
TRAIN Law + New Year Tax Updates & Remedies

9:00 am to 5:00 pm, Friday, January 26, 2018

Manila Marriott Hotel, Pasay City, Philippines

COURSE DESCRIPTION

This one-day seminar will discuss all BIR regulations including its correct interpretation pertinent to individual and corporate taxpayers whether for profit or non-profit organizations covering the period from January 2017 to December 2017. It will also cover all 2017 Supreme Court and Court of Tax Appeals rulings.

The objective of this seminar is for you and your organization to maximize the benefits granted by law, ensuring compliance, minimizing and avoiding unnecessary tax exposures, assessments and penalties from the taxing authorities.

This lecture is a CPD accredited seminar. Accountants attending this event will earn 6 credit units. This seminar is open to the general public.

I - BIR Issuances and Interpretations

1. RMO 8-2017 (April 4, 2017) - Procedure for Claiming Tax Treaty for Dividend, Interest and Royalty Income of Nonresident Income Earners
2. Revenue Regulations 1-2017 (Jan. 24, 2017) - Regulations governing applications for VAT credit/refund filed under Sec. 112 of the Tax Code
3. Revenue Regulations 2-2017 (Jan. 24, 2017) - Administrative Treatment of Petroleum and Petroleum Products Imported into the Philippines Including those Coming in Through Freeport Zones and Economic Zones and Registration of All Storage Tanks Facilities
4. RMO No. 28-2017 - April 25, 2017- further streamlining the requirements of Personal Equity & Retirement Account (PERA)
5. RMO No. 27-2017 - August 29, 2017- provides for the creation of Alphanumeric Tax Code for Microfinance NGOs pursuant to "Microfinance NGOs Act"
6. RMO 20-2017 -August 11, 2017 - amends the criteria and procedures on the "Attrition Act of 2005"
7. RMO 17-2017-July 17, 2017 - prescribes the policies & procedures in monitoring compliance of Top Taxpayers in Revenue Regions.
8. RMO -42-2017 - June 9, 2017 - circularizes the revised BIR Form 2305 or the Certificate of Update of Exemption, and of Employer and Employee's information.
9. RMC 43-2017 - June 9, 2017 - circularizes the availability of the new versions of the Update of Exemption of Employees Data Entry Module in filing BIR form 2305 and Batch File Validation Module.

10. RMO 12-2017 - May 16, 2017 - streamline the process and issuance of Certificate of Tax Exemption and Electronic Certificate Authorizing Registration for transfers of raw lands to homeowners for socialized housing projects.
11. RMC 34-2017- April 26, 2017 provides the guidelines in the filing, receiving and processing of 2016 income tax returns including its attachments.
12. RMC 35-2017 - April 27, 2017 clarifies the imposition of capital gains tax on sale, exchange or other disposition of real properties.
13. RMC 36-2017- May 3, 2017 prescribes BIR Accountable Forms relative to the implementation of RMO 3-2017 on the format on the Certificate of Availment/ Approval of Denial Relative to the Application for Compromise Settlement and./or Abatement of Penalties.
14. Revenue Regulations 5-2007 - April 11, 2017 provides for the amended implementing rules and regulation of RA 10754 or the Persons with Disability (PWD) Law.
15. RMC 23-2017 -March 6, 2017 - provides for the new lay-out of VAT Exemption Identification Card issued to qualified Diplomats, Officials and Dependent of the US Embassy which should be presented on local purchases of goods and services.
16. Revenue Regulations 3-2017 - February 28, 2017 which aims to encourage non-government microfinance institutions to work with the government to pursue community development and improvement of socio-economic welfare of the poor.
17. RMC 24-2017 -February 23, 2017-provides for addendum to RMC 14-2017 on the temporary suspension of eFPS enrollment.
18. Revenue Regulations 2-2017 dated January 3, 2017 relative to payment of internal revenue taxes using credit, debt or prepaid card.
19. RMO 3-2017- February 1, 2017 - amends the format on the Certificate of Availment, Approval & Notice of Denial on Compromise Settlement & Abatement of Penalties.
20. Revenue Regulations 1-2017 - January 3, 2017-prescribes the new regulations governing applications for VAT refund prior fo effectivity of RMC 54-2014 which considered as deemed denied claims those applications for VAT refunds not acted upon within 120 days.

II - SUPREME COURT DECISIONS

1. Edison Bataan Cogeneration Corporation vs. Commissioner of Internal Revenue, (G.R. No. 201665 & Republic of the Philippines, represented by the Commissioner of Internal Revenue vs. Edison Bataan Cogeneration Corporation - (G.R. No. 201668, August 30, 2017) - Issue: Rule on Timing of Withholding of Final Withholding Tax (FWT)
2. Commissioner of Internal Revenue vs. Philippine Aluminum Wheels, Inc., (G.R. No. 216161, August 9, 2017)- Effects of Availment of Tax Amnesty in All Administrative Stage.
3. Power Sector Assets & Liabilities Management Corporation vs. Commissioner of Internal Revenue, -(G.R. No. 198146, August 8, 2017) Issue of jurisdiction & VAT on isolated transaction
4. Roberto V. San Jose and Delfin P. Angcao vs. Jose Ma. Ozamiz, (G.R. No. 190590, July 12, 2017) - Supreme Court decision on Inspection of Corporate Books of Accounts & Jurisdiction of Intra-Corporate Dispute.
5. Jaime N. Soriano vs. Sec. of Finance and CIR, Sen Manuel Roxas vs. Margarito B. Teves and Lilian B. Hefti, TUCP vs. Teves and Hefti, Sen. Francis Escudero, Tax Mgt Association of the Philippines and Ebro vs. Teves and Esquivias- G.R. No. 184450- January 24, 2017 - Supreme Court declared

as null and void RR No. 10-2008 insofar as it disqualifies Minimum Wage Earners who earn purely compensation income from the privilege of the MWE exemption..

6. Commissioner of Internal Revenue vs. St. Lukes Medical Center Inc. (G.R. No. 203514, February 13, 2017) - Issue: Whether St. Lukes profits from hospital operation exempt from income tax under Section 30(E) & (G)
7. Commissioner of Internal Revenue vs. Asalus Corporation (G.R. No. 221590, February 22, 2017) Issue: Whether the VAT assessment issued against Asalus Corporation had prescribed.
8. Hon. Kim S. Jacinto Henares, I her capacity as Commissioner of Internal Revenue vs. St. Paul College of Makati (G.R. No. 215383, March 8, 2017) - The Supreme Court took judicial notice that the incumbent BIR Commissioner Dulay issued RMO 44-2016 which amended RMO 20-2013. RMO 44-16 specifically excludes non-stock, non-profit educational institutions from the coverage of RMO 20-2013 as amended (which was issued by then Commissioner Henares)
9. Procter & Gamble Asia vs. Commissioner of Internal Revenue, GR 205652, September 5, 2017
10. Commissioner of Internal Revenue vs. Philippine Daily Inquirer - August 2017 -Supreme Court affirmed CTA EB's decision that assessments issued by the BIR were void because it has been issued beyond the 3 year prescriptive period.

III - COURT OF TAX APPEALS DECISIONS

1. Benguet Electric Cooperative (BENECO) vs. Municipality of Law Trinidad Benguet (CTA EB No. 1091-January 4, 2017 -- Remedies under the Local Government Code
2. National Power Corporation vs. Municipality of Laguindingan (CTA EB No. 1293 - January 10, 2017) - Remedies under the Local Government Code
3. Commissioner of Internal Revenue vs. Chevron Holdings, Inc. - (CTA EB No. 1303 - January 10, 2017) - Claim for unutilized input VAT under the Tax Code
4. Spouses Magaan vs. Commissioner Of Internal Revenue (CTA EB No. 1338- January 11, 2017) - Nullification of a BIR Tax Assessment
5. Municipality of Labrador Pangasinan vs. National Transmission Corporation -(CTA EB No. 1455- January 18, 2017) -Legality of Petition for Review filed with the Court of Tax Appeals
6. Stateland Inc. vs. Commissioner Of Internal Revenue (CTA EB No. 1148 - January 18, 2017) Ruling on the carry-over of the amount of Creditable Withholding Tax for tax refund purposes
7. Commissioner of Internal Revenue vs. Sara Lee Kiwi Holdings, LLC (CTA EB No. 1396-February 16, 2017) -Refund of erroneously paid donor's tax
8. Marietta A. Bondad vs. Lepanto Consolidated Mining Company (LCMC) - (CTA EB No. 1316- February 2017)-Entitlement to preferential tax rate under Sec. 143 of the Local Government Code
9. Contex Corporation vs. Commissioner of Internal Revenue - (CTA EB No. 1332- March 3, 2017) - Issue"Whether assessment is void due to prescription
10. Commissioner of Internal Revenue vs. Leo Mario Celdran - (CTA EB No. 1527- March 14, 2017 - Issue: Whether or not taxpayer is entitled to refund of excess Creditable Withholding Tax
11. San Paolo Development Corporation vs. Commissioner of Internal Revenue - (CTA EB No. 1388 - March 15, 2017) -Treatment of a property as a capital asset and exposure to VAT

12. Commissioner of Internal Revenue vs. Global Quickservice Restaurant Inc. (CTA EB No. 1393 - March 15, 2017) - Impropriety of a tax assessment
13. Commissioner of Internal Revenue vs. Chevron Holdings, Inc. - (CTA EB No. 1143 & 1349, March 15, 2017) - Refund of unutilized input VAT attributed to zero-rated sales of services.
14. Commissioner of Internal Revenue vs. Central Azucarera Don Pedro Inc. (CTA EB No. 1427 - March 15, 2017) – Issue: Whether or not the waivers of defense of prescription by taxpayer are valid
15. Commissioner of Internal Revenue vs. Filminera Resources Corporation - (CTA EB No. 1362 - March 15, 2017) - Issue: Whether or not taxpayer is entitled to a refund of unutilized Input VAT
16. Commissioner of Internal Revenue vs. Artdepot Inc., (CTA EB. No. 1447- March 15, 2017) -Validity of a tax assessment issued by the BIR
17. Commissioner of Internal Revenue vs. Filminera Resources Corporation (CTA EB No. 1394 - March 15, 2017) – Issue: Whether or not taxpayer is entitled to a refund of unutilized Input VAT
18. Commissioner of Internal Revenue vs. PEA Tollway Corporation -(CTA EB No. 1372- March 15, 2017)-taxability of toll fees for income tax purposes.
19. Commissioner of Internal Revenue vs. Lingkod Bayad Pawnshop (CTA EB. No. 1386- March 15, 2017) – Issue: Whether or not the imposition of the compromise penalty without the conformity of the taxpayer is legal and authorized.
20. Commissioner of Internal Revenue vs. Starsmash Badminton Center (CTA EB No. 1379- March 15, 2017) - Validity of the Waiver of Prescriptive Period
21. Air Liquide Philippines, Inc. vs. Commissioner of Internal Revenue - (CTA EB No. 1377-April 12, 2017) – Issue: Whether or not the CTA erred as to the denial of the refund of excess input VAT attributed to zero rated sales.
22. Commissioner of Internal Revenue vs. Newspaper Paraphernalia, Inc. (CTA EB No. 1425- April 12, 2017) – Issue: Whether or not the BIR’s assessment became final and executory
23. Philippine Airlines vs. Commissioner of Internal Revenue- (CTA EB No. 1363- April 5, 2017) -Issue: Whether or not PAL is entitled to tax refund in view of its exemption from the payment of excise taxes.
24. Avon Manufacturing Inc. vs. Commissioner of Internal Revenue & CTA in division (CTA EB No. 1351- April 2017) – Issue: Whether or not the Commissioner of Internal Revenue supplanted the definition of “toilet waters’ under RR No. 8-84 via the issuance of BIR Ruling No. 43-2000 and RMC No. 17-02
25. Commissioner of Internal Revenue vs. Citadel Holdings, Inc. (CTA EB No. 1375- May 2, 2017) - Issue: Whether or not taxpayer is entitled to a refund of Creditable Withholding Tax.
26. Maxicare Healthcare Corporation vs. Commissioner of Internal Revenue- (CTA EB No. 1312, May 8, 2017) – Issue: Whether or not taxpayer is entitled to a Vat refund
27. Commissioner of Internal Revenue vs. Merial Philippines, Inc. - (CTA EB No. 1398- May 9, 2017) - Issue: Whether or not the assessment is invalid for failure to afford taxpayer with due process
28. Commissioner of Internal Revenue vs. Ong Beng Gui - (CTA EB No. 1248- May 18, 2017) – Issue: Whether or not On Beng Gui is entitled to a refund of withholding taxes on the separation pay given to terminated employees.
29. Commissioner of Internal Revenue vs. Honda Cars Makati, Inc. (CTA EB No. 1432- May 18, 2017) - Issue: Whether or not taxpayer is entitled to a refund of its unutilized creditable withholding tax.

30. Qatar Airways Company with Limited Liability vs. Commissioner of Internal Revenue, (CTA EB No. 1468, September 5, 2017) - A Petition for Review on the Denial of Abatement of Surcharge for One-Day Late Filing of Tax Return
31. Commissioner of Internal Revenue vs. Deutsche Knowledge Services, PTE, LTD -(CTA EB No. 1297- May 18, 2017) – Issue: Whether or not the Court of Tax Appeals has jurisdiction on the case and whether or not Deutsche is entitled to a full VAT refund.
32. Commissioner of Internal Revenue vs. Philippine Bank of Communications - (CTA EB No. 1423, May 23, 2017) - Issue: Whether or not Petitioner is entitled to a refund of its unutilized creditable withholding tax.
33. Hon. Commissioner Kim Jacinto Henares vs. IP Contact Center Outsourcing, Inc. (CTA EB No. 1415- June 5, 2017) - Issue: Whether or not the waivers executed between taxpayer and the BIR are valid.
34. Commissioner of Internal Revenue vs. Philex Mining Corporation -(CTA EB No. 1493- June 1, 2017) - Issue: Whether or not taxpayer is entitled to a VAT refund.
35. Commissioner of Internal Revenue vs. CE Luzon Geothermal Power Co. Inc. (CTA EB No. 1397- June 7, 2017) Issue: Whether or not taxpayer is entitled to a VAT refund.
36. Commissioner of Internal Revenue vs. Manulife Data Services (CTA EB No. 1437- June 7, 2017) - Issue: Whether or not taxpayers are entitled to a refund of excess input VAT.
37. Commissioner of Internal Revenue vs. LBC Express Inc. (CTA EB No. 1365, June 22, 2017) – Issue: Whether or not taxpayer is liable for the balance of the compromise penalties.
38. Commissioner of Internal Revenue vs. Derek Arthur P. Ramsey (CTA EB No. 1413- June 22, 2017) – Issue: Whether or not the BIR tax assessment is valid
39. Commissioner of Internal Revenue vs. Q-Clean Living Phils. Corporation (CTA EB No. 1435-June 23, 2017) – Issue: Whether or not the Court of Tax Appeals in division has jurisdiction over the Petition for Review
40. Commissioner of Internal Revenue vs. Manulife Data Services, Inc. (CTA EB No. 1547, July 5, 2017) - Whether or not the Court of Tax Appeals in Division erred in partially granting the tax refund claim.
41. Philam Properties Corporation vs. Commissioner Of Internal Revenue (CTA EB No. 1406 - July 7, 2017) - Issue: Whether or not the entire claim for refund of creditable withholding tax should be granted.
42. Commissioner of Internal Revenue vs. Fort Bonifacio Development Corporation (CTA EB No. 1410 -July 11, 2017) - Issue: Whether or not the Court in Division’s Decision should be reversed or set aside.
43. EDS Manufacturing Inc. vs. Commissioner of Internal Revenue - (CTA EB No. 1493 - June 1, 2017)- Issue: Whether or not the tax assessment issued by the BIR was valid.
44. Commissioner of Internal Revenue vs. Hoya Glass Disk Philippines, Inc. (CTA EB No. 1524 & 1529, August 16, 2017) - Issue: Whether or not Commissioner’s authority to assess taxpayer for deficiency Final Withholding Tax on dividends is already barred by prescription/
45. Commissioner of Internal Revenue vs. KEP (PHILIPPINES) Realty Corporation - (CTA EB No. 1504, August 18, 2017) - Whether or not taxpayer is entitled to refund of excess input VAT attributed to zero rated sales.
46. Land Bank of the Philippines vs. Commissioner of Internal Revenue - (CTA EB No. 1482 - August 1, 2017) - Issue: Whether or not the Court of Tax Appeals in Division has jurisdiction.

47. Commissioner of Internal Revenue vs. Coral Bay Nickel Corporation (CTA EB No. 1543) & Coral Bay Nickel Corporation vs. Commissioner of Internal Revenue (CTA EB No. 1546- August 2017) - Issue: Whether or not the Court En Banc can take cognizance of an appeal via a Petition for Review)
48. Commissioner of Internal Revenue vs. De La Salle Lipa, Inc. (CTA EB No. 1424) & De La Salle Lipa, Inc. vs. Commissioner of Internal Revenue (CTA EB No. 1430- August 2017) – Issue: whether or not taxpayer as a non-stock non profit educational institution, is exempt from the payment of the subject internal revenue taxes.
49. Commissioner of Internal Revenue vs. RCD Realty Marketing Corporation (CTA EB No. 1481 - August 4, 2017) – Issue: Whether or not taxpayer is entitled to the refund of creditable withholding tax.
50. Commissioner of Internal Revenue vs. Next Mobile Inc., (CTA EB No. 1583-October 23, 2017) - Burden of proof shifter to the BIR when taxpayer denies receipt of assessment
51. GE Consumer Finance Inc. vs. Commissioner of Internal Revenue, (CTA EB No. 9144, October 25, 2017) - Refund of erroneously paid capital gains tax pursuant to RP - US Tax Treaty
52. Commissioner of Internal Revenue vs. Esper R. Vargas, Jr. (CTA EB No. 1470, October 20, 2017) - Failure to convert Letter Notice (LN) into Letter of Authority (LOA) resulting to void assessment
53. Commissioner of Internal Revenue vs. Spouses Joseph Ejercito & Luisa P. Ejercito, (CTA EB No. 1446, October 19, 2017) - Assessment against Former President Joseph Estrada & Spouse Cancelled due to denial of due process
54. Commissioner of Internal Revenue vs. Axia Power Holdings Phil. Corporation, (CTA EB No. 1411 & Axia Power Holdings Philippines Corporation vs. Commissioner of Internal Revenue, (CTA EB. No. 1416- Sept. 28, 2017 - a Court of Tax Appeal's Decision on the Requirement of Creditable Withholding Tax Refund.
55. People of the Philippines vs. Joel C. Mendez, (CTA EB Criminal Case No. 038 & No. 039, September 8, 2017) - a CTA decision on the denial of both the Petitions filed Beauty Guru & BIR on the Conviction for Criminal Case of Non-Filing of Tax Return.
56. Commissioner of Internal Revenue vs. Philippine Aerospace Development Corporation, (CTA EB No. 1516, August 23, 2017) - Assessment without Preliminary Assessment Notice (PAN) is a void assessment; attempt to resubmit documents may mean opening for a new trial.
57. De La Salle Lipa, Inc. vs. Commissioner of Internal Revenue (CTA EB No. 1430, August 17, 2017)- a CTA Decision involving a non-stock non-profit educational institution, its ancillary activities & related Tax consequences.
58. Commissioner of Internal Revenue vs. Hoya Glass Disk PH Inc., CTA Case No. 1524 & CTA EB No. 1529, August 16, 2017 - A CTA decision discussing the timing of withholding of final withholding tax on dividends; cancellation of penalties & interest citing prescription.

IV- TRAIN ACT OF 2018

V - Q & A & REMEDIES