

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

SECOND DIVISION

**CHEVRON
PHILIPPINES, INC.,**
Petitioner,

CTA CASE NO. 11353

Members:

- versus -

BACORRO-VILLENA, *Chairperson,*
CUI-DAVID, *and*
TESTON, JJ.

**COMMISSIONER OF
INTERNAL REVENUE,**
Respondent.

Promulgated:

SEP 09 2026

3:15 pm

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RESOLUTION

Before the Court are the following:

1. Petitioner's ***Motion for Leave of Court to Withdraw Petition for Review (Motion)*** filed on May 20, 2026;
2. Respondent's ***Motion to Admit Attached Manifestation (In Lieu of Comment)*** filed on June 18, 2026, with attached ***Manifestation (In Lieu of Comment)***; and
3. Petitioner's ***Compliance (Re: Minute Resolution dated August 7, 2026) [Compliance]*** filed on August 17, 2026.

The records show that in a *Minute Resolution* dated May 11, 2026, the Court noted respondent's Memorandum filed on March 30, 2026, and petitioner's Memorandum filed on April 8, 2026, and declared the instant case **SUBMITTED for decision.**

Thereafter, on May 20, 2026, petitioner filed the present *Motion for Leave of Court to Withdraw Petition for Review.*

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In a *Minute Resolution* dated June 9, 2026, the Court required respondent to file a comment on petitioner's *Motion* within five (5) days from notice thereof, after which the *Motion* would be deemed submitted for resolution.

On June 18, 2026, respondent filed a *Motion to Admit Attached Manifestation (In Lieu of Comment)*. Respondent explained that although he received the June 9, 2026 Resolution on June 11, 2026, he was unable to file the required comment within the prescribed period due to workload and other pressing official commitments. In the attached *Manifestation (In Lieu of Comment)*, respondent ultimately submitted the resolution of petitioner's *Motion* to the sound discretion of the Court.

Subsequently, in a *Minute Resolution* dated August 7, 2026, the Court directed petitioner to submit the BIR Letter dated June 27, 2024, allegedly approving its refund claim for **₱635,471,896.00**, as referenced in its *Motion for Leave of Court to Withdraw Petition for Review*.

In compliance therewith, petitioner filed on August 17, 2026 a *Compliance* attaching the BIR Letter dated June 27, 2024.

Considering respondent's explanation and in the broader interest of substantial justice, the Court finds it proper to **GRANT** respondent's *Motion to Admit Attached Manifestation (In Lieu of Comment)* and to **ADMIT** the attached *Manifestation (In Lieu of Comment)*.

The Court now resolves petitioner's *Motion*.

In its *Motion for Leave of Court to Withdraw Petition for Review*, petitioner informs the Court that, during the pendency of these proceedings, it received on July 4, 2024 a Letter dated June 27, 2024, issued by the Officer-in-Charge, Assistant Commissioner of the Large Taxpayers Service of the Bureau of Internal Revenue (**BIR**), approving its administrative claim for refund in the amount of **₱635,471,896.00**. Consequently, only the balance of **₱12,778,968.00** remained the subject of the judicial claim. Nevertheless, petitioner manifests that it is no longer interested in pursuing the recovery of the remaining

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balance and thus seeks leave to withdraw its *Petition for Review*¹ filed on December 7, 2023.

Petitioner likewise invokes prior CTA rulings recognizing that a taxpayer may withdraw its judicial claim for refund or tax credit after the administrative claim has been favorably acted upon, as the judicial action becomes moot.²

For his part, in his *Manifestation (In Lieu of Comment)*, respondent does not oppose the *Motion* and instead submits its resolution to the sound discretion of the Court.

The *Motion* is meritorious.

The *Revised Rules of the Court of Tax Appeals*, as amended, contain no specific provision governing the withdrawal of a petition after the case has been instituted. Accordingly, pursuant to Section 3, Rule 1 thereof, the *Rules of Court* may be applied suppletorily.³

Under Sections 1 and 2, Rule 17 of the *Rules of Court*, a party may seek the dismissal of a complaint, subject to court approval, once an answer has been filed, *viz.*:

SECTION 1. *Dismissal upon notice by plaintiff.* — **A complaint may be dismissed by the plaintiff by filing a notice of dismissal at any time before service of the answer** or of a motion for summary judgment. Upon such notice being filed, the court shall issue an order confirming the dismissal. Unless otherwise stated in the notice, the dismissal is without prejudice, except that a notice operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in a competent court an action based on or including the same claim.

SECTION 2. *Dismissal upon motion of plaintiff.* — Except as provided in the preceding Section, **a complaint shall not be dismissed at the plaintiff's instance save upon approval of the court and upon such terms and conditions as the court deems proper.** If a counterclaim has been pleaded by a defendant prior to the service upon him or her of the plaintiff's motion for dismissal, the dismissal shall be limited to the complaint. The dismissal shall be without prejudice to the right of the defendant to prosecute his or her counterclaim in

¹ Docket – Vol. I, pp. 7–28.

² Par. 5 of petitioner's *Motion for Leave of Court to Withdraw Petition for Review* citing *Petron Corporation v. Commissioner of Internal Revenue*, CTA Case No. 11369, Resolution dated October 7, 2024; *Petron Corporation v. Commissioner of Internal Revenue*, CTA Case No. 11363, Resolution dated November 14, 2024.

³ Sec. 3. Applicability of the Rules of Court. – The Rules of Court in the Philippines shall apply suppletorily to these Rules.

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a separate action unless within fifteen (15) calendar days from notice of the motion he or she manifests his or her preference to have his or her counterclaim resolved in the same action.

Unless otherwise specified in the order, a dismissal under this paragraph shall be without prejudice. A class suit shall not be dismissed or compromised without the approval of the court. (Emphasis supplied)

Meanwhile, Section 3, Rule 50 of the *Rules of Court* provides that an appeal may be withdrawn in the following instances:

Section 3. *Withdrawal of Appeal.* – An appeal may be withdrawn **as of right at any time before the filing of the appellee’s brief.** Thereafter, the **withdrawal may be allowed in the discretion of the court.** (Emphasis supplied)

By analogy, the withdrawal of a *Petition for Review* after the filing of an answer, and especially after the case has already been submitted for decision, rests upon the sound discretion of the Court.

The Court notes that respondent had already filed his **Answer** on March 19, 2024,⁴ and that this case had already been **submitted for decision on May 11, 2026.**⁵ Ordinarily, such circumstances weigh against the indiscriminate withdrawal of an action because considerable judicial time and resources have already been devoted to its adjudication.

Nevertheless, the peculiar circumstances of the present case justify the grant of petitioner’s *Motion*.

First. Respondent does not oppose the withdrawal of the *Petition*. In his *Manifestation (In Lieu of Comment)*, respondent expressly leaves the matter to the sound discretion of the Court. Moreover, no counterclaim was interposed in the *Answer*. Thus, no independent claim or issue remains that would require adjudication notwithstanding petitioner’s withdrawal of its *Petition for Review*.

Second. The documentary evidence on record, particularly petitioner’s *Compliance* dated August 17, 2026, and its attached BIR Letter dated June 27, 2024, confirms that a substantial portion of petitioner’s refund claim, amounting to **₱635,471,896.00**, had already been administratively approved

⁴ Docket – Vol. I, pp. 177–186.

⁵ Minute Resolution dated May 11, 2026.

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by the BIR. Such supervening event significantly altered the factual milieu under which the Petition was filed.

As petitioner no longer seeks judicial determination of the remaining balance of ₱12,778,968.00, no actual controversy remains between the parties for the Court to resolve. Stated differently, petitioner has unequivocally manifested its abandonment of the residual claim that remains unresolved by the administrative grant.

In *Sze v. Bureau of Internal Revenue*,⁶ citing *Peñafrancia Sugar Mill, Inc. v. Sugar Regulatory Administration*,⁷ the Supreme Court defined “moot and academic” as:

A case or issue is considered moot and academic when it ceases to present a justiciable controversy by virtue of supervening events, so that an adjudication of the case or a declaration on the issue would be of no practical value or use. In such instance, there is no actual substantial relief which a petitioner would be entitled to, and which would be negated by the dismissal of the petition. Courts generally decline jurisdiction over such case or dismiss it on the ground of mootness. This is because the judgment will not serve any useful purpose or have any practical legal effect because, in the nature of things, it cannot be enforced.

Here, petitioner's receipt of the administrative refund and its unequivocal decision not to pursue the remaining balance effectively remove any live issue for adjudication.

Finally. The Court finds no indication that the *Motion* was filed in bad faith or designed merely to delay the proceedings. On the contrary, the withdrawal is consistent with the principle of judicial economy invoked by petitioner, with the “goal to have cases prosecuted with the least cost to parties.”⁸ Indeed, granting the *Motion* would obviate further litigation expenses and prevent the unnecessary expenditure of the Court’s time and resources.

WHEREFORE, premises considered, petitioner’s *Motion for Leave of Court to Withdraw Petition for Review* is hereby **GRANTED**. Accordingly, the *Petition for Review* filed on

⁶ G.R. No. 210238, January 6, 2020 [Per J. Reyes, J. Jr., First Division].

⁷ 728 Phil. 535, 540 (2014) [Per J. Perlas-Bernabe, Second Division].

⁸ *Commissioner of Internal Revenue v. Omya Chemical Merchants, Inc.*, G.R. No. 237079, November 7, 2018 (Unsigned Resolution, Third Division).

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December 7, 2023 is deemed **WITHDRAWN**, and the instant case is **DISMISSED**.

Consequently, the above-captioned case is **CLOSED and TERMINATED**.

SO ORDERED.


JEAN MARIE A. BACORRO-VILLENA
Associate Justice


LANEE S. CUI-DAVID
Associate Justice


PAOLO S. TESTON
Associate Justice