

# TAX ALERT

April 2021

## BIR ISSUANCES

### **EXTENDING THE DEADLINES IN RELATION TO AUDIT INVESTIGATIONS AND FILING OF VAT REFUND CLAIMS WITH THE VAT CREDIT AUDIT DIVISION.**

Extended Deadlines are as follows:

Position Paper and Supporting Documents in Response to Notice of Discrepancy	<b>May 12, 2021</b> 30 days from lifting of the ECQ on April 12
Reply and Supporting Documents in Response to the Preliminary Assessment Notice	<b>April 27, 2021</b> 15 days from lifting of the ECQ on April 12
Protest Letter in Response to the Final Assessment Notice/Formal Letter of Demand (FAN/FLD)	<b>May 12, 2021</b> 30 days from lifting of the ECQ on April 12
Transmittal Letter and Supporting Documents in relation to Request for Reinvestigation	<b>May 12, 2021</b> 30 days from lifting of the ECQ on April 12
Request for Reconsideration with the Commissioner of Internal Revenue (CIR) of Final Decision on Disputed Assessment (FDDA)	<b>May 12, 2021</b> 30 days from lifting of the ECQ on April 12
Submission of Documents in Response to Subpoena Duces Tecum	<b>April 27, 2021</b> 15 days from lifting of the ECQ on April 12
Submission of Documents in relation to First, Second and Final Notice	<b>April 22, 2021</b> 10 days from lifting of the ECQ on April 12
Other Similar Letters and Correspondence	<b>May 12, 2021</b> 30 days from lifting of the ECQ on April 12
Filing of VAT Refund Claim with VCAD which falls due on April 12, 2021 per RMC No. 39-2021	<b>May 12, 2021</b> 30 days from lifting of the ECQ on April 12

### *Revenue Memorandum Circular No. 45-2021 dated April 5, 2021*

**SUSPENSION OF THE RUNNING OF THE STATUTE OF LIMITATIONS ON ASSESSMENT AND COLLECTION OF TAXES.** The BIR suspended the running of the statute of limitations for assessment and collection of taxes in jurisdictions affected by the Enhanced Community Quarantine (“ECQ”) during the ECQ and for 60 days thereafter or from March 29, 2021 to May 28, 2021. *Revenue Memorandum Circular No. 52-2021 dated April 14, 2021*

**CLARIFYING THE DEADLINE TO FILE THE ANNUAL INCOME TAX RETURN (“AITR”) FOR TAXABLE YEAR ENDING DECEMBER 31, 2020.** The BIR did not extend

the deadline to file the AITR for taxable year 2020. However, the BIR gave taxpayers until May 15, 2021 to amend their AITRs without any imposition of increments, such as surcharge and interest. *Revenue Memorandum Circular No. 46-2021 dated April 6, 2021*

**IMPLEMENTING NEW INCOME TAX RATES INTRODUCED BY REPUBLIC ACT NO. 11534, OTHERWISE KNOWN AS THE CORPORATE RECOVERY AND TAX INCENTIVES FOR ENTERPRISES ACT (“CREATE”).** *Revenue Regulations No. 5-2021 dated April 8, 2021* (Please refer to our Special Issue Tax Alerts on CREATE at [http://www.baniquedlaw.com/assets/tax-alert-\(create\)-\(post-veto\).pdf](http://www.baniquedlaw.com/assets/tax-alert-(create)-(post-veto).pdf))

**PROVIDING GUIDELINES IN FILING AND PAYMENT OF AITR BY NON-INDIVIDUAL TAXPAYERS FOR TAXABLE YEARS ENDING JULY 31, 2020 TO JUNE 30, 2021.** *Revenue Memorandum Circular No. 50-2021 dated April 8, 2021*

**CIRCULARIZING UPDATED LIST OF BIR FORMS AND ITS AVAILABILITY IN EITHER THE ELECTRONIC FILING AND PAYMENT SYSTEM (EFPS), OFFLINE ELECTRONIC BIR FORMS OR BIR WEBSITE.** *Revenue Memorandum Circular No. 55-2021 dated April 27, 2021*

**CLARIFYING CERTAIN PROVISIONS OF REVENUE REGULATIONS NO. 34-2020 ON THE USE OF RELATED PARTY FORM AND TRANSFER PRICING DOCUMENTATION.** *Revenue Memorandum Circular No. 54-2021 dated April 27, 2021*

**AMENDING CERTAIN PROVISIONS OF REVENUE REGULATIONS NO. 2-98 TO IMPLEMENT AMENDMENTS INTRODUCED BY CREATE RELATIVE TO WITHHOLDING TAXES.** *Revenue Regulations No. 2-2021 dated April 8, 2021* (Please refer to our Special Issue Tax Alerts on CREATE at [http://www.baniquedlaw.com/assets/tax-alert-\(create\)-\(post-veto\).pdf](http://www.baniquedlaw.com/assets/tax-alert-(create)-(post-veto).pdf))

**AMENDING CERTAIN PROVISIONS OF REVENUE REGULATIONS NO. 16-05 TO IMPLEMENT AMENDMENTS INTRODUCED BY CREATE RELATIVE TO VALUE-ADDED TAX (“VAT”).** *Revenue Regulations No. 4-2021 dated April 8, 2021* (Please refer to our Special Issue Tax Alerts on CREATE at [http://www.baniquedlaw.com/assets/tax-alert-\(create\)-\(post-veto\).pdf](http://www.baniquedlaw.com/assets/tax-alert-(create)-(post-veto).pdf))

**PROVIDING GUIDELINES ON HOW TO UPDATE BIR REGISTRATION FROM VAT-REGISTERED TAXPAYER TO A NON-VAT REGISTERED TAXPAYER AS A RESULT OF ADDITIONAL VAT-EXEMPT PROVISIONS INTRODUCED BY CREATE.** *Revenue Regulations No. 4-2021 dated April 8, 2021*

**PROVIDING GUIDELINES, PROCEDURE, AND REQUIREMENTS FOR AVAILING OF TAX EXEMPTIONS AND FEE PRIVILEGES, INCLUDING VAT, EXCISE TAX, DONOR’S TAX, AND OTHER FEES, FOR PROCUREMENT, IMPORTATION, DONATION, STORAGE, TRANSPORT, DEPLOYMENT, AND ADMINISTRATION OF CORONAVIRUS DISEASE 2019 (COVID-19) VACCINES.** *Revenue Regulations No. 1-2021 dated April 8, 2021*

*Note: The information provided herein is general and may not be applicable in all situations. It should not be acted upon without specific legal advice based on particular situations. If you have any questions, please feel free to contact any of the following at telephone number (632) 8633-9418, facsimile number (632) 8633-1911, or at the indicated e-mail address:*

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