ERNESTO D. ACOSTA
Presiding Justice

LOVELL R. BAUTISTA
Associate Justice

CAESAR A. CASANOVA
Associate Justice

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