REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE

September 6, 2021

REVENUE MEMORANDUM CIRCULAR NO. 100-2021

SUBJECT : Amending RMC Nos. 55-2014, 66-2014, and 78-2014 to transfer the requirement for certification from the Food and Drug Administration (FDA) to the Bureau of Animal Industry (BAI)

TO : All Internal Revenue Officers and Others Concerned

This Circular is issued to align the issuance of the certification with the proper regulatory agency that has the mandate to penalize sellers and importers of livestock and poultry feeds or ingredients used in the manufacture of finished feeds that resort to misdeclaration in order to be exempt from the payment of value-added tax (VAT) under Section 109(1)(B) of the National Internal Revenue Code of 1997, as amended.

The requirement to provide the certification was initially lodged with the FDA, in order to help ensure that only the sale or importation of livestock and poultry feeds or ingredients used in the manufacture of finished feeds that were unfit for human consumption were exempt from VAT. Those that were fit for human consumption shall be subject to VAT. The FDA, however, has no legal mandate to penalize importers on their misdeclaration of feed ingredients, such as palm oil, as animal feed ingredient, although it was also distributed for human consumption, in order to avoid the imposition of VAT.

Republic Act (RA) No. 9711 mandates the FDA to ensure the safety, efficacy, and quality of health products which include food and drugs, but not animal feeds. The BAI, in contrast, is specifically mandated to regulate and control the manufacturing, importation, labelling, advertising and sale of livestock and poultry feeds, pursuant to RA No. 1556.

This RMC hereby amends **RMC Nos. 55-2014, 66-2014,** and **78-2014** to transfer the issuance of the required certification that the livestock or poultry feeds or ingredients used in the manufacture of finished feeds are unfit for human consumption, from the FDA to the BAI.

This Circular shall take effect immediately. All revenue officials and employees are enjoined to give this Circular as wide a publicity as possible.

CAESAR R. DULAY
Commissioner of Internal Revenue

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