REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRESTONE TIRE & RUBBER CO. OF THE PHILIPPINES (NOW PHILTREAD TIRE & RUBEER CORPORATION),
Petitioner,

- versus - C.T.A. CASE NO. 4462

THE COMMISSIONER OF INTERNAL REVENUE,
Respondent.
x - - - - - - - - - - - - - - x 7/16

R E S O L U T I O N

During the hearing of September 11, 1991, petitioner manifested its intention to withdraw the instant petition for review. Respondent opposed the withdrawal on the ground that this is an assessment case and even with the withdrawal of the petition, it will still have to contend with the long process of a collection case.

Allowance of the withdrawal of an appeal is generally discretionary upon the court (**U.S. v. Sotto**, 38 Phil. 666, 667 [1918], Section 4, Rule 50 of the Rules of Court). This case is still in its initial stage and it appears that neither the interest of the parties will be prejudiced nor any principle of law will be violated if the petition for review is allowed to be withdrawn at this time.

ACCORDINGLY, the petition for review is hereby allowed to be withdrawn and should be as it is hereby considered **DISMISSED** in accordance with Sections 2 and 4, Rule 50 of the Rules of Court.

SO ORDERED.

Quezon City, Metro Manila, July 16, 1992.

STELLA DADIVAS-FARRALES
Acting Associate Judge

ERNESTO D. ACOSTA
Presiding Judge