

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

**FIRST DIVISION**

**GREEN CORE GEOTHERMAL  
INC.,**

**CTA Case No. 10142**

*Petitioner,*

Members:

*-versus-*

**DEL ROSARIO**, *P.J., Chairperson,*  
**FABON-VICTORINO**, *and*  
**MANAHAN**, *JJ.*

**COMMISSIONER OF INTERNAL  
REVENUE,**

Promulgated:

*Respondent.*

NOV 07 2019 ; 2:10 pm

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**R E S O L U T I O N**

For this Court's resolution is petitioner's *Motion to Withdraw Petition for Review* filed on September 12, 2019 seeking the withdrawal of the Petition for Review filed with this Court on July 26, 2019.

The Petition for Review involves a claim for refund of alleged excess and unutilized input value-added tax (VAT) for the first quarter of calendar year 2017. Petitioner elucidates that upon careful evaluation of the case, it has decided to no longer pursue its judicial appeal with this Court and cited Section 3 of Rule 50 of the Revised Rules of Court which allows the withdrawal of an appeal prior to the filing of an appellee's brief.

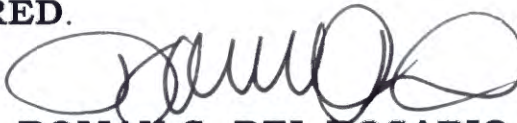
In his *Comment* filed on October 7, 2019, respondent submits the resolution of petitioner's motion to the sound discretion of the Court provided that the case shall be dismissed with prejudice.

Records show that prior to the filing of the instant motion, respondent has yet to file an Answer to the Petition for Review.<sup>1</sup>

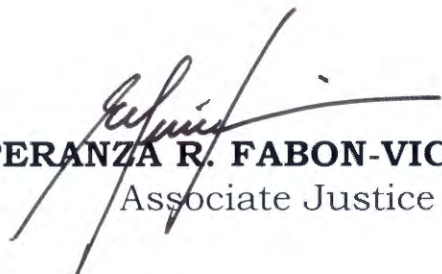
**WHEREFORE**, premises considered, the Court resolves to **GRANT** petitioner's *Motion to Withdraw Petition for Review* filed on September 12, 2019.

Accordingly, the Petition for Review filed by petitioner on July 26, 2019 docketed as CTA Case No. 10142 is hereby **DISMISSED**.

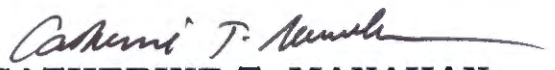
**SO ORDERED.**



**ROMAN G. DEL ROSARIO**  
Presiding Justice



**ESPERANZA R. FABON-VICTORINO**  
Associate Justice



**CATHERINE T. MANAHAN**  
Associate Justice

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<sup>1</sup> Order of the Court dated September 10, 2019