REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE
Quezon City

Certificate of Tax Exemption No:
BOI-LEH-013-2020

CERTIFICATE OF TAX EXEMPTION

TO ALL WHOM IT MAY CONCERN:

This certifies that **THE NEW APEC DEVELOPMENT CORPORATION**, with Taxpayer Identification Number [redacted], is exempt from income tax and creditable withholding tax on its income received directly in connection with its economic and low-cost housing project, **Birmingham Village Phase 3**, consisting of **297** house and lot units used solely for family home or dwelling purposes, located at Brgy. Pulo, Cabuyao City, Laguna, a project duly registered with the Board of Investments (BOI) under Registration No. [redacted] dated August 5, 2019, for a period of **3** years beginning from **August 2019** or actual start of commercial operations/selling, whichever is earlier, but in no case earlier than the date of registration of the project with the BOI, pursuant to Executive Order No. 226, otherwise known as the "Omnibus Investments Code of 1987" and Section 2.57.5 (B)(2) of Revenue Regulations No. 2-98, as amended.

Moreover, the sale by the Company of residential lot valued at P1,919,500.00 and below, or house and lot and other residential dwellings valued at P3,199,200.00 and below, is VAT-exempt under Section 109(1)(P) of the 1997 Tax Code, as amended. Provided, however, that beginning January 1, 2021, the VAT exemption shall only apply to sale of house and lot and other residential dwellings[1] with selling price of not more than Two Million Pesos (P2,000,000.00).

The sale of house and lot units in excess of the 297 house and lot units, including those house and lot units used for commercial purposes such as leasing, retail stores, offices, etc., are not covered by this Certificate of Tax Exemption and shall be subject to applicable taxes under the 1997 Tax Code, as amended.

The grant of tax exemption herein is subject to the compliance with the provisions of applicable BIR rules and regulations and the Terms and Conditions stated at the back hereof. The Company is liable, however, for all other applicable taxes not discussed above.

This Certificate of Tax Exemption is being issued on the basis of the facts and documents as represented and submitted. However, if upon investigation, the BIR ascertains that the facts are different, then this Certificate shall be considered null and void.

Issued this _____ day of JAN 17 2020, _____.

CAESAR R. DULAY
Commissioner of Internal Revenue

EW 032145

K-1

CTE No. BOI-I EH-013-2020
Date issued JAN 17 2020

TERMS AND CONDITIONS OF THE CERTIFICATE OF TAX EXEMPTION

1. The exemption from income and creditable withholding taxes covers only income directly attributable to the revenues generated from the project, **Birmingham Village Phase 3** consisting of **297** house and lot units, located at Brgy. Pulo, Cabuyao City, Laguna. Such exemption shall not cover revenues from units with selling price exceeding ₱2,000,000.00. Moreover, the **297** house and lot units per HLURB License to Sell No. shall not be sold for more than ₱1,700,000.00 per house & lot unit package.

2. The enterprise shall observe the following project timetable.

Activity	Period
Land acquisition	September 2012 – March 2013
Secure necessary license/permit/registration from the government/training costs	April 2016 – June 2019
Site preparation and development	October 2016 – March 2017
Building/House construction	January 2017 – July 2022
Start of Commercial Operations	August 2019

3. In the computation of the project's ITH, the following shall apply:

   a. Only income generated from the sale of housing units (**Birmingham Village Phase 3** – Brgy. Pulo, Cabuyao City, Laguna) with selling price not exceeding PhP2.0M and used solely for family home or dwelling purposes and not for commercial purposes such as leasing, retail stores, offices, etc. shall be qualified.

   b. Interest income from in-house financing shall not be considered as revenues generated from the registered activity.

4. Pursuant to Section 4 of Republic Act (RA) No. 10708[2], the Company is required to file its tax returns and pay its tax liabilities, on or before the deadline as provided under the 1997 Tax Code, as amended, using the electronic system for filing and payment of taxes of the BIR. It shall file with BOI a complete annual tax incentives report of its income-based tax incentives, VAT and duty exemptions, deductions, credits or exclusions from the tax base, as may be provided under E.O. 226, within thirty (30) days from the deadline for filing of tax returns and payment of taxes.

5. The Company shall be constituted as a withholding agent for the government if it acts as employer and any of its employees received compensation income subject to compensation withholding tax, or if it makes payments to individuals or corporations subject to the withholding taxes as source as required under Chapter XIII and Section 57 of the Tax Code of 1997, as amended and implemented by *Revenue Regulations (RR) No. 2-98*, as amended.

6. The Company is required to file on or before the 15th day of the fourth month following the close of its accounting period of a Profit and Loss Statement and Balance Sheet with the Annual Information Return under oath, stating its gross income and expenses incurred during the taxable year.

7. Finally, the Company's books of accounts and other pertinent records shall be subject to periodic examination by revenue enforcement officers of this Bureau for the purpose of ascertaining whether it is complying with the conditions under which it has been granted tax exemption or tax incentives and its tax liability, if any, pursuant to Section 235 of the Tax Code of 1997, as amended.