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

June 29, 2016

REVENUE MEMORANDUM ORDER NO. 32-2016

SUBJECT : Further Clarifying and Amending Certain Policies, Guidelines and Procedures in the Issuance of Importer/Broker Clearance Certificates Relative to the Accreditation as Importer/Customs Broker Prescribed under Revenue Memorandum Order No. 10-2014, as Amended By RMO Nos. 33-2014 and 1-2015

TO : All Internal Revenue Officers and Others Concerned

I. OBJECTIVE

This Order is issued to clarify and further amend certain policies, guidelines and procedures in the issuance of the Bureau of Internal Revenue Importer Clearance Certificate (ICC) and Broker Clearance Certificate (BCC) with respect to the Certifications issued by concerned offices, as well as to provide the uniform guidelines and procedures in the handling of instances involving the submission of spurious documents by applicants, including the documentary requirements for any request of change in the addresses of importers/customs brokers who were previously issued BIR-ICCs/BCCs.

II. CLARIFICATIONS and AMENDMENTS

The provisions prescribed under Item II.A.2 of RMO No. 1-2015 are hereby clarified and amended, as follows:

A. The level of compliance by the taxpayer-applicant in the regular and electronic submission of Summary Lists of Sales/Purchases/Importations, as well as the Alphabetical Lists of Employees (BIR Form 1604CF) and Payees from Whom Taxes Were Withheld (BIR Form 1604E) under Annexes "A" and "A-1" of RMO No. 1-2015 shall no longer be required to be certified by the Revenue District Officer or Head Revenue Executive Assistant, LT Programs and Compliance Group having jurisdiction over the taxpayer-applicant since these are already being certified by the Audit Information, Tax Exemption and Incentives Division (AITEID) and the Miscellaneous Operations Monitoring Division (MOMD) under Annexes "E" and "F" of the same RMO.

B. The Certification being issued by the Chief, Collection Division pertaining to the existence of accounts receivable/delinquent accounts (AR/DA) under Annex "C" of RMO No. 1-2015 shall include the disclosure of the existence of any application for compromise settlement or abatement of penalties by the taxpayer-applicant. The said

disclosure shall indicate the date of filing of the application, tax type(s) covered, return period, amount(s) of AR/DA, as well as the actual amount(s) paid and date(s) of payment of the offer.

In this connection, only applications for ICC/BCC where the taxpayer-applicant has filed an application for compromise settlement or abatement of penalties prior to the filing of the former shall be processed; otherwise, the ICC/BCC application shall be outrightly denied. Furthermore, the subsequent denial of applications for compromise settlement/abatement of penalties by the Regional Evaluation Board/Large Taxpayers Service Evaluation Board/ National Evaluation Board shall cause the immediate cancellation/revocation of the previously issued ICC/BCC.

C. The Accounts Receivable Monitoring Division (ARMD), Audit Information Tax Exemption and Incentives Division (AITEID), Large Taxpayers Service and the concerned Regional Legal and Collection Divisions and Revenue District Offices that are required to issue the Certifications, in relation to applications for BIR-ICC/BCC as prescribed in Item No. II(A)(2) of RMO No. 1-2015, shall indicate the validity period of six (6) months on the face of their respective Certifications. The Certification of MOMD covering compliance with the electronic filing of Annual Alphabetical List of Employees and/or Alphabetical List of Income Recipients Subjected to Creditable/Final Withholding Taxes shall, however, have a respective validity period of one (1) year from the date of their issuance. Accordingly, only Certifications that are within the aforementioned periods shall be accepted for processing of the applications for BIR-ICC/BCC.

III. NEW PROVISIONS

A. For purposes of handling the submission of spurious certifications/documents pertinent to any application for ICC/BCC, the following guidelines and procedures shall be strictly observed by concerned revenue offices:

1. All Heads of the certification-issuing revenue offices shall submit their respective specimen signature to the Chief, ARMD. The approval and signature of the prescribed certifications may be delegated only to the Assistant Head of Office or the Chief of the concerned Section, as the case may be. In both cases, their respective specimen signature shall be submitted to ARMD within five (5) working days from issuance of this RMO.

2. Any submitted certification to ARMD containing discrepancies in the signatures of concerned approving revenue official shall be forwarded to the concerned issuing revenue office, for purposes of validation thereof. If the same is determined to be spurious, the taxpayer-applicant who submitted the same shall be required to execute an affidavit stating all the facts and incidents on how and from whom the said certification was secured. All concerned persons who directly or indirectly participated in the issuance of the spurious certification shall be stated explicitly in the affidavit.

3. The certifications/documents which are validated as spurious, as well as the said affidavit shall be forwarded to the Prosecution Division of the National Office for the conduct of the appropriate investigation. The Prosecution Division shall verify whether or not the said Affidavit can stand judicial scrutiny, if presented as evidence

in the competent court. If the taxpayer-applicant is found to be in bad faith, the appropriate charges shall be filed with the proper court.

4. The subsequent submission of authentic documents shall not cure the act of submission of the spurious or falsified certifications/documents and shall not prevent the Bureau from filing the appropriate charges against the concerned taxpayer-applicant, as well as the denial/disapproval of its/his/her application. However, the taxpayer-applicant may re-file an application for the ICC/BCC, provided that the final action thereon shall be subject to the approval of the Commissioner of Internal Revenue.

5. Any revenue employee who is implicated in the issuance of spurious documents shall be subjected to immediate investigation under existing guidelines and procedures for the appropriate filing of administrative and/or criminal action, whichever is applicable.

B. The importer/customs broker with previously issued BIR-ICC/BCC who has transferred it/his/her place of business to a new address shall be issued, as a replacement thereof, a BIR-ICC/BCC bearing the new address, subject to the submission of the following documentary requirements to the ARMD:

1. Photocopy of the BIR Certificate of Registration issued by the Revenue District Officer having jurisdiction over the new address;

2. Certified true copy of Mayor's Business Permit issued by the local government having jurisdiction over the new address;

3. Proof of lawful occupancy in the new registered address;

4. Payment of Certification Fee and Documentary Stamp Tax; and

5. Original copy of the previously issued BIR-ICC/BCC.

IV. EFFECTIVITY – This Order shall take effect immediately.

(Original Signed)
KIM S. JACINTO-HENARES
Commissioner of Internal Revenue