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Worldwide Tax Summaries

Corporate Taxes 2014/15

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All information in this book, unless otherwise stated, is up to date as of 1 June 2014.

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1. Philippines

Philippines

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Significant developments

Beginning in the taxable year ended 31 December 2013, corporate taxpayers must file their income tax returns using one of three different forms, depending on their tax regime (i.e. those subject to the regular income tax rate, tax-exempt taxpayers, or those with mixed income subject to multiple tax rates or special/preferential rates).

From a tax treaty network perspective, the double taxation agreement (DTA) signed by the Philippine government with the Federal Republic of Nigeria in September 1997 entered into force on 18 August 2013 and applies on income derived or accrued beginning 1 January 2014.

Taxes on corporate income

A domestic corporation is subject to tax on its worldwide income. On the other hand, a foreign corporation is subject to tax only on income from Philippine sources (*see the sub-sections on Resident foreign corporations and Non-resident foreign corporations below*).

Domestic corporations

The following corporate income tax (CIT) rates apply to domestic corporations:

Income	CIT rate (%)
In general, on net income from all sources.	30
Minimum corporate income tax (MCIT) on gross income, beginning in the fourth taxable year following the year of commencement of business operations. MCIT is imposed where the CIT at 30% is less than 2% MCIT on gross income.	2
Proprietary educational institutions and non-profit hospitals, on net income if gross income from unrelated trade, business, and other activities does not exceed 50% of the total gross income from all sources.	10
Non-stock, non-profit educational institutions (all assets and revenues used actually, directly, and exclusively for educational purposes) and other non-profit organisations.	Exempt

Certain passive income from domestic sources is subject to final tax rather than ordinary income tax (*see the Income determination section*).

Improperly accumulated earnings tax

An improperly accumulated earnings tax of 10% is imposed on improperly accumulated income. The tax applies to every corporation formed or used for the purpose of avoiding income tax with respect to its shareholders, or the shareholders of any other corporation, by permitting earnings and profits to accumulate instead of being divided or distributed. Exceptions are made for publicly held corporations, banks and non-bank financial intermediaries, and insurance companies.

Resident foreign corporations

Resident foreign corporations (i.e. foreign corporations engaged in trade or business in the Philippines through a branch office) are taxed in the same manner as domestic corporations (except on capital gains on the sale of buildings not used in business, which are taxable as ordinary income), but only on Philippine-source income.

International carriers are subject to an income tax of 2.5% on their gross Philippine billings unless a lower rate is available under an existing tax treaty. Exemption from this tax is also available under international agreements to which the Philippines is a signatory or on the basis of reciprocity in cases where the home country of the international carrier grants income tax exemption to Philippine carriers.

Income of offshore banking units (OBUs) and foreign currency deposit units (FCDUs) of depository banks from foreign currency transactions with non-residents, other OBUs, or FCDUs and local commercial banks (including branches of foreign banks) authorised by the *Bangko Sentral ng Pilipinas* (central bank) to transact business with OBUs and FCDUs are exempt from all taxes except net income specified by the Secretary of Finance upon recommendation of the Monetary Board. Interest income from foreign currency loans granted to residents other than OBUs or local commercial banks shall be subject to a 10% final income tax.

Regional or area headquarters of multinational corporations that do not earn or derive income from the Philippines, and that act as supervisory, communications, and coordinating centres for their affiliates, subsidiaries, or branches in the Asia-Pacific region and other foreign markets are not subject to CIT.

Regional operating headquarters (ROHQ) pay a tax of 10% on their taxable income. An ROHQ is a branch established in the Philippines by a multinational company that is engaged in any of the following services: general administration and planning, business planning and coordination, sourcing and procurement of raw materials and components, corporate finance advisory services, marketing control and sales promotion, training and personnel management, logistic services, research and development services and product development, technical support and maintenance, data processing and communication, or business development.

Non-resident foreign corporations

In general, non-resident foreign corporations are taxed on gross income received from sources within the Philippines at 30%, except for reinsurance premiums, which are exempt. Interest on foreign loans is taxed at 20%. Dividends from domestic corporations, however, are subject to a final withholding tax (WHT) at the rate of 15% if the country in which the corporation is domiciled does not impose income tax on such dividends or allows a tax deemed paid credit of 15%.

Lower rates or exemption on the above income may be available under an applicable tax treaty.

Rentals and charter fees payable to non-resident owners of vessels chartered by Philippine nationals are subject to a final tax of 4.5%. Rentals, charters, and other fees derived by non-resident lessors of aircraft, machinery, and other equipment are subject to a final tax of 7.5%.

Local income taxes

See Local government taxes in the Other taxes section for a description of local taxes on sales or receipts.

Corporate residence

A domestic corporation is a corporation that is created or organised under Philippine laws. A foreign corporation that is duly licensed to engage in trade or business within the Philippines is referred to as a 'resident foreign corporation'.

Permanent establishment (PE)

The business profits provision in most Philippine treaties permits the Philippines to tax only those profits attributable to a PE. While Philippine treaties adopt the United Nations (UN) Model Convention, Organisation for Economic Co-operation and Development (OECD) commentaries have often been cited by tax authorities to support their interpretation of treaty provisions. The main implication is that most Philippine treaties contain a rule deeming a PE to arise when services are performed in the Philippines for a specified period of time.

Other taxes

Value-added tax (VAT)

VAT applies to practically all sales of services and imports, as well as to sales, barter, exchange, or lease of goods or properties (tangible or intangible). The tax is equivalent to a uniform rate of 12%, based on the gross selling price of goods or properties sold, or gross receipts from the sale of services. On importation of goods, the basis of the tax is the value used by the Bureau of Customs in determining tariff and customs duties plus customs duties, excise taxes, if any, and other charges. Where the valuation used by the Bureau of Customs is by volume or quantity, the VAT basis is the landed cost plus excise taxes, if any.

Certain transactions are zero-rated or exempt from VAT. Export sales by VAT-registered persons are zero-rated.

Certain sales of services exempt from VAT, including services provided by financial intermediaries, are subject to percentage taxes based on gross sales, receipts, or income. A 3% percentage tax also applies to persons who are not VAT-registered because their annual sales or receipts do not exceed 1,919,500 Philippine pesos (PHP).

Customs duties

Applicable customs duties are determined based on the tariff classification of the import product. As with the rest of the Association of South East Asian Nations (ASEAN) countries, tariff classification in the Philippines is based on the ASEAN Harmonised Tariff Nomenclature (AHTN), which is patterned after the Harmonised Commodity Classification and Coding System (HS) Convention and its 2002 revisions. The latest edition, HS Code 2012, entered into force on 1 January 2012. With HS Code 2012, the overall AHTN tariff lines were reduced by 247, or an approximately 4% cut in the number of AHTN tariff lines in 2010. Although 267 classification rulings were issued to address commonly raised valuation and tariff classification, it is still advisable that tariff classification rulings from the Philippine Tariff Commission be secured prior to importation into the Philippines in case of uncertainty as to the correct classification of a product. Note that while the tariff classification rulings issued by the Philippine Tariff Commission do not prevent the Bureau of Customs from conducting its own verification, these rulings carry persuasive reference in support of the classification and duty rate used by an importer.

The Philippines adopts the World Trade Organization (WTO) Valuation Agreement, where the declared invoice price is used as the basis for determining customs duties.

As a protective measure, the Philippines retains higher tariff rates (20% to 50%) on sensitive agricultural products, such as grains, livestock and meat products, sugar, certain vegetables, and coffee. A few agricultural commodities are subject to minimum access volumes, but these represent less than 1% of all tariff lines.

In view of the existing free trade agreements in the region, such as the ASEAN Free Trade Area (AFTA), ASEAN-China Free Trade Area (ACFTA), ASEAN-Korea Free Trade Area (AKFTA), the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA), the ASEAN-Japan Comprehensive Economic Partnership Agreement (AJCEPA), and the ASEAN-INDIA Free Trade Area (AIFTA), the Philippines has taken steps to progressively eliminate tariffs. Tariff reductions for the Philippines range from 10% to 35% for most products included in the Normal Track list.

Excise taxes

Excise tax is payable at varying rates on alcohol products, tobacco products, petroleum products, mineral products, and automobiles. Excise tax is also payable on all goods commonly or commercially known as jewellery, whether real or imitation; perfumes and toilet waters; and yachts and other vessels intended for pleasure or sport at 20% of the wholesale price or value of the importation used by the Bureau of Customs in determining tariff and customs duties.

Documentary stamp tax (DST)

DST is payable at varying rates on various documents and transactions. The following table contains selected examples:

Taxable document/transaction (tax base)	DST rate
Original issue of shares	PHP 1 for every PHP 200 or fractional part of par value
Sale, barter or exchange of shares of stock listed and traded through the local stock exchange	Exempt
Other sales agreement, agreement to sell, memoranda of sales, delivery or transfer of shares or certificates of stock	PHP 0.75 for every PHP 200 or fractional part of par value
Certificate of profits, interest in property or accumulations	PHP 0.50 for every PHP 200 or fractional part of face value
Non-exempt debt instruments	PHP 1 for every PHP 200 or fractional value of the issue price
Bank check, draft, certificate of deposit not bearing interest, other instruments	PHP 1.50 for each instrument
Life insurance policy	PHP 10 to PHP 100 depending upon the amount of insurance
Lease/hiring agreement	PHP 3 for the first PHP 2,000 or fractional part of amount stipulated in contract, and PHP 1 for every PHP 1,000 or fractional part in excess of PHP 2,000 for each year of contract term
Mortgage, pledge, deed of trust	PHP 20 for the first PHP 5,000 of amount secured, and PHP 10 for every PHP 5,000 or fractional part in excess of PHP 5,000
Deed of sale, conveyance of real property	PHP 15 for each PHP 1,000 of consideration/ value or fractional part thereof

Capital gains tax

Capital gains arise from the sale or exchange of ‘capital assets’. Capital assets are property held by the taxpayer (whether or not connected with its trade), other than the following:

- Inventories or property held primarily for sale to customers in the ordinary course of business.
- Real property or depreciable property used in trade or business.
- Property of a kind that would be included in the inventory of the taxpayer if on hand at the close of the taxable year.

Capital losses are deductible only to the extent of capital gains.

There are no holding period requirements for capital assets of corporations.

A 6% final tax is imposed on the higher of the gross selling price or fair market value upon the sale, exchange, or disposition of land or buildings not actually used in the business of a corporation. The tax is withheld by the buyer at the time of sale.

Net capital gains derived from the sale, exchange, transfer, or similar transactions of shares of stock not traded through a local stock exchange are taxed at 5% on the first PHP 100,000 of gains, and 10% on gains in excess of PHP 100,000. Sales of shares of stock listed and traded on a local stock exchange, other than the sale by a dealer in securities, are subject to a stock transaction tax of 0.5% based on the gross selling price, provided the listed corporation observes a minimum public ownership of at least 10% based on the company's issued and outstanding shares, exclusive of any treasury shares or such percentage as may be prescribed by the Securities and Exchange Commission (SEC) or Philippine Stock Exchange (PSE), whichever is higher; otherwise, the 5%/10% tax shall apply.

Capital gains from the sale of bonds, debentures, or other certificates of indebtedness with a maturity of more than five years are exempt from tax.

A tax is levied on every sale, barter, exchange, or other disposition through an initial public offering (IPO) of shares of stock in closely held corporations. A 'closely held corporation' is any corporation of which at least 50% in value of the total outstanding capital stock, or at least 50% of the total combined voting power of all classes of stock entitled to vote, is owned directly or indirectly by, or for, not more than 20 individuals. The tax rates provided hereunder are based on the proportion of the gross selling price, or gross value in money, of the shares of stock sold, bartered, exchanged, or otherwise disposed of to the total outstanding shares of stock after listing on the local stock exchange.

Proportion of sale to total shares	Tax rate (%)
25% or less	4
Over 25% but not over 33.33%	2
Over 33.33%	1

Fringe benefits tax

A final tax of 32%, payable by the employer, is imposed on the grossed-up monetary value of fringe benefits (e.g. housing, expense accounts, vehicles of any kind, household personnel, interest on loans at lower than market rates [the current benchmark rate is 12%], membership dues for social and athletic clubs, foreign travel expenses, holiday and vacation expenses, educational assistance, insurance) furnished or granted to managerial or supervisory personnel by the employer. An exception is for fringe benefits required by the nature of or necessary to the trade, business, or profession of the employer, or when the fringe benefit is for the convenience or advantage of the employer.

The following fringe benefits are not subject to the tax:

- Those authorised and exempted from tax under special laws.
- Contributions of the employer for the benefit of the employee to retirement, insurance, and hospitalisation benefit plans.
- Those granted to rank-and-file employees (however, the employees may be subject to WHT on compensation).
- Those of relatively small value or *de minimis* benefits.

The fringe benefits tax is payable on a calendar quarter basis and is an additional deductible expense for the employer. Fringe benefits already subjected to fringe benefits tax will no longer form part of the employee's taxable income.

The grossed-up monetary value of the fringe benefit is generally computed by dividing the actual monetary value of the benefit by 68%.

Social security contributions

Corporations doing business in the Philippines must be registered with social institutions, such as the Social Security System (SSS), Home Development Mutual Fund (HDMF), and Philippine Health Corporation (PHIC), upon employment of any employee and prior to the due date of the remittance of any social contributions.

Employee contributions for social security are deducted from the employee's salary payments. For 2014, the maximum monthly deductions are PHP 581.30 for SSS, PHP 100 for HDMF, and PHP 437.50 for PHIC.

Employers are also required to make contributions. Employers' maximum contribution for each employee is PHP 1,090 per month. Employer contributions for HDMF and PHIC are generally of the same amount as the employee contributions.

Local government taxes

Local government units impose local business taxes, which are generally based on the gross sales or gross receipts of the prior year, and real property taxes, which are levied annually on the basis of a fixed proportion of the value of the real property (taxable value). The local business tax rate varies depending on the location of the business, but generally shall not exceed 3%. Real property located in a province may be subject to real property tax of not more than 1% of its taxable value, while real property in a city (or municipality in Metro Manila) may be subject to real property tax of not more 2% of its taxable value.

Branch income

The income tax rate on branch profits is the same as on corporate profits. In general, profits remitted abroad by a branch office are subject to a 15% tax rate, based on the total profits applied or earmarked for remittance, without any deduction for the tax component thereof. A lower rate may apply under certain tax treaties. Profits from qualified activities remitted by a branch registered with the Philippine Economic Zone Authority (PEZA) are tax exempt.

Income determination

Inventory valuation

Inventories are generally stated at cost or at the lower of cost or market. Last in first out (LIFO) is not allowed for tax purposes. Generally, the inventory valuation method for tax purposes must conform to that used for financial reporting purposes.

Capital gains
Capital gains are not generally subject to CIT, but may be subject to capital gains tax. *See Capital gains tax in the Other taxes section for more information*.

Dividend income
Dividends received by a domestic or resident foreign corporation from another domestic corporation are not subject to tax. These dividends are excluded from the taxable income of the recipient.

Dividends received by a non-resident foreign corporation from a domestic corporation are subject to a general final WHT at the rate of 30%. A lower rate of 15% applies if the country in which the corporation is domiciled either does not impose income tax on such dividends or allows a tax deemed paid credit of 15%. Treaty rates ranging from 10% to 25% may also apply if the recipient is a resident of a country with which the Philippines has a tax treaty.

Stock dividends
A Philippine corporation can distribute stock dividends tax-free, proportionately to all shareholders.

Interest income
Interest on bank savings, time deposits, deposit substitutes, and money market placements received by domestic or resident foreign corporations from a domestic corporation are subject to a final tax of 20%, while interest income derived from FCDU deposits is subject to a final tax of 7.5%. Such income is excluded from gross income reportable in CIT returns.

Interest income of OBUs and FCDUs from foreign currency loans granted to residents other than OBUs or local commercial banks shall be subject to 10% tax.

Royalty income
Royalties received by domestic or resident foreign corporations from a domestic corporation are subject to a final tax of 20%.

Other significant items
Other items exempt from CIT include the following:

- Proceeds of life insurance policies.
- Return of policy premium.
- Gifts, bequests, and devises.
- Interest on certain government securities.
- Income exempt under a treaty.
- Gains from sale, exchange, or retirement of bonds.
- Gains from redemption of shares of stock in mutual fund companies.

Foreign income
A Philippine (domestic) corporation is taxed on its worldwide income. A domestic corporation is taxed on income from foreign sources when earned or received, depending on the accounting method used by the taxpayer.

Income earned through a foreign subsidiary is taxed only when paid to a Philippine resident shareholder as a dividend. Meanwhile, income earned through a foreign branch is taxed as it accrues. The losses incurred by the foreign branch are deductible against other income earned by the Philippine corporation.

Double taxation is generally relieved through a credit for foreign taxes. However, a taxpayer can take a deduction for foreign taxes instead, if that leads to a more favourable outcome.

Deductions

Corporate taxpayers can avail themselves of the optional standard deduction computed at 40% of gross income. The optional standard deduction is in lieu of the itemised operating expenses.

Depreciation and depletion

Depreciation is generally computed on a straight-line basis, although any reasonable method may be elected if the aggregate amount of depreciation, plus salvage value at the end of the useful life of the property, will equal the cost of the property. Gain on the sale of depreciated property is taxable as ordinary income. Generally, tax depreciation should conform to book depreciation, unless the former includes incentives.

Properties used in petroleum operations may be depreciated over a period of ten years using the straight-line or declining-balance method, at the option of the service contractor. Properties used in mining operations with expected life of more than ten years may be depreciated over any number of years between five years and their expected life.

A cost depletion allowance is available as follows:

- For oil and gas wells, depletion is based on actual reduction in flow and production ascertained, not by flush flow, but by the settled production or regular flow.
- For mines, depletion is allowable up to an amount not to exceed the market value, as used for purposes of imposing the mining *ad valorem* taxes, of the products mined and sold during the year.

Goodwill

Goodwill is not deductible for tax purposes.

Start-up expenses

Start-up expenses are deductible when incurred.

Interest expenses

The allowable deduction for interest expense is reduced by an amount equal to 33% of interest income that is subject to final tax.

Bad debts

Bad debts are deductible expenses when written-off, subject to certain requirements.

Charitable contributions

The deduction for charitable contributions ordinarily may not exceed 5% of taxable income. However, contributions to certain institutions are 100% deductible, subject to certain conditions.

Entertainment expenses

Entertainment, amusement, and recreation expenses should not exceed 0.5% of net sales for taxpayers engaged in the sale of goods or properties, or 1% of net revenue for taxpayers engaged in the sale of services, including professionals and lessors of properties.

Special deductions
Special deductions are allowed for certain businesses (e.g. insurance, mining, petroleum, and real estate investment trust).

Fines and penalties
Fines and penalties are deductible as necessary and ordinary business expenses. Surcharge and compromise penalty imposed for non-payment or late payment of taxes is not deductible for tax purposes.

Taxes
Corporate taxpayers can claim a deduction for all taxes paid or accrued within the taxable year in connection with their trade or business, except for the following:

- Philippine CIT.
- Income taxes imposed by authority of any foreign country, unless the taxpayer elects to take a deduction in lieu of a foreign tax credit.
- Estate and donor's taxes.
- Taxes assessed against local benefits of a kind tending to increase the value of the property assessed.

In the case of a foreign corporation, deductions for taxes are allowed only if they are connected with income from sources within the Philippines.

Net operating losses
A net operating loss for any taxable year immediately preceding the current taxable year, which had not been previously offset as a deduction from gross income, may be carried over as a deduction from gross income for the next three consecutive taxable years immediately following the year of this loss (except losses during the period when the taxpayer was tax-exempt), provided there has been no substantial change in the ownership of the business or enterprise.

For mines, other than oil and gas wells, a net operating loss calculated without the benefit of incentives provided for under Executive Order (EO) No. 226, or the Omnibus Investments Code of 1987, as amended, incurred in any of the first ten years of operation may be carried over as a deduction from taxable income for the next five years immediately following the year of such loss.

Loss carrybacks are not allowed.

Payments to foreign affiliates
A Philippine corporation can claim a deduction for royalties, management service fees, and interest charges paid to foreign affiliates, provided such amounts are equal to what it would pay an unrelated entity, and the appropriate WHTs are withheld and remitted.

The registration of licensing and management agreements, now known as technology transfer arrangements (TTAs), has been liberalised. Only TTAs not conforming to certain provisions of the Intellectual Property Code require approval by, and registration with, the Documentation, Information, and Technology Transfer Bureau of the Intellectual Property Office (formerly Bureau of Patents, Trademarks, and Technology Transfer) to render the contracts enforceable.

Head office expense allocations
A resident foreign corporation is allowed to claim allocated head office expenses as a deduction, subject to certain requirements.

Group taxation

Group taxation is not permitted in the Philippines.

Transfer pricing

Transfer Pricing Regulations govern the cross-border and domestic transactions between associated enterprises. The Regulations state that the 'arm's-length principle' shall be adopted in determining the transfer price in related party transactions. The application of the arm's-length principle may follow a 'three-step' approach prescribed by the Philippine tax authority (i.e. the Bureau of Internal Revenue, or BIR) under the Regulations, to wit: (i) the conduct of a comparability analysis, (ii) the identification of the tested party and the appropriate transfer pricing method, and (iii) the determination of the arm's-length results.

Taxpayers must keep adequate documentation supporting their transfer prices so that they can defend their transfer pricing analysis, mitigate the risk of transfer pricing adjustments arising from tax examinations, and support their applications for Mutual Agreement Procedure (MAP). There is also a 'contemporaneous' requirement that transfer pricing documents must exist or be brought into existence at the time the taxpayers develop or implement any arrangements that may raise transfer pricing issues. This can generally mean that while transfer pricing documentation is not required to be submitted together with the tax returns, such documents should be retained and submitted to the BIR when required or requested. There is no prescribed period within which such documentation may be made available, but it should be available in cases of audit/investigation.

An Advance Pricing Arrangement (APA) is an agreement entered into between the taxpayer and the BIR to determine in advance an appropriate set of criteria (e.g. method, comparables, and appropriate adjustments thereto) to ascertain the transfer prices of controlled transactions over a fixed period of time. It is currently available to taxpayers, but the BIR is still in the process of drafting more detailed guidelines. The APA is not mandatory, but may be advisable since the purpose of the APA is to reduce the risk of transfer pricing re-examination and double taxation.

Transactions entered into prior to the Transfer Pricing Regulations becoming effective in February 2013 shall be governed by the laws and other administrative issuances prevailing at the time the controlled transactions were entered into.

Thin capitalisation

There are generally no thin capitalisation rules in the Philippines.

Controlled foreign companies (CFCs)

There are no CFC rules in the Philippines.

Tax credits and incentives

Foreign tax credit

Domestic corporations are allowed to claim a credit for any income taxes paid to a foreign country, provided that the taxes are not claimed as deductions. Foreign corporations are not allowed foreign tax credits.

Credits for foreign taxes are determined on a country-by-country basis. The amount of foreign tax credit in respect of the tax paid in a country shall not exceed the same proportion of the tax against which the tax credit is taken, which the taxpayer's income from the country bears to its entire taxable income. There is, however, a further limitation based on the total amount of foreign-sourced income that the taxpayer earns.

The total amount of foreign tax credits shall not exceed the same proportion of the tax against which the tax credit is taken, which the taxpayer's foreign-sourced income bears to its entire taxable income.

Export incentives

Tax incentives available to export enterprises registered with the Board of Investments (BOI) are as follows:

- Income tax holiday (ITH) giving full exemption from CIT for six years for pioneer firms and those locating in less-developed areas and four years for non-pioneer firms. The ITH period starts to run from the date of commercial operation, or target date of operation, whichever is earlier. If prescribed conditions are met, the ITH period may be extended by up to three years. In no case, however, can the total ITH period exceed eight years. Expanding export-oriented firms are also allowed a three-year ITH on the incremental income. Subject to certain exceptions, new and expansion projects located in the National Capital Region (NCR) or Metro Manila are no longer entitled to ITH.
- Tax and duty exemption on imported spare parts and supplies for export producers with a customs bonded manufacturing warehouse exporting at least 70% of annual production, if foreign-owned, or 50%, if Filipino-owned.
- Full deduction of the cost of major infrastructure undertaken by enterprises in less-developed areas.
- Additional deduction of 50% of the incremental labour expense if the prescribed ratio of capital assets to annual labour is met and 100% of the incremental labour if located in less-developed areas within five years from date of registration (this incentive cannot be availed of simultaneously with the income tax holiday).
- Ten-year exemption from taxes and duties on importation of breeding stock and genetic materials.
- Tax credit on domestic breeding stocks and genetic materials (ten years).
- Exemption from wharfage, any export tax, duty, impost, or fees.
- Tax credits equivalent to taxes and duties paid on purchases of raw materials, supplies, and semi-manufactured products forming part of the products for export.

Other incentives

Export and free-trade enterprises, information technology (IT) enterprises, and special economic zone developers/operators (including IT buildings located in Metro Manila and IT parks) registered with PEZA are entitled to an ITH of six years for pioneer firms and four years for non-pioneer firms. Foreign articles brought into the zones will be exempt from import duties and taxes. Local purchases of goods from VAT-registered suppliers outside the economic zones are zero-rated. After the lapse of the ITH period, enterprises registered and operating within special economic zones/export processing zones (EPZs) will pay only 5% special tax on gross income earned from registered activities, in lieu of all local and national taxes.

A regional or area headquarters established in the country as a supervisory, communications, and coordination centre for a corporation's subsidiaries, affiliates, and branches in the Asia-Pacific region, and whose headquarters do not derive income from the Philippines, are not subject to any CIT nor VAT and are entitled to certain non-tax incentives.

An ROHQ that is allowed to derive income in the Philippines by performing qualifying business services to its affiliates, subsidiaries, or branches in the Philippines, in the Asia-Pacific Region, and other foreign markets may avail itself of the following incentives:

- Income tax at the preferential rate of 10% of its taxable income.
- Exemption from all kinds of local taxes, fees, or charges imposed by a local government unit, except real property tax on land improvements and equipment.

- Tax and duty-free importation of equipment and materials for training and conferences that are needed and used solely for its functions as an ROHQ and are not locally available, subject to the prior approval of the BOI.
- Importation of new motor vehicles, subject to the payment of corresponding duties and taxes.
- Exemption from travel tax, specific immigration fees, and requirements, subject to certain conditions.

The following are the incentives granted to exporters under the Export Development Act (Republic Act No. 7844):

- Exemption from Presidential Decree No. 1853 (requiring 100% of Letter of Credit), provided that the importation shall be used for the production of goods and services for export.
- Tax credit for incremental export performance. The tax credit for increase in current export revenues shall be computed as a percentage to be applied on the incremental export revenue converted to pesos at the current rate. The percentages or rates are as follows:
  - For the first 5% increase in annual export revenues over the previous year: 2.5%.
  - For the next 5% increase: 5.0%.
  - For the next 5% increase: 7.5%.
  - In excess: 10%.

Note that this incentive is not available for exporters enjoying ITH or VAT exemption or whose local VAT is below 10%.

In addition to the above incentives, all existing incentives being enjoyed by the enterprise if registered with the BOI, PEZA, Subic Bay Metropolitan Authority (SBMA), Clark Development Corporation (CDC), or other ecozone regulating agencies.

Withholding taxes

Corporations and individuals engaged in business are required to withhold the appropriate tax on income payments to non-residents, generally at the rate of 30% in the case of payments to non-resident foreign corporations or 25% for non-resident aliens not engaged in trade or business. *For WHT on resident corporations, see the discussions in the Income determination section.*

Tax treaty rates

For countries with which the Philippines has concluded tax treaties, the maximum rates of taxes to be withheld are as follows:

As of March 2014:

Recipient	Dividends (%) (1)	Interest (%) (2)	Royalties (%)
Australia	15/25 (3, 4)	10/15 (5)	15/25 (6)
Austria	10/25 (3, 7)	10/15 (5, 8)	10/15 (6, 9)
Bahrain	10/15 (7)	10	10/15 (10)
Bangladesh	10/15 (11)	15	15
Belgium	10/15 (7)	10	15
Brazil	15/30	10/15 (5)	15/25 (12)
Canada	15/25 (3, 7)	10/15 (5)	25 (9)
China, People's Republic of	10/15 (7)	10	10/15 (13)
Czech Republic	10/15 (7)	10	10/15 (14)

Recipient	Dividends (%) (1)	Interest (%) (2)	Royalties (%)
Denmark	10/15 (11)	10	15
Finland	15/30 (3, 7)	10/15 (5)	15/25 (15)
France	10/15 (3, 7)	10/15 (5)	15
Germany	10/15 (11)	10/15 (5, 16, 17)	10/15 (13)
Hungary	15/20 (3, 11)	15	15 (9)
India	15/20 (3, 7)	10/15 (5, 17)	15/30 (6)
Indonesia	15/20 (3, 11)	10/15 (5)	15/25 (6)
Israel	10/15 (7)	10	15 (9)
Italy	15	10/15 (5)	15/25 (6, 18)
Japan	10/15 (3, 7)	10	10/15 (19)
Korea, Republic of	10/25 (3, 11)	10/15 (5)	10/15 (6)
Malaysia	15/25	15	15/25 (6, 18)
Netherlands	10/15 (7)	10/15 (5, 16, 17)	10/15 (6)
New Zealand	15/25	10	15/25 (6)
Nigeria	12.5/15 (7)	15	20
Norway	15/25 (3, 7)	15	7.5/10/25 (9, 20)
Pakistan	15/25 (3, 11)	10/15 (5)	15/25 (6)
Poland	10/15 (11)	10	15
Romania	10/15 (11)	10/15 (5, 16, 17)	10/15/25 (21)
Russia	15	15	15
Singapore	15/25 (3, 22)	10/15 (5)	15/25 (6, 18)
Spain	10/15 (7)	10/15 (5, 16)	10/15/20 (23)
Sweden	10/15 (11)	10	15
Switzerland	10/15 (7)	10	15
Thailand	15/30	10/15 (5)	15/25 (6, 18)
United Arab Emirates	10/15 (7)	10	10
United Kingdom	15/25 (3, 7)	10/15 (5)	15/25 (6, 19)
United States	20/25 (3, 7)	10/15 (5)	15/25 (6, 9)
Vietnam	10/15 (11)	15	15

Notes

1. The lower rate generally applies if the beneficial owner of the dividends is a company with a substantial ownership in the dividend paying company.
2. Interest derived by a foreign government or its agencies is typically exempt from Philippine tax. Many treaties also contain special rules for both Philippine and home country taxation of interest paid on instruments secured by a government agency of one of the countries. Such provisions have been excluded from the analysis.
3. A 15% rate applies under domestic law if the home country exempts the dividend from tax or permits a 15% or greater credit for corporate taxes paid by the company paying the dividend.
4. Entitlement to the lower rate depends on how the dividend will be taxed in Australia.
5. The 10% rate applies to interest paid in respect of the public issues of bonds, debentures, or similar obligations.
6. The lower rate applies to royalties paid by an enterprise registered with the Philippine BOI and engaged in preferred areas of activity.
7. The threshold for substantial ownership is 10%.
8. The 10% rate also applies to interest paid by a company registered with the BOI and engaged in preferred pioneer areas of investment in the Philippines.
9. The treaty also contains a most-favoured-nation rule, limiting the Philippine tax on royalties to the lowest rate of Philippine tax that may be imposed on royalties of the same kind paid in similar circumstances to a resident of a third state.
10. The 15% rate applies to royalties arising from the use of, or the right to use, any copyright of literary, artistic, or scientific work including cinematograph films or tapes for television or broadcasting.
11. The threshold for substantial ownership is 25%.
12. The 25% rate applies to royalties arising from the use or the right to use trademarks and cinematographic films, films or tapes for television or radio broadcasting. The 15% applies to any other royalties.
13. The 10% rate applies to the use of, or the right to use, any patent, trademark, design or model, plan, secret formula or process, or from the use of, or the right to use, industrial, commercial, or scientific equipment, or for information concerning industrial, commercial, or scientific experience. Strictly,

application of the rate is generally at the discretion of the Philippine Competent Authorities, but the BIR has never raised this as an issue.
14. The 10% rate applies to royalties arising from the use of, or the right to use, any copyright of literary, artistic, or scientific work (other than copyright of cinematograph films), any patent, trademark, design or model, plan, secret formula or process, or from the use of, or the right to use, industrial, commercial, or scientific equipment, or for information concerning industrial, commercial, or scientific experience.
15. The 15% rate applies to royalties paid by an enterprise registered and engaged in preferred areas of activities, and to royalties in respect of cinematographic films or tapes for television or broadcasting, and for the use of, or the right to use, any copyright. The 25% rate applies to other royalties.
16. The 10% rate also applies to interest paid in connection with the sale on credit of any industrial, commercial, or scientific equipment.
17. The 10% rate also applies to interest paid on any loans granted by a bank.
18. The 15% rate also applies to royalties in respect of cinematographic films or tapes for television or broadcasting.
19. The 15% rate applies to royalties paid for the use of, or the right to use, cinematographic films and films or tapes for radio or television broadcasting.
20. The 7.5% rate applies to the lease of containers. The 10% rate applies to royalties paid by an enterprise registered with the BOI. The 25% rate applies to other royalties.
21. The 10% rate applies to royalties paid by an enterprise registered with the BOI and engaged in preferred pioneer areas of activity. The 15% rate applies to rentals from cinematographic films and tapes for television or broadcasting. The 25% rate applies to all other royalties.
22. The threshold for substantial ownership is 15%.
23. The 10% rate applies to royalties paid by an enterprise registered with the BOI and engaged in preferred pioneer areas of activity. The 20% rate applies to rentals from cinematographic films and tapes for television or broadcasting. The 15% rate applies to all other royalties.

Tax administration

Taxable period
The accounting period must follow a 12-month fiscal period but may or may not follow the calendar year. Most Philippine companies have a fiscal year that ends in December or March.

Tax returns
Corporations should file their returns and compute their income on the basis of an accounting period of 12 months.

Corporate taxpayers file self-assessed returns. Electronic filing and payment of taxes are available under the Electronic Filing and Payment System (eFPS) of the BIR.

A domestic or resident foreign corporation is required to file income tax returns on a quarterly basis. Within 60 days from the close of the first three quarters of its taxable year, the corporation must file a return summarising its gross income and deductions for the year to date. A final annual income tax return must be filed on or before the 15th day of the fourth month following the close of the taxable year.

Beginning in the taxable year ended 31 December 2013, corporate taxpayers must file their income tax returns using one of three different forms, depending on their tax regime (i.e. subject only to the regular income tax, tax exempt, or with mixed income subject to multiple tax rates or special/preferential rates).

Payment of tax
Every corporation files cumulative quarterly income tax returns for the first three quarters and pays the tax due within 60 days after each quarter. A final adjustment return covering the total taxable income of the preceding taxable year must be filed on the 15th day of the fourth month following the close of the taxable year. The balance of the tax due after deducting the quarterly payments must be paid, while the excess may be claimed as a refund or tax credit. Excess estimated quarterly income taxes paid may be carried over and credited against estimated quarterly income tax liabilities for succeeding taxable years. Once the option to carry over has been made, such option is

irrevocable, and no cash refund or tax credit certificate (TCC) is allowed, except upon liquidation of the company.

Annual statutory audit

An annual statutory audit is required for all corporations with authorised capital stock or paid-up capital exceeding PHP 50,000, including branches of foreign corporations. It is also required for any corporation whose gross sales or earnings exceed PHP 150,000 in any quarter.

Statute of limitations

There is no statutory obligation on the Tax Commissioner to make an assessment for internal revenue taxes, and most taxes are collected based on the taxpayer's self-calculation. If an assessment is to be issued, however, it must be done within three years from the deadline or the date of actual filing of the return, whichever is later. The taxpayer and the Commissioner can, however, agree in writing to extend this period.

In the case of a false or fraudulent return or of failure to file a return, the tax may be assessed or a proceeding in court for collection may be commenced without assessment at any time within ten years from the discovery of the falsity, fraud, or omission.

Any internal revenue tax that has been assessed within the period of limitation may be collected by distraint or levy or by a proceeding in court within five years following the assessment of the tax.

The prescription periods are suspended in certain circumstances, such as when the offender is absent from the Philippines, when the Commissioner grants a taxpayer's request for a reinvestigation, or when the taxpayer and the BIR agree to extend the prescriptive period for assessment through a written waiver.

In the case of overpayment of tax, a claim for refund or credit may be filed with the BIR within two years from the date of erroneous payment of the tax. If the claim is denied or no decision is received from the BIR, a petition for review may be filed with the Court of Tax Appeals (CTA). This must be filed before the two-year period expires, and in the case of a denied claim, within 30 days from the receipt of the denial.

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