REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

EN BANC
****

UPSI PROPERTY HOLDINGS, INC., Petitioner,	**C.T.A. EB NO. 437** (C.T.A. Case No. 7702)
	Members:
- versus -	**ACOSTA,** PJ **CASTAÑEDA, JR.** **BAUTISTA,** **UY,** **CASANOVA,** and **PALANCA-ENRIQUEZ,** JJ.
COMMISSIONER OF INTERNAL REVENUE, Respondent.	**Promulgated:** MAY 29 2009 1:35 p.m.

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RESOLUTION

UY, J.:

A Petition for Review was filed on December 19, 2008 before the Court *en banc*, seeking to annul and set aside the Resolutions dated August 29, 2008 and November 14, 2008 issued by the First Division of the Court of Tax Appeals in C.T.A. Case No. 7702, entitled "UPSI Property Holdings, Inc., petitioner vs. Commissioner of Internal Revenue, respondent".

On January 14, 2009, a Resolution was issued ordering respondent to file his comment thereto; and subsequently, on February 25, 2009, another Resolution was issued ordering both parties to file their memoranda. Only petitioner filed its Memorandum on April 1, 2009; while respondent failed to file his comment and memorandum to this case. Consequently, the present case was deemed submitted for decision on April 30, 2009.

However, a "Manifestation and Motion to Withdraw Petition" was filed on May 6, 2009 by petitioner seeking the withdrawal of the present petition. Its motion is grounded on the fact that the issues presented before the Court *en banc* has become moot due to the subsequent Resolution dated April 8, 2009

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issued by the First Division of this Court in C.T.A. Case No. 7702, canceling the subject assessments on deficiency income tax, value-added tax, and documentary stamp tax issued against petitioner, as a result of its entitlement to the immunities and privileges under Section 6 of Republic Act No. 9480, otherwise known as the Tax Amnesty Act of 2007[1].

On May 12, 2009, a Resolution was issued ordering respondent to file his comment thereto, but despite notice, no comment was filed.

WHEREFORE, in view of the foregoing considerations and finding the said motion to be in order, petitioner's "Manifestation and Motion to Withdraw Petition" filed on May 6, 2009 is hereby **GRANTED**. **Accordingly**, the instant Petition for Review filed on December 19, 2008 is deemed **WITHDRAWN,** and the case is considered **CLOSED** and **TERMINATED**.

SO ORDERED.

ERLINDA P. UY
Associate Justice

WE CONCUR:

ERNESTO D. ACOSTA
Presiding Justice

JUANITO C. CASTAÑEDA, JR.
Associate Justice

LOVELL R. BAUTISTA
Associate Justice

CAESAR A. CASANOVA
Associate Justice

OLGA PALANCA-ENRIQUEZ
Associate Justice

[1] Department Order No. 29-07 of the Department of Finance.

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