REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

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UNITED OVERSEAS BANK PHILIPPINES,
Petitioner,

- versus -

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

C.T.A. CASE NO. 7502

Members:

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

Promulgated:
JUL 17 2008 ; 1:25pm

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RESOLUTION

This resolves petitioner's "Motion to Dismiss/Motion to Withdraw" the Petition for Review which was attached to its "Compliance" filed on June 10, 2008, sans respondent's comment thereto.

At the outset, it should be stressed that before this Court is a Petition for Review involving a disputed deficiency documentary stamp tax assessment[1] on Special Savings Deposit Accounts (SSD) for taxable year 2003.

It its Manifestation,[2] petitioner stated that it had availed of the abatement program under Revenue Regulations No. 3-2007, which expanded the coverage of Revenue Regulations No. 15-2006, and the basic tax of P1,491,680.67 assessed by the BIR is already fully paid. Petitioner prayed therein that this case be

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[1] With Basic Deficiency DST of P1,491,680.67
[2] Filed on October 30, 2007 and November 21, 2007, also during the November 16, 2007 Hearing

deemed closed and terminated on the ground that the issues raised in the Petition for Review have become moot and academic.

In a Resolution dated December 14, 2007, petitioner was ordered to submit the original copy of its proof of payment. In its Compliance/Manifestation dated January 25, 2008, petitioner (1) submitted the original copies of the following documents, namely: a) Application for abatement; b) Order of Payment; c) Payment Form (BIR Form No. 0605); and d) Proof of Payment, and (2) manifested that the Letter of Termination corresponding to its availment of the abatement program is forthcoming to be submitted five days after receipt thereof, together with the appropriate motion to dismiss/withdraw the case. In a Resolution dated February 5, 2008, the said Compliance/Manifestation was noted and the proceedings was suspended for a non-extendible period of sixty (60) days for petitioner to obtain the Termination Letter from the BIR and file the appropriate Motion to Withdraw/Dismiss.

On April 21, 2008, petitioner filed a "Manifestation/Motion to Set Case for Initial Presentation of Respondent's Evidence" with the prayer that it be granted five (5) days from receipt of the Letter of Termination within which to file the appropriate motion for the withdrawal/dismissal of the case. In her Comment filed on May 22, 2008, respondent opposed to the said motion on the ground that petitioner's application for abatement and its payment of the basic taxes has already been approved as evidenced by an attached Termination Letter. Thus, in the June 3, 2008 Resolution, the said motion to set the case for initial presentation of evidence was denied and petitioner was ordered to file an appropriate Motion to Withdraw the Petition pursuant to Section 6 of Revenue Regulations No. 15-06.

Thus, considering that 1) petitioner had already filed the required "Motion to Dismiss/Motion to Withdraw" the Petition for Review; and 2) that since there is already a Termination Letter submitted by respondent herself informing petitioner that *"in view of the availment of the benefits granted under Section 204 of the National Internal Revenue Code, as amended, and implemented by Revenue Regulations No. 15-2006 and the payment of P1,491,680.67, representing 100% of the basic tax, the tax liability is closed and terminated,"* the instant Motion to Dismiss/Motion to Withdraw the Petition for Review is hereby **GRANTED**.

WHEREFORE, the instant Petition for Review is hereby deemed **WITHDRAWN**, and the above-captioned case is hereby considered **CLOSED AND TERMINATED**.

SO ORDERED.

ERNESTO D. ACOSTA
Presiding Justice

LOVELL R. BAUTISTA
Associate Justice

CAESAR A. CASANOVA
Associate Justice