



3rd Revised Edition, 2016



PREFACE

As the technical support office of the Senate Committee on Ways and means, the STSRO deemed it necessary to provide Senators, Senate employees, stakeholders and the general public with a comprehensive discussion on fiscal incentives in relation to bills rationalizing its grant through various laws - in a condensed form.

This primer on fiscal incentives was first published by the Senate Tax Study and Research Office (STSRO) in February 2012 during the 15th Congress. This was updated in July 2013 at the start of the 16th Congress. The revision accommodated the discussion of another set of bills on fiscal incentives rationalization, which were filed within said Congress.

In July 2016, the primer took another revision to provide further developments and updates of the rationalization bills, data on fiscal incentives granted by other Asian/ASEAN countries, as well as the list of domestic fiscal incentives laws and issuances. During the 16th Congress, twenty eight (28) laws providing fiscal incentives have been passed by Congress. The recent passage of said laws has increased to over two hundred thirty nine (239) the total number of laws granting fiscal and non-fiscal incentives.

This updated "Primer on Fiscal Incentives" is envisioned to enhance further the appreciation of legislators and the public with regards to fundamental information that would serve as guide in the assessment of various proposals that aim to harmonize the grant of fiscal incentives.



PRIMER ON FISCAL INCENTIVES

1. What are Fiscal Incentives?

Fiscal incentives are subsidies, tax reliefs and preferential tax treatment that are usually given to registered enterprises and priority sectors to promote and encourage investments and development. These incentives are basically included in the Investment Priorities Plan (IPP) in terms of lower tax, exemption from tax or duties and tax or duty refund, among others.

2. What are Non-Fiscal Incentives?

Non-fiscal incentives refer to various non-tax inducements, whose purpose is mainly to facilitate the creation and execution of a project's operational and organizational structures rather than to provide tax relief and other privileges that directly improve earnings.

3. What are the government agencies involved in the implementation of Fiscal Incentives laws and policies?

There are fourteen (14) Investment Promotion Agencies (IPAs) that grant incentives to registered business enterprises, namely:

- **The Board of Investments (BOI)** – The BOI, which is an attached agency of the Department of Trade and Industry (DTI), is the lead government agency responsible for the promotion of investments in the Philippines and is mandated primarily to implement the Omnibus Investments Code of 1987.
- **The Philippine Economic Zone Authority (PEZA)** - PEZA is an attached agency of the Department of Trade and Industry is tasked to promote investments, extend assistance, register, grant incentives to and facilitate the business operations of investors in export-oriented manufacturing and service facilities inside selected areas throughout the country proclaimed by the President of the Philippines as PEZA Special Economic Zones. The creation of PEZA, the *development of Special Economic Zones throughout the country*, and the competitive incentives available to investments inside PEZA Special Economic Zones are embodied in the Special Economic Zone Act of 1995, a law passed by the Philippine Congress.
- **The Bases Conversion and Development Authority (BCDA)** - the BCDA is a government instrumentality vested with corporate powers under Republic Act (RA) 7227 (Bases Conversion and Development

Act of 1992). It was signed into law on March 13, 1992, was amended by RA 7917 in 1995, and was further amended by RA 9400 in 2007. Part of its mandate is the administration of the Clark Freeport Zone in Pampanga; the Poro Point Freeport Zone in La Union; the John Hay Special Economic Zone in Baguio City; and the Bataan Technology Park in Morong.

- The Subic Bay Metropolitan Authority (SBMA) – The SBMA, which was created through Section 13 of R.A. 7227 or the Bases Conversion and Development Act of 1992, is the operating and implementing arm of the Government of the Philippines for the development of the 262 square mile (670 square kilometer) area of Subic Bay Freeport (SBF) -- formerly the US Naval facility in Subic Bay -- into a self-sustaining tourism, industrial, commercial, financial, and investment center to generate employment opportunities.
- The Clark Development Corporation (CDC) – Executive Order No. 80, which was promulgated in April 3, 1993, authorized the establishment of the CDC as the implementing arm of the Bases Conversion and Development Authority (BCDA) for the Clark Special Economic Zone.
- Other Investment Promotion Agencies (IPAs) :
 - Authority of the Freeport Area of Bataan (AFAB), created by RA No. 9728;
 - Aurora Special Economic Zone Authority (ASEZA), created by RA No. 9490, as amended by RA No. 10083;
 - Cagayan Economic Zone Authority (CEZA), created by RA NO. 7922;
 - PHIVIDEC Industrial Authority;
 - Zamboanga Economic Zone Authority (CEZA), created by RA No. 7903;
 - John Hay Management Corporation (JHMC), created by RA No. 7227;
 - Tourism Infrastructure and Economic Zone Authority (TIEZA), created by RA No. 9593;
 - Poro Point Management Corporation (PPC), created by RA No. 7227; and
 - Bataan Technopark, Inc. (BTPI), created by RA No. 9728.

4. What are the legal bases for the granting of incentives?

There are more than One Hundred Ninety (190) laws that grant fiscal incentives to various sectors such as Agriculture, Education, etc. (complete list is given in Annex "A"). It must be pointed out nine (9) of such laws concern various special economic zones, which offer a dynamic range of incentives, namely:

1. R.A. 7916 -- The Special Economic Zone Act of 1995;
2. P.D. 66 -- Export Processing Zone Authority;
3. E.O. 226 -- The Omnibus Investments Code of 1987;
4. R.A. 7903 -- Zamboanga Special Economic Zone Act of 1995;
5. R.A. 7922 -- Cagayan Special Economic Zone Act of 1995;
6. R.A. 7227 -- Bases Conversion and Development Act of 1992;
7. R.A. 9490 -- Aurora Special Economic Zone Act of 2007;
8. R.A. 9728 -- An Act Converting the Bataan Economic Zone Located in the Municipality of Mariveles, Province of Bataan, Into the Bataan Special Economic Zone and Freeport; and
9. RA 9593 -- Tourism Act of 2009

5. What is a "Special Economic Zone or Ecozone"?

Special economic zones (SEZ)" - hereinafter referred to as the ECO-ZONES, are selected areas with highly developed or which have the potential to be developed into agro-industrial, industrial tourist/recreational, commercial, banking, investment and financial centers. An ECOZONE may contain any or all of the following: industrial estates (IEs), export processing zones (EPZs), free trade zones, and tourist/recreational centers.¹

6. What are the incentives being granted by special ecozones?

The incentives granted by these special economic and freeport zones include:

6.1. RA 7916 – The Special Economic Zone Act of 1995:

- *Tax Treatment of Merchandise in the Zone;*²
- *Net operating loss carry-over;*
- *Accelerated depreciation*

¹ As defined in R.A. 7916 or the Special Economic Zone Act of 1995.

² (1) Exemption of domestic and imported merchandise from customs and internal revenue laws/regulations as well as local tax ordinance.

(2) Merchandise purchased by a registered zone enterprise from the customs territory, if paid for in the United States dollar or in any convertible foreign currency and subsequently brought into the zone, shall be considered as exported, and the exporter thereof shall be entitled to the benefits allowed by law for such transaction.

- *Exemption from wharfage dues and export tax, impost or fees for nontraditional export products;*
- *Exemption from local taxes and licenses, except real property taxes in land owned by developer;*
- *Income Tax Holiday;*
- *Additional deduction for labor expense;*
- *Exemption on imported breeding stocks and genetic materials;*
- *Tax credit on tax and duty portion of domestic breeding stock;*
- *Tax Credit for local material Input;*
- *5% tax on gross income earned (GIE) in lieu of national and local taxes;*
- *Employment of foreign nationals;*
- *Permanent resident status for investor (at least US\$150,000);*
- *Foreign exchange assistance;*
- *Simplification of customs Procedures;*
- *Unrestricted use of consigned equipment;*
- *Repatriation of profits /other earnings of foreign investors*

6.2 PD 66 – Export Processing Zone Authority:

- *Tax Treatment of Merchandise in the Zone;*³
- *Net operating loss carry-over;*
- *Accelerated depreciation;*
- *Exemption from wharfage dues and export tax, impost or fees for nontraditional export products;*
- *Exemption from local taxes and licenses, except from real estate tax;*
- *Foreign Exchange Assistance;*

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- (3) Domestic merchandise sent from the zone to the customs territory shall, whether or not combined with or made part of other articles likewise the growth, product or manufacture of the Philippines while in the zone, be subject to internal revenue laws of the Philippines as domestic goods sold, transferred or disposed of for local consumption.
- (4) Merchandise sent from the zone to the customs territory shall, whether or not combined with or made part of other articles while in the zone, be subject to laws and regulations governing imported merchandise. The duties and taxes shall be assessed on the value of imported materials (except when the final product is exempt) and the internal revenue taxes on the value added.
- (5) Domestic merchandise on which all internal revenue taxes have been paid, if subject thereto, and foreign merchandise previously imported on which duty or tax has been paid, or which have been admitted free of duty and tax, may be taken into the zone from the customs territory of the Philippines and be brought back thereto free of quotas, duty or tax.
- (6) Subject to such regulations respecting identity and the safeguarding of the revenue as the Authority may deem necessary when the identity of an article entered into the zone has been lost, such article when removed from the zone and taken to the customs territory shall be treated as foreign merchandise entering the country for the first time, under the provisions of the Tariff and Customs Code.
- (7) Articles produced or manufactured in the zone and exported therefrom shall, on subsequent importation into the customs territory, be subject to the import laws applicable to like articles manufactured in a foreign country.
- (8) Unless the contrary is shown, merchandise taken out of the zone shall be considered for tax purposes to have been sent to customs territory.

³ Ibid

6.3. Executive Order No. 226 – The Omnibus Investments Code of 1987:

- *Tax Treatment of Merchandise in the Zone;*⁴
- *Exemption from wharfage dues and export tax, impost or fees for nontraditional export products;*
- *Exemption from local taxes and licenses except real estate taxes;*
- *Income tax holiday;*
- *Additional deduction for labor expense;*
- *Exemption from taxes and duties of breeding stocks and genetic materials;*
- *Tax credit on Tax and duty portion of domestic breeding stock;*
- *Tax credit for taxes and duties on raw materials and supplies forming part of export products;*
- *Employment of foreign nationals;*
- *Simplification of customs procedures;*
- *Unrestricted use of consigned equipment;*
- *Access to bonded manufacturing/trading system;*

6.4. RA 7903 – Zamboanga Special Economic Zone Act of 1995:

Business establishments in Zamboanga Special Economic and Freeport Zone are entitled to fiscal incentives under PD 66, the law creating the Export Processing Zone Authority, or those under Book VI of EO 226, the Omnibus Investments Code and RA 7227 establishing the Subic Special Economic and Freeport Zone.

Other Incentives:

- *5% tax on gross income earned (GIE) in lieu of national and local taxes;*
- *Employment of foreign nationals;*
- *Permanent resident status for investor (at least US\$150,000), spouse and dependent children below 21 years old;*
- *Foreign exchange assistance;*
- *Simplification of customs procedures;*
- *Unrestricted use of consigned equipment;*

6.5. RA 7922 Cagayan Special Economic Zone Act of 1995:

Business establishments in Cagayan Special Economic and Freeport Zone are entitled to fiscal incentives under PD 66, the law creating the Export Processing Zone Authority, or those under Book VI of EO 226, the Omnibus Investments Code.

⁴ Ibid.

Other Incentives:

- *5% tax on gross income earned (GIE) in lieu of national and local taxes;*
- *Employment of foreign nationals;*
- *Permanent resident status for investor (at least US\$150,000), spouse, dependent and unmarried children below 21 years old;*
- *Foreign exchange assistance;*
- *Simplification of customs Procedures;*
- *Unrestricted use of consigned equipment;*

6.6. RA 7227 – Bases Conversion and Development Act of 1992:

- *No national and local taxes shall be imposed within the Subic Ecozone;*
- *In lieu of said taxes, 5% tax GIE shall be paid by all business enterprises within the Subic Ecozone;*
- *Tax and duty-free importations of raw materials, capital and equipment;*
- *Permanent resident status for investor (of at least \$250,000) spouse and dependent children;*
- *Working visas to foreign executives and other aliens with highly technical skills;*
- *No exchange control policy; free market for foreign exchange, gold, securities;*
- *Liberalization of banking and finance;*

6.7. RA 9490 – Aurora Special Economic Zone Act of 2007:

- *No national and local taxes shall be imposed on registered business enterprises within the ASEZA;*
- *Net operating loss carry-over;*
- *Accelerated depreciation;*
- *Exemption from wharfage dues and export tax, impost or fees for nontraditional export products;*
- *Importation of Source Documents by IT-registered enterprises;*
- *Incentives on Breeding Stocks and Genetic Materials;*
- *Exemption from Wharfage Dues;*
- *Deferred Imposition of the MCIT;*
- *5% tax on gross income earned (GIE) in lieu of national and local taxes;*
- *Employment of Foreign Nationals;*
- *Investors Visa for Foreign Nationals investing US\$150,000.00 either in cash or equipment;*

6.8. RA 9728 –“An Act Converting the Bataan Economic Zone Located in The Municipality of Mariveles, Province of Bataan, Into the Bataan Special Economic Zone and Freeport”:

- Registered enterprises operating within FAB may be entitled to the existing pertinent fiscal incentives under RA 7916 or those provided under EO 226;
- 5% tax on gross income earned in lieu of local and national taxes;

6.9. RA 9593 – Tourism Act of 2009:

- Exemption from payment of Corporate Income Tax ;
- Income Tax Holiday;
- 5% Gross Income Taxation(*(GIE) in lieu of national and local taxes*);
- 100% taxes and customs duties exemption on importation of Capital equipment;
- Exemption from customs duties and national taxes on the importation of transportation and accompanying spare parts that are not locally manufactured;
- 100% exemption from all taxes and duties on the importation of goods consumed in the course of services actually rendered by or through registered enterprises within TIEZA;
- Tax credit equivalent to all national internal revenue taxes paid on all locally-sourced goods and services;
- Social Responsibility Incentive – 50% tax deduction for the cost of environmental protection or cultural heritage preservation activities.

7. What is a Freeport?

Freeport is an isolated and policed area adjacent to a port of entry as defined by Section 3519 of the Tariff and Customs Code, which shall be operated and managed as a separate customs territory to ensure free flow or movement of goods, except those expressly prohibited by law, within, into and exported out in the freeport zone where imported goods may be unloaded for immediate transshipment or stored, repacked, sorted, mixed, or otherwise manipulated without being subject to import duties.⁵

⁵ DOF FI Bill Draft – January 27, 2012

8. What are the revenues waived from various fiscal incentives granted?

**INVESTMENT TAX EXPENDITURES, BY INVESTMENT PROMOTION AGENCY AND BY TYPE,
2013-2016**

8. What are the revenues waived from various fiscal incentives granted?

**INVESTMENT TAX EXPENDITURES, BY INVESTMENT PROMOTION AGENCY AND BY TYPE
2013-2016**

Investment Promotion Agency	Amount of Tax Expenditures						2016	
	Actual		2014		2015			
	2013	Income Tax Holiday and Special Rate ^{a/}	Customs Duties	Income Tax Holiday and Special Rate	Customs Duties	Income Tax Holiday and Special Rate		
Number of Firms ^{b/}	Tax Expenditure	Customs Duties	Income Tax Holiday and Special Rate	Customs Duties	Income Tax Holiday and Special Rate	Customs Duties	Customs Duties	
Board of Investments (EO 226)	182	27,027,527	520,697	29,766,988	573,871	33,054,622	642,061	
Philippine Economic Zone Authority (RA 7916, as amended by RA 8748)	1,042	44,972,952	63,058,875	49,473,985	65,498,481	54,957,267	77,756,625	
Authority of the Freeport Area of Bataan (RA 9728)	34	75,542	3,839	83,399	4,231	92,573	4,733	
Cagayan Economic Zone Authority (RA 7922)	10	47,647	2,457	51,935	2,708	57,803	3,030	

Clark Develop- ment Corpora- tion (RA 7227, as amended by RA 9400)	90	3,855,901	1,282,835	4,215,697	1,413,838	4,689,051	1,581,837	5,183,995	1,769,799
Poro Point Man- agement Corpo- ration (RA 7227, as amended 1,706,220 by RA 9400)	0	0	3,103	0	3,420	0	3,827	0	4,281
Subic Bay Metro- politan Authority (RA 7227, as amended by RA 9400)	302	1,547,520	4,407,449	1,706,220	4,857,540	1,894,428	5,434,736	2,128,729	6,080,517
TOTAL	1,660	77,527,089	69,279,254	85,298,223	76,354,089	94,745,745	85,426,850	106,032,612	95,577,679

a) The estimated ITH tax expenditure is computed by applying the regular income tax rate to net taxable income while tax expenditure on the special rate is computed as the difference between the amount that would be paid under a regular corporate income tax regime and the amount actually paid under the special rate on gross income earned.

b) Firms included are those that filed income tax returns through the Electronic Filing and Payment System (e-FPS) and the Integrated Tax System (ITS) of the BIR. Total number of registered firms as of 2012 is 5,338 as submitted by investment promotion agencies to the Department of Finance. However, the figures on the total number of firms used for Poro Point Management Corporation and Board of Investments are as of 2008 pending submission of an updated data.

Source: Budget of Expenditures and Sources of Financing FY 2016, General Appropriations Act 2016, RA 10717, Department of Budget and Management

COMPARATIVE MATRIX OF FISCAL INCENTIVES (Selected Asian Countries)									
Incentives	Philippines	China	India	Indonesia	So. Korea	Malaysia	Singapore		
Income tax holidays/ reductions	Non-pioneer: 4 years Pioneer: 6 years	15% preferential tax rate applicable to new high-technology	Depending on the sector 30%, 50%, or 100% for 5-15 years starting the fiscal year and 30% in latter years.	Tax reduction of 10-100% applicable for 5-15 years starting the fiscal year then a 50%	Hi-tech companies entitled to a full 5-year tax holiday	Tax holidays of up to 10 years (pioneer status);	Pioneer: 5-10 years on profits arising from pioneer	Tax holiday: of up to 10 years for pioneer status in	Preferential tax rates of 10% for 15 years and 17% available for

2016

Expansion: 3 years from start of operations note: the income tax exemption of non-pioneer and pioneer enterprises may be extended in the following cases: - the project meets the prescribed	Enterprises and a 50% super deduction for qualifying R&D expenditure.	Export profits of ents. in special zones:	when commercial production is commenced. The tax holiday can be extended up to 20 years.	tax break for the next 2 years.	Principal hubs enjoy a corporate tax rate of 0%, 5% or 10% for a period of 5 years and can be extended another 5 years.	at \$20,000 for each year.	environmental protection.	those engaged in encouraged investment projects or in socio-economically disadvantaged locations, respectively.
								A tax holiday of up to 4 years and a 50% tax reduction of up to 9 years available from

9. What are the incentives being granted in ASEAN countries?

Incentives	Philippines	China	India	Indonesia	So. Korea	Malaysia	Singapore	Thailand	Vietnam
	ratio of capital equipment to number of workers set by the Board - utilization of raw materials at rates set by the Board - the net forex savings or earnings amount to at least \$500,000 annually during the first 3 years of operation.	2008. The incentive (in addition to the 15% rate that applies to all new high-tech enterprises) is a 2-year tax holiday followed by 3 years of tax at a 12.5% rate. The 15% preferential tax rate is also granted to qualified high-tech service enterprises in 21 specified cities between July 1, 2010 and December 31, 2018. Encouraged industries in income tax	c. taxpayers that have new authorized capital investment plan of a minimum of 1 Trillion IDR (app. US\$72M) d. those that fulfill the debt to equity ratio set out in the relevant Mln. of Finance regulation. e. Those that submit a statement letter stating they are able to deposit funds in Indonesian banks of at least 10% of						

Incentives	Philippines	China	India	Indonesia	S. Korea	Malaysia	Singapore	Thailand	Vietnam
exemption proportionate to their expansion.	certain re-can enjoy a reduced 15% enterprise income tax rate until Dec. 31, 2020	certain re-can enjoy a reduced 15% enterprise income tax rate until Dec. 31, 2020	the capital investment plan. f. Legal entities on or after Aug. 15, 2011						
Carry-over of net operating loss	3 consecutive years. Not available to ITH availors.	5 years. 8 years max.	5 years but may be extended to 10 years under certain conditions.	Up to 10 yrs.	Losses may be carried forward indefinitely except where there is a substantial change of ownership of a dominant company.	Tax net operating losses may be carried forward up to 5 accounting periods.	Losses may be carried forward indefinitely subject to compliance with a shareholding test and a "same business" test.	Up to 5 years.	

Incentives	Philippines	China	India	Indonesia	So. Korea	Malaysia	Singapore	Thailand	Vietnam
Tax/duty exemption on imported capital equipment	Tax & duty exemption of ecozone locators.	Beginning Jaunary 30, 2012, "encouraged" foreign-invested Duty-free importation by BOI-registered enterprises.	Duty exemption for equipment for rural generating/ projects (FIPs) are exempt from customs new and expanding enterprises.	Approved enterprises are given exemption from import duties for all distribution system.	Customs duties on capital goods exempt for 3 years.	Most machinery and equipment can be freely imported.	Equipment and machinery can be imported on machine-ery that is subject to import.	50% reduction on import duty on machinery imported.	Under the new VAT law of 2008, imported capital equipment are no longer tax exempt.

Incentives	Philippines	China	India	Indonesia	So. Korea	Malaysia	Singapore	Thailand	Vietnam
Tax/duty exemption on raw materials	Tax & duty exemption of ecozone locators.	The import exemption of encouraged foreign investment enterprises (FIES) has been eliminated under the new VAT law.	100% exemption from duty if located in SEZ.	Exemption from import duty on raw mats. for 2 years.	Refunds of customs duties paid for raw materials to manufacture export goods.	Full exemption from import duty on direct materials to manufacture export goods.	Local Industries using dutiable materials or may apply for raw mats. and or components.	1-5 years exemption from import duty on raw materials or essential materials used in the manufacture of export products.	The VAT law of 2008 exempts raw materials imported or for manufacture or processing of goods for export, goods and services purchased & sold between foreign parties & non-tariff zones or purchased & sold between non-tariff zones.

Incentives	Philippines	China	India	Indonesia	So. Korea	Malaysia	Singapore	Thailand	Vietnam
Accelerated depreciation of fixed assets.	Under Sec. 34. (F) of the National Internal Revenue Code, a depreciation deduction is allowed for the exhaustion, wear & tear of property used in the trade of business.	Applicable to fixed assets acquired & used for R&D purposes; & used in certain industries.	Depreciation rates vary from 5% to 100%.	Available in certain areas and sectors.	Depreciation of all property plant, equip. except for land, allowed as tax deductions.	Accelerated depreciation of computer, technology and environmental protection investments.	In lieu of tax depreciation at a specified rate, an accelerated depreciation allowance of 33-1/3% is available for three-year life on all machinery & equipment except automobiles.	Regional headquarters operating in Thailand are entitled to accelerated depreciation of 25% on acquisition of buildings and permanent constructions.	Business establishments which produce or trade goods and services and which achieved high economic efficiency be entitled to conduct accelerated depreciation at a maximum rate not to exceed twice the level of depreciation pursuant to the regime for quick renewal of technology.

Incentives	Philippines	China	India	Indonesia	S. Korea	Malaysia	Singapore	Thailand	Vietnam
Investment Tax Allowance	None	None	None	Investment Tax Allowance in the form of taxable income reduction as much as 30% of the realized Investment spread in 6 years.	None	100% allowance on capital investments made up to 10 years.	control equipment & energy efficient equipment.	Investment Tax Allowance of up to 50%.	None
Reinvestment Allowance	None	Up to 40% of reinvested profits will be refunded.	None	None	None	60% allowance on capital investments made in connection with approved projects.	None	Refund of the total or part of the profit tax paid in respect of the reinvested profits.	None

Sources of data: Latest information/reports from the Deloitte, Ernest & Young, KMPG websites.

10. What are the measures on the harmonization/rationalization of fiscal incentives that were filed in 16th Congress?

There are three (3) Senate Bills filed relating to the consolidation/rationalization of fiscal incentives, namely:

- SBN-35, entitled: "*The Investments and Incentives Code of the Philippines*", introduced/filed on July 1, 2013 by Senator Cynthia A. Villar;
- SBN-987, entitled: "*An Act Harmonizing the grant and Administration of Fiscal and Non-Fiscal Incentives, and for Other Purposes*", Introduced/filed on July 22, 2013 by Senator Ralph G. Recto; and
- SBN-2048, entitled: "*An Act Rationalizing the Grant and Administration of Fiscal Incentives for the Promotion of Investments and Growth, and for Other Purposes*", Introduced/filed on December 18, 2013 by Senator Loren B. Legarda.

11. Historical Background of Bills Rationalizing Fiscal Incentives

Within the years spanning the 13th, 14th, 15th and 16th Congress, various legislative measures seeking to rationalize the grant of fiscal incentives have been filed both in the Senate and House of Representatives.

Filed Bills on Fiscal Incentives (13th - 16th Congress)			
13th Congress	14th Congress	15th Congress	16th Congress
SBN 513 – Restructuring Fiscal Incentives Under E.O. 226 (June 30, 2004, Villar)	SBN 1640 – Consolidated Investments and Incentives Code (September 25, 2007, Villar)	SBN 2142 – Rationalizing the Grant of Fiscal Incentives (July 27, 2010, Recto)	SBN 35 - Investments and Incentives Code of the Philippines (July 1, 2013, Villar)
SBN-798: Updating the Incentives Granted to Preferred Industries (June 30, 2004, Villar)	SBN 2375 – Consolidated Investments and Incentives Code (June 4, 2008, Legarda)	SBN 2379 – Rationalizing the Grant of Fiscal Incentives (August 11, 2010, Villar)	SBN 987 - The consolidated Investment and Incentives code of the Philippines (July 22, 2013, Recto)
SBN 1104 – Rationalizing the Grant of Fiscal Incentives (June 30, 2004, Drilon)	SBN 3136 – Rationalizing the Grant of Fiscal Incentives (March 19, 2009, Lacson)	SBN 2755 – Rationalizing the Grant of Fiscal Incentives (March 22, 2011, Angara)	SBN 2048 - The consolidated Investment and Incentives code of the Philippines (December 18, 2013, Legarda)
SBN 1328 – Rationalizing the Grant of Fiscal Incentives (July 6, 2004, Recto)			

13 th Congress	14 th Congress	15 th Congress	16 th Congress
SBN 1332 – Granting tax incentives on capital equipment			
SBN-1839: Fiscal Incentives System Rationalization – withdrawing the tax and duty exemption and preferential treatment granted to government and private entities under Special Laws (October 27, 2004, Drilon, Flavier, Pangilinan, et. al.)			
SBN 1910 – Consolidated Investments and Incentives Code (February 5, 2005, Biazon)			
SBN 2411 (CRN 81) – Consolidated Investments and Incentives Code (July 24, 2006, Villar, Drilon, et al.)			
HBN-3295: Consolidated Investments and Incentives of the Philippines (January 21, 2005, Salceda et. al.)	HBN-5241 (CRN 784)-Investments and Incentives Code of the Philippines (May 7, 2009, Javier, Almario, et. al.)	HBN 4935 – Rationalizing the Grant of Fiscal Incentives (August 18, 2011, Yap, et. al.)	

The bills to harmonize One Hundred and Ninety (190) laws – as of the 15th Congress – provide diverse and numerous subsidies to domestic and foreign investors. These fiscal and non-fiscal incentives are mostly in the form of tax reliefs and preferential tax treatments, which are granted to encourage investments and development.

During the 13th Congress, Committee Report No. 81, which took into consideration all proposals on fiscal incentives, was filed for plenary discussion in the Senate. The report was submitted in substitution of HBN 3295 and in consideration of other similar bills – SBNs 513 (Villar), 798 (Villar), 1104 (Drilon), 1328 (Recto), 1332 (Recto), 1839 (Drilon, Flavier, et. al.), 1910 (Biazon) and 2411 (Villar, Drilon, et. al.). It was sponsored on the floor but it failed to go through the period of interpellation.

In the 14th Congress, all proposed bills seeking the rationalization of the grant of fiscal incentives were collated under Committee Report No. 784.

These were SBNs 1640 (Villar), 2375 (Legarda) and 3136 (Lacson) and HBN 5241 (CRN 784). The report was filed for plenary proceedings but was not passed during the Congress.

During the 15th Congress, all proposals concerning the harmonization of fiscal incentive laws have undergone discussions at the committee level but were not reported out for plenary debates. These were SBNs 2142 (Recto), 2379 (Villar) and 2755 (Angara) and HBN 4935.

For the 16th Congress, there were three (3) Senate Bills filed, namely: Senate Bill Nos. 35, 987, and 2048. Public Hearings and consultations were conducted on the proposed measures.

12. Current Developments

For transparency and accountability in the grant of incentives by the IPAs to registered business entity, RA No. 10708⁶; Otherwise known as "The Tax Incentives Management and Transparency Act" (TIMTA) was passed into law last December 9, 2015.

TIMTA is envisioned to pave the way for an efficient management system and transparency of the tax incentives without limiting the powers of the different IPAs, as well as the incentives granted to investors.



⁶ Consideration of House Bill No. 5831 and Senate Bill No. 2669. It was ratified by the House of Representatives and the Senate on October 7, 2015.

Annex "A"
SUMMARY OF
FISCAL INCENTIVES LAWS AND ISSUANCES

As of March 2016

A. Agrarian Reform/ Agriculture / Food - 10 Laws

1. Presidential Decree 705 - Forestry Code of the Philippines
2. Republic Act 6657 - Comprehensive Agrarian Reform Law
3. Republic Act 7308 - Seed Industry Development Act
4. Republic Act 7884 - National Dairy Authority
5. Republic Act 7900 - High Value Crops
6. Republic Act 8550 - The Philippine Fisheries Code of 1998
7. Republic Act 9281 - Agriculture and Fisheries Modernization
8. Republic Act 10068 - Organic Agriculture of the Philippines
9. Republic Act 10659 - Sugarcane Industries Development Act
10. Republic Act 10816 - Farm Tourism Act

B. Air Transport Services - 4 Laws

1. Presidential Decree 1590 - Philippine Airlines, Inc.
2. Republic Act 7151 - Cebu Air, Inc.
3. Republic Act 7583 - Aboitiz Air Transport Corporation
4. Republic Act 9497 - Civil Aviation Authority Of The Philippines

C. Automobile - 1 Law

1. Executive Order 244 As Amended by Executive Order 312 - Export Credit Incentive to CBU Exports under the Motor Vehicle Development Program

D. Autonomous Regions - 2 Laws

1. Republic Act 8438 - Cordillera Autonomous Region
2. Republic Act 9054 - Autonomous Region in Muslim Mindanao

E. Balikbayan - 2 Laws

1. Republic Act 9174 - Balikbayan Program
2. Republic Act 10022 - Migrant Workers and Overseas Filipinos

F. Banks / Financial Institutions - 7 Laws

1. Republic Act 7353 - Rural Bank Act of 1992
2. Republic Act 7653 - The New Central Bank Act
3. Republic Act 8367 - Revised Non-stock Savings and Loan Association Act of 1997
4. Republic Act 9182 - Special Purpose Vehicles
5. Republic Act 9343 - Special Purpose Vehicle Act of 2002 for the Purpose of Allowing the Establishment and Registration of New SPVs
6. Republic Act 9267 - Securitization
7. Republic Act 10846 - Resolution and liquidation Framework for Banks

G. Barangay Micro Business Enterprises - 2 Laws

1. Republic Act 9178 - Barangay Micro Business Enterprises
2. Republic Act 10693 - Microfinance NGOs Act

H. BOI Registered Firms / Industries Acquiring Capital Equipment - 4 Laws

1. Executive Order 226 - The Omnibus Investment Code of 1987
2. Republic Act 7888 - Amend Article 7 (13) of Executive Order 226
3. Republic Act 8756 - Licensing Requirements of Regional or Area Headquarters, Regional Operating Headquarters, Regional Warehouses of Multinational Companies
4. Executive Order 313 - Duty on Capital Equipment, Spare Parts and Accessories

I. Book Publishing Industry - 2 Laws

- 1. Republic Act 8047 - Development of the Book Publishing Industry
- 2. Republic Act 9521 - National Book Development Trust Fund

J. Boys Scouts/ Girls Scouts - 2 Laws

- 1. Republic Act 7278 - Boys Scouts of the Philippines
- 2. Republic Act 10073 - New Girl Scouts of the Philippines

K. Communication / Postal Services - 15 laws

- 1. Presidential Decree No. 1362 - Allowing Radio Broadcasting And Television Stations to Import Radio Or Television Equipment, Spare Parts And Allied Technical And Program Materials
- 2. Presidential Decree 1504 - Radio Veritas Asia
- 3. Republic Act 7306 - Charter of the People's Television Network, Incorporated
- 4. Republic Act 7354 - Philippine Postal Corporation
- 5. Republic Act 7925 - Public Telecommunications Policy Act of the Philippines
- 6. Republic Act 10772 - Christian ERA Broadcasting Service International, Incorporated
- 7. Republic Act 10773 - Eagle Broadcasting Corporation
- 8. Republic Act 10790 - Aliw Broadcasting Corporation
- 9. Republic Act 10792 - Contel Communication, Incorporated
- 10. Republic Act 10793 - Radio Veritas-Global Broadcasting System, Incorporated
- 11. Republic Act 10794 - Mabuhay Broadcasting System
- 12. Republic Act 10818 - Radio Mindanao Network, Inc.
- 13. Republic Act 10819 - Far East Broadcasting Company (Philippines), Inc.
- 14. Republic Act 10820 - Progressive Broadcasting Corporation

15. Republic act 10822 - Pipol Broadband and Telecommunications Corporation

L. Cooperatives - 3 Laws

- 1. Republic Act 6938 - Cooperative Code of the Philippines
- 2. Republic Act 9520 - Amending the Cooperative Code of the Philippines
- 3. Republic Act 10744 - Creation & Organization of Credit Surety Fund Cooperatives

M. Culture and Arts - 5 Laws

- 1. Republic Act 7355 - Manlilikha ng Bayan
- 2. Republic Act 7356 - National Commission for Culture and the Arts
- 3. Republic Act 8492 - National Museum Act of 1998
- 4. Republic Act 10066 - Protection and Conservation of the National Cultural Heritage
- 5. Republic Act 10086 - Strengthening Peoples' Nationalism Through Philippine History

N. Disabled Persons - 2 Laws

- 1. Republic Act 7277 - Magna Carta for Disabled Persons
- 2. Republic Act 10754 - Amending Magna Carta for Disabled Persons

O. Duty Free Shopping - 10 Laws

- 1. Executive Order 68 - Imposing an Entrance Fee at Over the Counter Stores and shops Operated by Duty Free Philippines
- 2. Executive Order 97 - Subic Special Economic Zone
- 3. Executive Order 97-A - Clarifying the Tax and Duty-Free Privilege within the Subic Special Economic and Free Port Zone
- 4. Executive Order 140 - Rationalization of Duty Free stores/Outlets

- 5. Executive Order No. 250 - Rationalization of Duty Free Stores/Outlets and their Operations in the Philippines
- 6. Executive Order No. 250-A- Implementing the Rationalization of Duty Free Stores/Outlets and their Operations in the Philippines implementing the Rationalization of Duty Free Stores/Outlets and their Operations in the Philippines
- 7. Executive Order No. 444 - Amending Executive Order No. 250, 250-A s. 1995 and 419 s. 1997 Implementing the Rationalization of Duty Free Stores/Outlets and their Operations in the Philippines
- 8. Executive Order No. 303 - Amending Executive Order No. 444 s. 1997 Providing for the Rationalization of Duty Free Stores/Outlets and their Operations in the Philippines
- 9. Executive Order No. 419 - Declaring a Moratorium on the Establishment of Duty Free Stores/Outlets in the Philippine
- 10. Executive Order No. 46 - Philippine Tourism Authority (PTA)

P. Ecozones - 11 Laws

(Locators / Developers / Operators)

- 1. Executive Order 132 - Poro Point Management Corporation
- 2. Presidential Decree 66 - Export Processing Zone Authority
- 3. Proclamation 216 - Poro Point Special Economic And Freeport Zone
- 4. Proclamation 984 - Morong Special Economic Zone
- 5. Republic Act 7227 - Bases Conversion and Development Authority
- 6. Republic Act 7903 - Zamboanga City Special Economic Zone Authority
- 7. Republic Act 7916 - Philippine Economic Zone Authority
- 8. Republic Act 7922 - Cagayan Special Economic Zone of 1995
- 9. Republic Act 8748 - Amending RA 7916

10. Republic Act 9728 - Bataan Special Economic Zone and Freeport
11. Republic Act 10083 - Aurora Special Economic Zone Act of 2007

Q. Education / Schools - 28 Laws

1. Presidential Decree 1127 - Asia Foundation
2. Republic Act 3676 - Ramon Magsaysay Award Foundation
3. Republic Act 7079 - Campus Journalism Act of 1991
4. Republic Act 7371 - Aklan State College of Agriculture
5. Republic Act 7373 - Eastern Visayas Science High School
6. Republic Act 7605 - Philippine State College of Aeronautics
7. Republic Act 7686 - Dual Training System
8. Republic Act 8292 - Higher Education Modernization Act of 1997
9. Republic Act 8365 - Rizal Technological University
10. Republic Act 8525 - Adopt-A-School Program
11. Republic Act 9029 - Partido State University
12. Republic Act 9045 - Batangas State University
13. Republic Act 9055 - Aklan State University
14. Republic Act 9083 - Sta. Rosa Science and Technology High School
15. Republic Act 9138 - Guimaras State College
16. Republic Act 9141 - Converting the Negros Occidental Agricultural College
17. Republic Act 9146 - Northwestern Mindanao State College of Science and Technology
18. Republic Act 9157 - Rizal Technological University
19. Republic Act 9500 - Strengthening the University of the Philippines
20. Republic Act 9746 - The University Of Antique
21. Republic Act 9832 - Don Honorio Ventura College
22. Republic Act 9852 - Jose Rizal Memorial State University (JRMSU)
23. Republic Act 9854 - Northern Mindanao State Institute of Science and Technology (NORMISIST)

- 24. Republic Act 9966 - The Sultan Kudarat State University (SKSU)
- 25. Republic Act 10085 - North Luzon Philippines State College
- 26. Republic Act 10650 - Open Distance Learning Act
- 27. Republic Act 10800 - Tarlac Agriculture University
- 28. Republic Act 10865 - Mayor Hilarion A. Ramiro Sr. Medical Center

R. Energy / Oil Industry	- 14 Laws
1. Presidential Decree 87	- Restored by FIRB Resolution 19-87 - Oil Exploration and Development Act
2. Presidential Decree 269	- National Electrification Administration
3. Presidential Decree 380	As Amended by PD 1360 - Restored by FIRB Resolution 17-87 - Charter of National Power Corporation
4. Presidential Decree 529	- Restored by FIRB Resolution 19-87 - Petroleum Exploration Concessionaires
5. Presidential Decree 972	- Restored by FIRB Resolution 19-87 - Coal Development Act of 1976
6. Presidential Decree 1442	- Restored by FIRB Resolution 19-87 - Promote the Exploration and Development of Geothermal Resources
7. Republic Act No. 6395	- Charter of the National Power Corporation
8. Republic Act 7156	- Incentives to Mini-Hydro Electric Power Developers
9. Republic Act 8479	- Downstream Oil Industry Deregulation Act of 1998
10. Republic Act 9136	- Electric Power Industry Reform Act of 2001
11. Executive Order 290	- Natural Gas Vehicle Program for Public Transport
12. Executive Order 488	- Modifying the Rates of Import Duty on Components, Parts and Accessories for the Assembly of Hybrid, electric, Flexible Fuel and Compressed Natural Gas Motor Vehicles
13. Republic Act 9511	- National Grid Corporation of the Philippines a Franchise

14. Republic Act 9513 - Renewable Energy Renewable Energy

S. Environment/Pollution Control - 4 Laws

- 1. Republic Act 8749 - Clean Air Act of 1999
- 2. Republic Act 9003 - Ecological Solid Waste Management
- 3. Republic Act 9147 - Conservation and Protection of Wildlife Resources and Their Habitats
- 4. Republic Act 9275 - Water Quality Management

T. Exporters - 2 Laws

- 1. Republic Act 7844 - Export Development Act of 1994
- 2. Republic Act 10817 - Instituting the Philippine Halal Export Development and Promotion Program

U. Filipino Inventors - 1 Law

- 1. Republic Act 7459 - Filipino Inventors

V. Games and Amusement - 3 Laws

- 1. Presidential Decree 1869 - Restored per Office of the President Memorandum dated August 24, 1995 - Philippine Amusement and Gaming Corporation (PAGCOR)
- 2. Republic Act 7953 - Philippine Racing Act, Inc., Franchise
- 3. Republic Act 8407 - Manila Jockey Club, Inc., Franchise

W. Health – 6 Laws

- 1. Republic Act 7600 - Rooming-In and Breast-Feeding
- 2. Republic Act 7719 - Promoting Voluntary Blood Donation Republic Act 7875
- 3. Republic Act 7875 - National Health Insurance Program
- 4. Republic Act 8423 - Traditional and Alternative Health Care
- 5. Republic Act 10028 - Expanding the Promotion of Breastfeeding

6. Republic Act 10747 - An Act Promoting a comprehensive Policy in addressing the needs of Persons with Rare Disease

X. Housing - 2 Laws

1. Republic Act 7279 - Urban Development and Housing Program
2. Republic Act 8763 - Home Insurance and Guaranty Corporation

Y. Infrastructure - 4 Law

Build-Operate-Transfer (BOT)

1. Republic Act 7718 - Authorizing the Financing, Construction, Operation and Maintenance of Infrastructure Projects by the Private Sector
2. Republic Act 9679 - Pag-ibig Fund
3. Republic Act 9856 - Legal Framework for Real Estate Investment Trust
4. Republic Act 9904 - Magna Carta for Homeowners

Z. Domestic Manufacturers Bidding in Government Projects - 1 Law

1. Executive Order 765 - Granting Certain Incentives to Domestic Manufacturers Bidding in Government Projects

AA. Insurance System - 5 Laws

1. Republic Act 8282 - Social Security Law
2. Republic Act 8291 - Government Service Insurance System
3. Republic Act 9505 - Personal Equity and Retirement Account (PERA)
4. Republic Act 9576 - Increasing the Maximum Deposit Insurance Coverage, and Strengthening the Regulatory and Administrative Authority and Financial Capability of PDIC
5. Republic Act 10001 - Reducing Taxes on Life Insurance

BB. Iron and Steel Industry - 1 Law

1. Republic Act 7103 - Iron and Steel Industry

CC. Jewelry - 1 Law

1. Republic Act 8502 - Jewelry Industry Development Act of 1998

DD. Labor - 5 Laws

1. Republic Act 6715 - Extend Protection to Labor
2. Republic Act 6971 - Productivity Incentives Act of 1990
3. Republic Act 10653 - Adjusting 13th Month Pay & other Benefits
4. Republic Act 10771 - Green Jobs Act of 2016
5. Republic Act 10801 - Operations of OWWA

EE. Local Government Development Initiative – 2 Laws

1. Republic Act 7820 - Creating the Partido Development Administration
2. Republic Act 9640 - Local Government Code of 1991

FF. Mining - 2 Law

1. Republic Act 7076 - People's Small-Scale Mining Program
2. Republic Act 7942- Philippine Mining Act of 1995

GG. Senior Citizens - 3 Laws

1. Republic Act 7876 - Senior Citizens Center
2. Republic Act 9257 Amending RA 7432 - Senior Citizens
3. Republic Act 9994 - Granting Additional Benefits and Privileges to Senior Citizens

HH. Shipping Industry - 1 Law

1. Presidential Decree 857 - Philippine Port Authority

II. Domestic Shipping - 1 Law

1. Republic Act 9295 - Philippine Domestic Shipping

JJ. Overseas Shipping - 2 Laws

1. Republic Act 7471- Philippine Overseas Shipping Development Act
2. Republic Act 9301- Amending certain provisions of RA 7471

KK. Sports / Athletes - 3 Laws

1. Republic Act 6847 - Philippine Sports Commission
2. Republic Act 9064 - Incentives to National Athletes, Coaches and Trainers
3. Republic Act 10699 - Expanding the coverage of Incentives Granted to National Athletes and Coaches.

LL. Veterans - 3 Laws

1. Presidential Decree 538 - Phividec Industrial Authority
2. Presidential Decree 1491 - Amending Section 8 of PD 538
3. Republic Act 7291 - Veterans Federation of the Philippines

MM. Wearables - 1 Law

1. Republic Act 9290 - Footwear, Leather Goods and Tannery Industries

NN. Youth - 3 Law

1. Republic Act 8044 - National Youth Commission
2. Republic Act 10165 - Foster Care
3. Republic Act 10410 - Zero (0) to Eight (8)

OO. Others - 10 Laws

1. Presidential Decree 1183 - Travel Tax Law
2. Republic Act 2067 - Science Act of 1958
3. Republic Act 3589 - Amending RA 2067

4. Republic Act 4917 - Retirement Benefits Of Employees Of Private Firms
5. Republic Act 5487 - The Private Security Agency Law
6. Republic Act 7157 - Philippine Foreign Service Act of 1991
7. Republic Act 8436 - Automated Election System in the May 11, 1998
8. Republic Act 9501 - Magna Carta for Small Enterprises
9. Republic Act 9999 - Mechanism for Free Legal Assistance
10. Republic Act 10072 - Recognizing the Philippine National Red Cross

PP. International Agreements - 2 Laws

1. ADB – Philippines
Date – December 22, 1966
2. UNESCO – Florence Agreement
Date – November 22, 1950

QQ. Agreement Between SEAFDEC-Member Countries - 1 Law

1. Presidential Decree 292 - Aquaculture Department of the Southeast Asian Fisheries Development Center in the Philippines

RR. Philippine Agreement with Thailand, Laos, Kampuchea, Singapore, Vietnam, Malaysia and Indonesia - 1 Law

1. Presidential Decree 1171 - Providing Certain tax Exemptions to the Southeast Asian Regional Center for Graduate Study and Research in Agriculture

SS. Geneva Convention - 1 Law

1. Presidential Decree 1264 - Philippine National Red Cross

TT. Memorandum of Agreement with Ford Foundation and Rockefeller Foundation - 1 Law

1. Presidential Decree 1620- Granting to the International Rice Research Institute (IRRI) the Status, Prerogatives, Privileges and Immunities of an International Organization

UU. The Constitution of the Philippines - 1 Law

1. Local Government Code
Republic Act 7160 - Local Government Code of 1991

VV. National Internal Revenue Code - 8 Laws

1. Republic Act 8424 - National Internal Revenue Code of 1997
2. Republic Act 9337 - An Act Amending Sections 27, 28, 34, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 119, 121, 148, 151, 236, 237 And 288 of the NIRC
3. Republic Act 9243 - Documentary Stamp Tax
4. Republic Act 9294 - Restoring the Tax exemption of Offshore Banking Units (OBUs) and Foreign Currency Deposits Units (FCDUs)
5. Republic Act 9504 - Amending Sections 22, 23, 34, 35, 51 and 79 of RA 8424
6. Republic Act 9648 - Exempting from Documentary Stamp Tax Any Sale, Barter or Exchange of Shares of Stocks Traded Through the Stock Exchange
7. Republic Act 10026 - Adding Section 289-A to the NIRC
8. Republic Act 10864 - Amending Sec 109(A) and (F) of the NIRC

WW. Tariff and Customs Code - 3 Laws

1. Tariff and Customs Code of the Philippines, (amended by RA 10863)
2. Executive Order 206 - Amending the Tariff and Customs Code of the Philippines
3. Republic Act 10863 - Modernization of Customs and Tariff Administration

XX. Tourism

1. Republic Act 9593 - Declaring Tourism as Engine of Investment, Employment, Growth and National Development

Out of 239 passed laws during the 16th Congress, Twenty eight (28) have fiscal incentives.



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For the 17th Congress, 2016