

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

SECOND DIVISION

PETRON CORPORATION,
Petitioner,

CTA CASE NO. 10280

- versus -

Members:

CASTAÑEDA, JR., *Chairperson*, and
BACORRO-VILLENA, JJ.

COMMISSIONER OF
INTERNAL REVENUE,
Respondent.

Promulgated:

DEC 18 2020

X ----- X

RESOLUTION

For the Court's resolution is petitioner Petron Corporation's "Motion to Withdraw Petition for Review (with Motion to Cancel Scheduled Hearings and Filings)" filed on 02 October 2020.

Initially, on 15 June 2020, petitioner filed a Petition for Review seeking a refund or issuance of Tax Credit Certificate (TCC) in the amount of ₱104,149,177.00.

Upon filing of the instant motion, the Court, in a Resolution dated 09 October 2020, ordered respondent to file its comment thereon within ten (10) days from receipt of such order.

However, as *per* Records Verification dated 01 December 2020, respondent Commissioner of Internal Revenue failed to file his comment thereto.

WHEREFORE, in accordance with Section 2, Rule 17 of the Rules of Court¹, petitioner's "Motion to Withdraw Petition for Review

¹ SEC. 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

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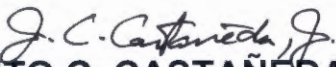
RESOLUTION

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(with Motion to Cancel Scheduled Hearings and Filings)” is hereby **GRANTED**. Accordingly, petitioner’s Petition for Review filed on 15 June 2020 is **DISMISSED**.

SO ORDERED.


JUANITO C. CASTAÑEDA, JR.
Associate Justice


JEAN MARIE A. BACORRO-VILLENA
Associate Justice

defendant prior to the service upon him 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 counterclaim in a separate action unless within fifteen (15) days from notice of the motion he manifests his preference to have his 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.