

August 3, 2001

## **REVENUE REGULATIONS NO. 9-2001**

**SUBJECT :** **Electronic Filing of Tax Returns and Payment of Taxes**

**TO :** **All Internal Revenue Officers and Others Concerned**

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**Section 1. SCOPE.** Pursuant to the provisions of Section 244 of the National Internal Revenue Code of 1997 (Tax Code), in relation to Section 27 of Republic Act No. 8792, otherwise known as the "Electronic Commerce Act," these Regulations are hereby promulgated to regulate the electronic filing of tax returns and payment of taxes.

**Section 2. DEFINITION OF TERMS.** For purposes of these Regulations, the terms herein provided are defined as follows:

- 2.1 **Electronic Filing and Payment System (EFPS or System)** – refers to the system developed and maintained by the Bureau of Internal Revenue (BIR) for electronically filing tax returns, including attachments, if any, and paying taxes due thereon, specifically through the internet.
- 2.2 **Authorized Agent Bank (AAB)** – refers to any bank as certified by the Bangko Sentral ng Pilipinas (BSP) which has satisfied the criteria on accreditation and is actually accredited to collect internal revenue taxes.
- 2.3 **e-Filing** – means the process of electronically filing returns including attachments, if any, specifically through the internet.
- 2.4 **e-Payment** – means the process of electronically paying a tax liability through the internet banking facilities of AABs.
- 2.5 **Large Taxpayer** – refers to a taxpayer who has been classified and duly notified by the Commissioner of Internal Revenue (CIR) for having satisfied any or a combination of set criteria as prescribed in Revenue Regulations No. 1-98 or any amendatory regulations. This includes all large taxpayers under the jurisdiction of the Large Taxpayers Service (LTS) and Large Taxpayers District Office/s (LTDO).
- 2.6 **Non-Large Taxpayer** – refers to a taxpayer whose tax payments and financial conditions do not satisfy the set criteria as per Revenue Regulations No. 1-98 or any amendatory regulations and/or have not been classified and notified as a Large Taxpayer by the CIR.
- 2.7 **Due Date** – the date prescribed by law or regulations within which to file a particular return and pay the tax due thereon.
- 2.8 **Electronic Signature** – refers to the methodology or procedures prescribed by the BIR through the EFPS, employed by an individual taxpayer, or by an

officer/s of a corporate taxpayer who is required by the Tax Code or appropriate regulations to affix his/their signature to such return, who files a return and pays taxes through the EFPS, with the intention of authenticating, approving, and attesting to the truth and correctness of such return. In the case of a corporate taxpayer, the electronic signature shall be deemed to be the signature singly, and collectively, of both the authorized corporate officer/s that are required by the Tax Code or appropriate regulations to file and swear to the truth and correctness of such return and who are named in the Board Resolution or equivalent document submitted by the taxpayer to the BIR pursuant to Section 1(d) of Revenue Memorandum Circular (RMC) No. 24-2001 dated May 28, 2001. The CIR is authorized to modify, change or revoke such method or procedure with prior notice to the taxpayers.

**2.9 Filing Reference Number** – refers to the control number issued by the EFPS to acknowledge that a tax return, including attachments, has been successfully filed electronically. This shall serve as evidence of the fact of filing and the date of filing of the return.

**2.10 Confirmation Number** - refers to the control number issued by the AAB to the taxpayer and BIR to acknowledge that the taxpayer's account has been successfully debited electronically in payment of his tax liability. Such Confirmation Number shall be considered the equivalent of a bank validation and official receipt issued by the AAB and shall further serve as evidence of the fact of payment of the taxpayer's liability to the extent of the amount reflected in the Confirmation Number, and the date of payment by the taxpayer.

**2.11 Acknowledgment Number** – refers to the control number issued by the BIR to the taxpayer to confirm that tax payment has been credited to the account of the government.

**2.12 Return** – refers initially to any of the following electronic returns produced by the EFPS:

- a. 1601C – Monthly Remittance Return of Income Taxes Withheld on Compensation
- b. 1601E – Monthly Remittance Return of Creditable Income Taxes Withheld (Expanded)
- c. 1602 – Remittance Return of Final Income Taxes Withheld
- d. 1603 – Remittance Return of Final Income Taxes Withheld on Fringe Benefits Paid to Employees other than Rank and File
- e. 1700 – Annual Income Tax Return
- f. 1702 – Annual Income Tax Return for Corporations and Partnerships
- g. 1702Q – Quarterly Income Tax Return for Corporations and Partnerships
- h. 2200A – Excise Tax Return for Alcohol Products
- i. 2200P – Excise Tax Return for Petroleum Products
- j. 2200T – Excise Tax Return for Tobacco Products
- k. 2550M – Monthly Value-Added Tax Declaration
- l. 2550Q – Quarterly Value-Added Tax Return
- m. 2551 – Percentage Tax Return.

In determining a taxpayer's compliance with a particular tax liability, it is the information in the return, and not the form of such return, that governs.

The Commissioner is authorized, from time to time, and as the system and operational requirements may so need, to expand or reduce the list of returns that can be filed electronically through the EFPS.

**Section 3. VOLUNTARY COVERAGE.** Large Taxpayers and Non-Large Taxpayers shall have the option to avail of the EFPS in filing their returns and paying the taxes due thereon.

**Section 4. ENROLLMENT FOR SYSTEM USAGE.** Taxpayers who would like to avail of the EFPS shall enroll in the EFPS in accordance with the provisions of RMC No. 24-2001. Taxpayers registered with the Integrated Tax System (ITS) with e-mail account and internet access may enroll in the EFPS.

In addition, a taxpayer who will e-pay shall enroll with any AAB where he intends to pay through the bank debit system. However, Large Taxpayers' enrollment shall be limited only to the AABs authorized to serve them and who are capable to accept e-payments, until such time that private banks are allowed by the Monetary Board of the BSP to open accounts with the Bureau of Treasury and, provided, that such private banks are e-banking capable.

**Section 5. RETURNS COVERED BY ENROLLMENT.** A taxpayer enrolled with the EFPS shall file the applicable returns enumerated in Section 2.12 hereof via the EFPS.

**Section 6. SECURITY OF INFORMATION.** The identity, authority and capability of the taxpayer transacting with the BIR using the EFPS is handled by the enrollment and log-on facilities of the EFPS. The transmission of data is secured through encryption and the use of technology provided by Verisign and Secure Socket Layer (SSL).

**Section 7. TIME OF FILING OF RETURN.** To erase any doubt and to ensure receipt by the BIR before midnight of the due date set by applicable laws and regulations for the filing of a return and the payment of the corresponding tax, the electronic return shall be filed on or before 10:00 p.m. of the due date provided under applicable laws, regulations and other issuances of the BIR, including these Regulations.

## **Section 8. TIME AND PLACE OF PAYMENT.**

8.1 **Large Taxpayers.** (a) Large Taxpayers who will e-pay shall enroll with any AAB authorized to serve them and who are capable to accept e-payments, until such time that private banks are allowed by the Monetary Board of the BSP to open accounts with the Bureau of Treasury and, provided, that such private banks are e-banking capable. E-payments (when available as provided in Section 4 of these Regulations) shall be made within the day the return was electronically filed following the "pay-as-you-file" principle.

(b) For Large Taxpayers who intend to pay their taxes manually, the same shall be made at the AABs servicing the aforesaid taxpayers located at the Ground Floor of the BIR National Office Building with respect to Large Taxpayers registered with the LTS or at the premises of the AABs servicing the said taxpayers located within the respective territorial jurisdiction of the

LTDOs with respect to Large Taxpayers registered with the LTDOs. Manual payments shall be made within banking hours of the day when the return was electronically filed following the “pay-as-you-file” principle.

- 8.2 Non-Large Taxpayers.** (a) For Non-Large Taxpayers who intend to e-pay, electronic payment shall be made through the internet banking facilities of any AAB. This shall constitute an exception to the general rule that the return shall be filed with, and the tax paid, to the AAB within the territorial jurisdiction of the Revenue District Office where the taxpayer is required to register. E-payments shall be made within the day the return was electronically filed, subject to the provisions on installment payment in the Tax Code of 1997, following the “pay-as-you-file” principle.
- (b) For Non-Large Taxpayers who intend to make manual payment, the same may be made only with the AABs within the territorial jurisdiction of the Revenue District Office where the taxpayer is required to register. In places where there is no AAB, the payment shall be made with the Revenue District Officer, Collection Agent, or duly authorized Treasurer of the city or municipality under the jurisdiction of the Revenue District Office in which the Non-Large Taxpayer is required to register. Manual payments shall be made within banking hours of the day when the return was electronically filed, subject to the provisions on installment payment in the Tax Code of 1997, following the “pay-as-you-file” principle.

## **Section 9. CONFIRMATION OF RECEIPT OF RETURN/S/DOCUMENTS AND PAYMENT/S OF TAXES.**

- 9.1 e-Filing and e-Payment** - The return is deemed filed, on the date appearing in, and after a Filing Reference Number is generated and issued to the taxpayer via the EFPS. The tax due thereon is deemed paid after a Confirmation Number is issued to the taxpayer and to the BIR by the AAB. In addition, an Acknowledgement Number shall be issued by the BIR to the taxpayer to confirm that the tax payment has been credited to the account of the government.
- 9.2 e-Filing and Manual Payment** – The return is deemed filed, on the date appearing in, and after a Filing Reference Number is issued to the taxpayer via the EFPS. The print-out of the Filing Reference Number shall be presented to the AABs for manual payment of the tax due thereon. The payment thereof is received upon validation of the document containing the Filing Reference Number generated by the EFPS and the issuance of an Official Receipt by the AAB.
- 9.3 Date of Receipt of Return** – The receipt of the return occurs at the time it enters the EFPS and shall be evidenced by the date indicated in the Filing Reference Number.

## **Section 10. PRESUMPTIONS RELATING TO ELECTRONIC SIGNATURE.** An electronic signature, as defined in these Regulations, gives rise to the following presumptions:

- 10.1 That the electronic signature is the signature of the individual taxpayer, or in the case of a corporate taxpayer, the signature singly and collectively, of both the authorized corporate officer/s that are required by the Tax Code or appropriate regulations to file and swear to the truth and correctness of such return and who are named in the Board Resolution or equivalent document submitted by the taxpayer to the BIR pursuant to Section 1(d) of RMC No. 24-2001 dated May 28, 2001; and
- 10.2 That the electronic signature was affixed by the above-mentioned taxpayer/person/s with the intention of signing, approving, and swearing to the truth and correctness of such return.

**Section 11. AVAILABILITY OF RETURNS.** The electronic copies of the returns in their original format e-filed by a taxpayer can be accessed by him/it via the EFPS for a period of two (2) months from filing thereof. After this period, a taxpayer may secure a certification from the BIR containing the information supplied by him in the return which he/it e-filed via the EFPS.

**Section 12. EVIDENCE OF CONTENTS OF RETURN.** In cases of disputes regarding the contents of returns filed via the EFPS, the contents shown/stored in the ITS Server of the BIR shall govern.

**Section 13. TIME AND PLACE OF FILING AUDITED FINANCIAL STATEMENTS.** The paper copy of the audited financial statements shall be filed within fifteen (15) days from the date of filing of BIR Form No. 1702. The taxpayer is required to file four (4) copies of the audited financial statements (FS).

The audited FS shall be filed with the LTS or the LTDO as the case may be, in the case of Large Taxpayers, and with their respective Revenue District Offices, in the case of Non-Large Taxpayers.

**Section 14. TIME AND PLACE OF FILING CERTIFICATE OF WITHHOLDING TAX.** The certificate of withholding tax shall be filed within fifteen (15) days from the date of filing of any of the following BIR Form Nos.: a) 1702; b) 1702Q; c) 2550M; d) 2550Q; and e) 2551. The taxpayer is required to file three (3) copies of the certificate of withholding tax (CWT).

With respect to BIR Form No. 1700, in cases where such form is required to be filed, the certificate of withholding tax shall be filed in triplicate by the taxpayer when required by the BIR.

The certificate of withholding tax of income payments made to a Large Taxpayer shall be filed with the LTS or the LTDO as the case may be, in the case of Large Taxpayers, and with their respective Revenue District Offices, in the case of Non-Large Taxpayers.

**Section 15. TRANSITORY PROVISION.** Taxpayers enrolled in the EFPS shall, with respect to their filing of every applicable return for the first time via the EFPS, be subject to parallel filing, that is, the taxpayer who e-files shall still manually file the return; provided, that, this transitory provision shall be effective only until December 31, 2001.

**Section 16. PENALTY CLAUSE.** Any violation of the provisions of these Regulations shall be punishable under the pertinent provision/s of the Tax Code of 1997.

**Section 17. REPEALING CLAUSE.** With respect to a taxpayer availing of the EFPS, any revenue issuance inconsistent herewith, including any requirement for the filing of a paper-based return, is hereby amended accordingly.

**Section 18. EFFECTIVITY CLAUSE.** These regulations shall take effect fifteen (15) days after publication in any newspaper of general circulation.

(Original Signed)  
**JOSE ISIDRO N. CAMACHO**  
Secretary of Finance

Recommending approval:

(Original Signed)  
**RENÉ G. BAÑEZ**  
Commissioner of Internal Revenue