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

3:50 pm
JUL 03 2024

01 JUL 2024

REVENUE MEMORANDUM CIRCULAR NO. 075 - 2024

SUBJECT : Prescribing the Mandatory Requirements for Claims for Tax Credit or Refund of Excess/Unutilized Creditable Withholding Taxes on Income Pursuant to Section 76(C), in Relation to Sections 204(C) and 229 of the National Internal Revenue Code of 1997, as Amended (Tax Code). Except Those Under the Authority and Jurisdiction of the Legal Group

TO : All Internal Revenue Officials, Employees and Others Concerned

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This Circular is issued to provide guidelines and prescribe the mandatory documentary requirements in the processing and grant of claims for issuance of tax credit certificates (TCC) or cash refund (TCC/refund) of excess/unutilized creditable withholding taxes (CWT) on income under Section 76(C), in relation to Sections 204(C) and 229 of the Tax Code, in line with the recently introduced reforms on tax refunds under Republic Act (R.A.) No. 11976, also known as the Ease of Paying Taxes (EOPT) Act of 2023. This does not cover actions on request for tax credit/refund based on writ of execution issued by the Court of Tax Appeals (CTA) and the Supreme Court under the authority and jurisdiction of the Legal Group.

I. GENERAL POLICIES

1. The taxpayer-claimant shall submit the Application for Tax Credits/Refunds (BIR Form No. 1914) for claims under Section 76(C), in relation to Sections 204(C) and 229 of the Tax Code, to the processing office that have jurisdiction over the taxpayer-claimant as follows:

   a. The Revenue District Office (RDO); or

   b. The respective Large Taxpayers Audit Division (LTAD) or Large Taxpayers District Office (LTDO) under the Large Taxpayers Service (LTS).

2. Under Section 76(C) of the Tax Code, the processing office/s shall decide on the application and refund the excess taxes within two (2) years from the date of the dissolution or cessation of business, which is an exception to the 180-day processing of TCC/refund under Section 204(C) of the Tax Code. For purposes of this Circular, the 2-year period to process the tax refund shall commence from the submission of the Application for Registration Information Update/Correction/Cancellation (BIR Form No. 1905) together with the complete documentary requirements set by the BIR for the closure of business and the refund of excess income taxes due to cessation or dissolution of business under Section 76(C) of the Tax Code.

3. Only applications with complete documentary requirements enumerated in the attached Checklist of Mandatory Requirements (Annex "A.1" for taxpayers of "going concern" status or Annex "A.2" for taxpayers undergoing dissolution or cessation of business) shall be received and processed by the authorized processing office.

II. DOCUMENTS TO BE SUBMITTED BY THE TAXPAYER-CLAIMANT UPON FILING OF THE APPLICATION FOR CWT CREDIT/REFUND

1. The application/s must be accompanied with complete supporting documents enumerated in the Checklist of Mandatory Requirements (Annex "A.1" for taxpayers of "going concern" status or Annex "A.2" for taxpayers undergoing dissolution or cessation of business).

2. The taxpayer-claimant shall accomplish and provide comparative matrix of tax withheld in accordance with the format provided in Annex "A.3".

3. The taxpayer-claimant shall attach a notarized Taxpayer Attestation (Annex "A.4") certifying to the completeness of the documents submitted. Accordingly, the claims shall be processed based on the documents submitted. The books of accounts and accounting records shall be presented by the taxpayer-claimant upon written request of the assigned Revenue Officers (ROs). Failure to present the books of accounts and accounting records relevant to the claims may be a ground for denial of the application for TCC/refund.

4. The taxpayer-claimant shall fully cooperate with the assigned ROs and shall ensure availability of all documents that may be requested during the verification in case there are issues or findings that need further clarification so as not to cause undue delay on the 180-day processing of the CWT credit/refund. Failure to cooperate or submit the requested documents for clarification as further requested by the assigned ROs may result in the full or partial denial of the claims.

5. The tax returns filed by the taxpayer-claimant, particularly the Quarterly and Annual Income Tax Returns prior to the date of application of the CWT credit/refund or the issuance of the electronic Letter of Authority, whichever comes first, shall be considered in the processing of the claims.

III. REPEALING CLAUSE

All provisions of revenue issuances/memoranda or portions thereof that are inconsistent herewith are hereby amended, modified or revoked accordingly.

IV. EFFECTIVITY

This Circular shall take effect fifteen (15) days following its publication in the Official Gazette or posting in the BIR website, whichever comes first.

3:30 pm JUL 03 2024

ROMEO D. LUMAGUI, JR.
Commissioner of Internal Revenue