



HOUSE OF REPRESENTATIVES

H. No. 4935

BY REPRESENTATIVES YAP (S.), MACAPAGAL-ARROYO, BELMONTE (F.),
GONZALES (N.), GARCIA (A.), MANDANAS, APACIBLE, RODRIGUEZ (R.),
HERRERA-DY, AUMENTADO, ZAMORA-APSAY, CARI AND MARCOLETA,
PER COMMITTEE REPORT NO. 1261

THE INVESTMENTS AND INCENTIVES CODE OF THE PHILIPPINES

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled.*

1 PRELIMINARY TITLE

2 CHAPTER I

3 TITLE AND DECLARATION OF POLICY

4 SECTION 1. *Title.* – This Act shall be known as “The Investments and
5 Incentives Code of the Philippines”.

6 SEC. 2. *Declaration of Investment Policies.* – The national economy
7 shall be developed so as to enhance its competitiveness in the global economy
8 through investment promotion and industrial development activities geared
9 towards employment generation and countrywide development. Accordingly,
10 the following are the declared policies of the State:

11 (a) The State shall pursue a market-responsive investment regime;

12 (b) The State shall formulate industry and sectoral development
13 programs;

14 (c) The State shall undertake investment promotion activities;

1 (d) The State shall grant incentives that are simple to administer,
2 time-bound and performance-based; and

3 (e) The State recognizes that industrial peace is essential to attracting
4 investments.

5 CHAPTER II

6 ORGANIZATION AND FUNCTIONS OF THE BOARD OF INVESTMENTS

7 SEC. 3. *The Board of Investments (BOI).* – The Board of Investments,
8 hereinafter referred to as the “BOI”, shall implement the provisions of this Act
9 except as otherwise provided therein.

10 SEC. 4. *Relationship of Investments Promotion Agencies (IPAs) with*
11 *the BOI and Other Government Agencies.* – IPAs shall maintain their
12 functions as provided for in their respective Charters except to the extent
13 modified by the provisions of this Act.

14 For purposes of maintaining an efficient database on investment
15 statistics and other investment data and information, all IPAs shall be required
16 to submit to the BOI all investment data and information and such other related
17 data semi-annually or as often as may be required.

18 SEC. 5. *Governing Provisions for IPAs.* – All existing and future IPAs
19 vested with the power to confer and administer incentives shall offer the
20 incentives provided in this Act: *Provided, however,* That IPAs that are not
21 covered by this Act may opt to administer the incentives hereunder: *Provided,*
22 *further,* That there shall be no double availment of incentives.

23 SEC. 6. *Composition of the BOI Board of Governors.* – The BOI
24 Board of Governors, hereinafter referred to as the “Board”, shall be composed
25 of nine (9) governors: the Secretary of the Department of Trade and Industry
26 (DTI), the Secretary of the Department of Finance (DOF), the Director General
27 of the National Economic and Development Authority (NEDA), the DTI
28 Undersecretary for Investments and Industry Group (IIG), the DTI

1 Undersecretary for International Trade Group (ITG), the DTI Undersecretary
2 for Regional Operations Group (ROG) and three (3) representatives from the
3 private sector.

4 The Secretary of the DTI shall concurrently be the Chairperson of the
5 BOI and the DTI Undersecretary for IIG shall be the concurrent Vice
6 Chairperson and Managing Governor of the BOI. The three (3) representatives
7 from the private sector shall be appointed by the President for a term not
8 exceeding two (2) years: *Provided*, That a governor may be reappointed:
9 *Provided, further*, That a governor shall serve as such until the successor shall
10 have been appointed and qualified.

11 The Managing Governor of the BOI shall be assisted by four (4) career
12 deputy managing governors with the rank of Assistant Secretary, who shall be
13 appointed by the Board, upon the recommendation of the Managing Governor.

14 SEC. 7. *Qualifications of the BOI Board of Governors.* – The
15 governors of the BOI shall be citizens of the Philippines, at least thirty-five
16 (35) years old, with proven probity and integrity, of good moral character and
17 of recognized competence in law, economics, business, marketing, advertising,
18 management or its equivalent.

19 SEC. 8. *Powers and Functions of the Board.* – The Board shall be
20 responsible for industry development, policy formulation, investment
21 promotion and investment facilitation. It shall hold meetings at least once a
22 week for the conduct of business or as often as may be necessary upon the
23 instance of the Chairperson or the Managing Governor. The notice of regular
24 and special meetings shall be given to all the members of the Board and the
25 presence of five (5) members shall constitute a quorum and the affirmative
26 vote of five (5) members in a meeting validly held shall be necessary to
27 exercise its powers and perform its functions which shall include the following:

1 (a) Formulate an evolving National Framework for Investment
2 Promotions (NFIP) and promulgate its rules, regulations and policies that will
3 govern all IPAs;

4 (b) Formulate an evolving National Framework for Industrial
5 Development (NFID) and promulgate its rules, regulations and policies in
6 consultation with the private sector. The NFID shall identify key emerging
7 markets or industries that will substantially enhance the competitiveness of the
8 country which include, among others, research and development, agricultural
9 technology, biomedical devices and systems, renewable energy, logistics and
10 information communications and technologies;

11 (c) Promulgate rules, regulations and policies on the administration of
12 incentives which the IPAs are mandated to implement;

13 (d) Plan and implement industrial programs to hasten economic
14 development including those relating to the implementation of international
15 trade, investment and industry-related environmental agreements and
16 protocols;

17 (e) Determine the criteria for the grant of subsidy on utilities to certain
18 sectors and/or industries and recommend to the President the approval thereof.
19 This shall be carried out and be appropriated in the annual general
20 appropriations or such other sources as may be identified;

21 (f) Prepare the Investments Priorities Plan (IPP) in accordance with
22 Title III, Chapter I of this Act;

23 (g) Formulate rationalization programs for certain industries whose
24 operation may result in dislocation, oversupply or inefficient use of resources
25 that impedes economic growth. In the interest of national development and
26 upon approval of the President, the Board may restrict, either totally or
27 partially, the importation or exportation of any equipment, raw materials,
28 intermediate goods or finished goods;

1 (h) Formulate and negotiate positions for bilateral, multilateral and
2 regional investments and investment-related trade agreements and/or
3 arrangements;

4 (i) Establish the Investment Promotion Action Center (*i*-PAC);

5 (j) Establish and operate regional investment centers in the
6 Philippines, and establish and operate overseas investment offices;

7 (k) Extend assistance to micro and small enterprises in the preparation
8 of feasibility and other pre-investment project studies;

9 (l) Process and approve, deny, suspend, revoke applications for
10 registration, imposing terms and conditions as it may deem necessary to
11 promote the purposes of this Act, including the refund and forfeiture of
12 incentives when appropriate, restricting availment of incentives not needed by
13 the project as determined by the Board, requiring performance bonds from
14 BOI-accredited bonding companies and payment of application, registration,
15 publication and other fees, when warranted;

16 (m) Recommend to the President the suspension of the nationality
17 requirement provided for in this Act in appropriate cases such as those
18 involving bilateral, multilateral or regional investments, or other trading
19 agreements of the Philippines with other countries; or when the existing laws
20 of another country where the investor comes from provides no nationality
21 restrictions for Filipino investors or provides for reciprocal nationality
22 accommodations;

23 (n) In meritorious cases, waive, condone or reduce fines or penalties
24 imposed on registered enterprises: *Provided*, That, in case of reduction, the
25 minimum compromise rate shall not be less than forty percent (40%) of the
26 basic assessed fines or penalties;

27 (o) Enter into agreements with other agencies for the simplification of
28 systems and procedures involved in the promotion of investments, operation of

1 zones and registered enterprises, and other activities necessary for the effective
2 implementation of this Act;

3 (p) Exercise general supervision over the ecozones and freeports
4 according to the principles and provisions set forth in this Act;

5 (q) Establish domestic industrial zones to be approved by the President;

6 (r) Set the general policies on the establishment and operations of
7 domestic industrial zones and determine the qualifications, responsibilities and
8 functions of the Administrator of such domestic industrial zones;

9 (s) Coordinate with the local government units (LGUs) and exercise
10 general supervision over the development plans, activities and operations of
11 domestic industrial zones;

12 (t) Set the policies on the establishment of utilities, other services and
13 infrastructure in the domestic industrial zones such as heat, light, power, water
14 supply, telecommunications, transport, toll roads and bridges, port services and
15 others, and to fix just, reasonable and competitive rates, charges and fees
16 therefor: *Provided*, That the appropriate government regulatory agencies shall
17 regulate the operation and maintenance of utilities such as heat, light, power,
18 water supply, telecommunications, transport, toll roads and bridges, port
19 services and others based inside the domestic industrial zones insofar as such
20 services are rendered outside the domestic industrial zones;

21 (u) Approve the construction, acquisition, ownership and lease through
22 contract, franchise, license, bulk purchase from the private sector and build-
23 operate-transfer scheme or joint venture, or such other scheme as may be
24 determined, adequate facilities and infrastructure such as light and power
25 systems, water supply and distribution systems, telecommunications and
26 transportation, buildings, structures, warehouses, roads, bridges, ports and
27 other facilities for the operation and development of the domestic industrial
28 zones;

1 (v) Gather, consolidate and monitor incentives data and information
2 from all IPAs and other concerned government agencies for submission to the
3 President and Congress;

4 (w) Monitor the implementation of Regional Operating Headquarters,
5 Retail Trade Law, Long-Term Lease and other laws as mandated;

6 (x) Cancel registration or suspend the availment of incentives of a
7 registered enterprise and/or require the refund of incentives, including interests
8 and monetary penalties, when warranted;

9 (y) Mediate controversies and/or disputes involving investors;

10 (z) After due hearing, decide controversies that may arise between
11 BOI-registered enterprises arising from the implementation of this Act. The
12 Board shall have the power to subpoena witnesses, administer oaths and
13 compel the production of books, papers and other evidence, and to cite for
14 contempt any person or organization that fails to comply with the aforestated
15 processes: *Provided*, That the Board may grant immunity from prosecution to
16 any person whose testimony or possession of relevant documents and other
17 evidence is necessary to the case: *Provided, further* That a registered enterprise
18 may file a motion for reconsideration of a decision or final order within fifteen
19 (15) days from notice thereof, with proof of service on the parties affected. No
20 second motion for reconsideration of a decision or final order by the same
21 party shall be entertained;

22 (aa) Implement the investment projects covered by bilateral,
23 multilateral and regional agreements subject to rules and guidelines to be
24 formulated by the Board;

25 (bb) Determine the organizational structure of the BOI; and

26 (cc) Exercise all the powers necessary or incidental to attain the
27 purposes of this Act and other laws vesting additional functions on the Board.

1 SEC. 9. *Powers and Duties of the Managing Governor.* – The
2 Managing Governor shall have the following powers and duties:

3 (a) Preside over the meetings of the Board in the absence of the
4 Chairperson;

5 (b) Prepare the agenda for the meetings of the Board and submit for its
6 consideration and approval the policies and measures which the Chairperson
7 deems necessary and proper to carry out the provisions of this Act;

8 (c) Recommend to the Board such policies and measures as may be
9 deemed necessary to carry out the objectives of this Act;

10 (d) Sit as member of the Board of all IPAs covered under this Code;

11 (e) Assist registered enterprises and prospective investors to have their
12 papers processed with dispatch by all government offices, agencies,
13 instrumentalities and financial institutions;

14 (f) Act as liaison to investors, government, affiliated organizations and
15 other stakeholders;

16 (g) Coordinate the policies, plans and programs of the BOI. As such,
17 to exercise overall supervision and general direction on the operations and
18 affairs of the BOI;

19 (h) Perform the other duties of the Chairperson in the absence of the
20 latter, and such other duties as may be assigned by the Board of Governors;
21 and

22 (i) Generally, exercise such other powers and perform such other
23 duties as may be directed by the Board from time to time.

24 SEC. 10. *The Investment Promotion Action Center (i-PAC).* – There
25 is hereby created an *i-PAC* at the BOI that shall serve as the link to all
26 government agencies to facilitate entry, retention, expansion and
27 diversification of investments. The BOI shall serve as the Coordinator of the
28 *i-PAC*.

1 The *i*-PAC shall be composed of all government agencies involved in
2 the establishment of the operation of business enterprises including, but not
3 limited to, all IPAs, the Securities and Exchange Commission (SEC), the
4 Bureau of Internal Revenue (BIR), the Bureau of Customs (BoC), the Bureau
5 of Immigration (BI), the DTI, the Department of the Interior and Local
6 Government (DILG), the Department of Agriculture (DA), the Department of
7 Environment and Natural Resources (DENR), the Department of Labor and
8 Employment (DOLE), the Department of Foreign Affairs (DFA), the
9 Department of Energy (DOE), the Department of Public Works and Highways
10 (DPWH), the Department of Agrarian Reform (DAR) and such other agencies
11 as may be determined by the Board. The government agencies involved shall
12 designate representatives to the *i*-PAC authorized to act and approve/deny any
13 matter relative to their respective agencies.

14 SEC. 11. *Powers and Functions of the i-PAC.* – The *i*-PAC shall
15 exercise and perform the following powers and functions:

16 (a) Provide advice, guidance, information and procedure on various
17 laws, rules and regulations governing investments and the conduct of business
18 in the Philippines;

19 (b) Ensure that all investment-related requirements are acted upon
20 within ten (10) working days;

21 (c) Recommend the streamlining of existing procedures to ensure that
22 all frontline agencies dealing with the operation of business enterprises shall
23 perform their tasks for identified transactions between the government and the
24 enterprises;

25 (d) Establish an on-line investment facilitation system;

26 (e) Act, in coordination with appropriate government offices or
27 agencies such as the Office of the Ombudsman and the Civil Service
28 Commission (CSC), on complaints filed by any investor or potential investor

1 against any public official or employee or any office, agency or
2 instrumentality, including LGUs and their officials, as well as any
3 government-owned and -controlled corporation (GOCC), in connection with
4 any act or duty required by law to facilitate the entry of local and foreign
5 investments; and

6 (f) Perform such other functions as may be directed by the Board.

7 SEC. 12. *Honoraria and Allowances.* – The Board shall provide
8 for reasonable honoraria and allowances for the i-PAC members and their
9 personnel.

10 CHAPTER III

11 ESTABLISHMENT OF DOMESTIC INDUSTRIAL ZONES

12 SEC. 13. *Criteria for the Establishment of Domestic Industrial Zones.*

13 – The establishment of domestic industrial zones must conform to the
14 following criteria:

15 (a) The proposed area must be identified as a regional growth center in
16 the Medium Term Philippine Development Plan (MTPDP) or by the Regional
17 Development Council (RDC);

18 (b) The existence of required infrastructure in the proposed domestic
19 industrial zones such as roads, railways, telephones, ports, airports and the
20 suitability and capacity of the proposed site to absorb such improvements;

21 (c) The availability of water source and electric power supply for use
22 of domestic industrial zones;

23 (d) The extent of vacant lands available for industrial and commercial
24 development and future expansion of domestic industrial zones as well as of
25 lands adjacent to domestic industrial zones available for the development of
26 residential areas for domestic industrial zone workers;

27 (e) The availability of skilled, semi-skilled and non-skilled trainable
28 labor force in and around the domestic industrial zones;

1. (f) The area must have a significant incremental advantage over the
2 existing economic zones and its potential profitability can be established;

3 (g) The area must be strategically located; and

4 (h) The area must be situated where controls can easily be established
5 to curtail smuggling activities.

6 Other areas which do not meet the foregoing criteria may be established
7 as domestic industrial estates: *Provided*, That the area shall be developed only
8 through local government and/or private sector initiative under any of the
9 schemes allowed in Republic Act No. 6957 or the Build-Operate-Transfer
10 (BOT) law, and without any financial exposure on the part of the national
11 government: *Provided, further*, That the area can be easily secured to curtail
12 smuggling activities: *Provided, finally*, That, after five (5) years, the area must
13 have attained a substantial degree of development, the indicators of which shall
14 be formulated by the Board.

15 TITLE II

16 DEFINITION OF TERMS

17 SEC. 14. *Definition of Terms.* - As used herein, the following shall
18 mean:

19 (a) *BOI* or the *Board* shall refer to the Board of Investments created
20 under this Act.

21 (b) *Investments Promotion Agencies (IPAs)* shall include the BOI, the
22 Philippine Economic Zone Authority (PEZA), the Bases Conversion
23 Development Authority (BCDA), the Subic Bay Metropolitan Authority
24 (SBMA), the Clark Development Corporation (CDC), the John Hay
25 Management Corporation (JHMC), the Poro Point Management Corporation
26 (PPMC) and the Tourism Infrastructure and Enterprise Zone Authority
27 (TIEZA) and all other IPAs that may be created by law.

1 (c) *Registered enterprise* shall refer to any individual, partnership,
2 corporation, Philippine branch of a foreign corporation or other entity
3 incorporated and/or organized and existing under Philippine laws and
4 registered with an IPA, in accordance with this Act: *Provided, however,* That
5 the term "registered enterprise" shall not include any of the following service
6 enterprises such as, but not limited to, those engaged in customs brokerage,
7 trucking/forwarding services, janitorial services, security services, insurance
8 and/or banking and other financial services, consumer cooperatives, credit
9 unions, consultancy services, restaurants or such other services, within the
10 economic zones, as may be determined by the IPA Board, duly accredited
11 and/or licensed by any of the IPAs and whose income derived within the
12 economic zones shall be subject to taxes under the National Internal Revenue
13 Code (NIRC) of 1997, as amended.

14 (d) *Investments Priorities Plan (IPP)* shall refer to the list of industries,
15 services and other economic activities which will be eligible for incentives
16 under this Act, prepared and determined as priority or preferred activities in
17 accordance with Title III, Chapter I of this Act.

18 (e) *New product or service* shall refer to any product or service not
19 locally or not sufficiently manufactured/rendered to meet the demand.

20 (f) *Gross Income Earned* shall refer to gross sales or gross receipts
21 derived from the registered activity less sales returns, discounts and allowances
22 and cost of goods sold/cost of service.

23 (g) *Export sales of goods* shall refer to the sales revenues paid for in
24 freely convertible foreign currency, determined from invoices, bills of lading,
25 inward letters of credit, landing certificates or other commercial documents of
26 the following:

27 (1) The sale and actual shipment of goods from the Philippines to a
28 foreign country by a registered enterprise;

1 (2) Sale of goods to an export enterprise registered in accordance with
2 this Act; to diplomatic missions and to agencies or institutions allowed to
3 import said goods tax- and duty-free; to international shipping or international
4 air transport operations; and to foreign military aircraft or seacraft;

5 (3) Sale to a nonresident buyer for delivery to a resident local export
6 enterprise of capital equipment, raw materials, production supplies, packaging
7 materials and other production requirements needed for the registered activity
8 of the export enterprise; or

9 (4) Sale of goods to a nonresident buyer, except automobiles and
10 nonessential goods, manufactured or processed in the Philippines, for delivery
11 to a resident in the Philippines: *Provided*, That they are paid for in acceptable
12 foreign currency.

13 *Provided*, That, in the case of paragraph 2 above, only sales to an export
14 enterprise of capital equipment, raw materials, production supplies, packaging
15 materials and other production requirements needed for the registered activity
16 of the export enterprise and sales to international sea or air transport operations
17 of goods, equipment, spareparts and supplies, except fuel, to be used in the
18 aircraft or seacraft and capital equipment needed for the shipping or air
19 transport operations, shall be entitled to incentives for export enterprises under
20 this Act.

21 Sales of locally manufactured or assembled goods for household and
22 personal use under the Internal Export Program and similar programs of the
23 government shall be deemed as "export sales".

24 (h) *Export sales of services* shall mean the sales revenues or receipts
25 determined from contracts, invoices, vouchers, official receipts or other
26 commercial documents of the following:

27 (1) Services rendered for clients abroad by registered enterprises;

1 (2) Services rendered for an export enterprise registered in accordance
2 with this Act; to diplomatic missions and to other agencies or institutions with
3 tax- and duty-free privileges; and

4 (3) Services rendered to international airlines or shipping lines, or
5 foreign military aircraft or seacraft, or information and communication
6 technology enterprises, even if rendered locally.

7 *Provided*, That, in the case of paragraph 2 above, only services for an
8 export enterprise performed by subcontractors and/or contractors in the
9 manufacture or processing of goods; other services necessary for the registered
10 activity of an export enterprise; and in the case of paragraph 3, only services
11 for the overhaul, repair and maintenance for international shipping or air
12 transport operations, and foreign military aircraft or seacraft, shall be entitled
13 to incentives for export enterprises under this Act.

14 The foregoing notwithstanding, services rendered locally by registered
15 enterprises that are paid for in freely convertible foreign currency shall be
16 considered as "export sales".

17 (i) *Export enterprise* shall refer to a registered enterprise which is a
18 manufacturer, processor or service provider and whose export sale of its
19 products or services exceeds seventy percent (70%) of its total annual
20 production of the preceding taxable year. The export requirement herein
21 provided may be reduced, but shall not be less than thirty percent (30%), in
22 meritorious cases under such conditions as the Board may determine.

23 (j) *Domestic enterprise* shall refer to a registered enterprise which
24 produces goods for sale or renders services exclusively to the domestic market
25 or does not comply with the minimum export requirement of an export
26 enterprise.

1 (k) *Service enterprise* shall refer to an enterprise engaged or proposing
2 to engage in rendering technical, professional or other services listed in the
3 IPP.

4 A service enterprise that earns more than seventy percent (70%) of its
5 revenues paid for in foreign currency generated from nonresident clients shall
6 be entitled to the incentives provided to an “export enterprise.”

7 (l) *Source documents* shall refer to input materials and documents
8 reasonably needed by the registered enterprise such as, but not limited to,
9 books, directories, magazines, newspapers, brochures, pamphlets, medical
10 records or files, legal records or files, instruction materials, drawings,
11 blueprints or outlines.

12 (m) *Processing* shall mean the conversion of raw materials into
13 marketable form through physical, mechanical, chemical, electrical,
14 biochemical, biological or other means, or by a special treatment or a series of
15 actions such as slaughtering, milling, pasteurizing, drying or desiccating and
16 quick freezing, that results to a change in the nature or state of the products.
17 Processing shall include assembly: *Provided*, That a distinct or new product is
18 formed. Mere packing or packaging shall not constitute processing.

19 (n) *Domestic industrial zone* shall refer to a tract of land subdivided
20 and developed according to a comprehensive plan under a unified continuous
21 management and with provisions for basic infrastructure and utilities, with or
22 without pre-built standard factory buildings and community facilities for the
23 use of a community of industries established under this Act in accordance with
24 the criteria provided in Section 13, Chapter III of the Preliminary Title.

25 (o) *Ecozones* or *Special Economic Zones (SEZ)* shall refer to selected
26 areas with highly developed or which have the potential to be developed into
27 agro-industrial, industrial, supply chain city, information technology,
28 tourist/recreational, commercial, banking, investment and financial centers,

1 retirement and medical zones whose metes and bounds are fixed or delimited
2 by law or presidential proclamations. An ecozone may contain any or all of
3 the following: industrial estates (IEs), export processing zones (EPZs), supply
4 chain cities, information and communications technology (ICT) parks and
5 centers, free trade zones and tourism estates: *Provided, however,* That areas
6 where mining operations are undertaken shall not be declared as ecozones.

7 (p) *Ecozone developer* or *domestic industrial zone developer* shall refer
8 to a business entity duly registered with the PEZA or the BOI, as the case may
9 be, to develop, operate and maintain an ecozone that will put up the required
10 infrastructure facilities and utilities, to include among others, light and power
11 system, water supply and distribution system, sewerage and drainage system,
12 pollution control devices, communication facilities, paved road network,
13 administration building, standard factory buildings and other facilities, as may
14 be required by enterprises registered with the PEZA.

15 (q) *Export processing zone (EPZ)* or *export zone* shall refer to a
16 specialized industrial estate located physically and/or administratively outside
17 the customs territory and predominantly oriented to export production.

18 (r) *Freeport* shall refer to an isolated and policed area adjacent to a
19 port of entry which shall be operated and managed as a separate customs
20 territory to ensure the free flow or movement of goods, except those expressly
21 prohibited by law, within, into and exported out in the freeport zone where
22 imported goods may be unloaded for immediate transshipment or stored,
23 repacked, sorted, mixed or otherwise manipulated without being subject to
24 taxes and duties.

25 (s) *Information and communications technology (ICT) park* or *ICT*
26 *park* shall refer to an area which has been developed into an integrated
27 development complex capable of providing infrastructure and other support
28 facilities required by ICT enterprises, as well as amenities required by

1 professionals and workers involved in ICT enterprises, or easy access to such
2 amenities.

3 (t) *ICT center* shall refer to a building which has been developed by
4 public or private corporate entities to provide infrastructure and other support
5 facilities required by ICT enterprises, as well as amenities required by
6 professionals and workers involved in ICT enterprises, or easy access to such
7 amenities.

8 (u) *Supply chain city* shall refer to a self-contained zone that includes
9 manufacturing facility with hub operations in an economic zone: *Provided*,
10 That the manufacturing facility covers the whole or partial operations, and the
11 hub operations include Business Process Outsourcing (BPO) in support of the
12 manufacturing activity of the registered enterprise: *Provided, further*, That the
13 BPO activities cover finance and accounting, high-end processes such as
14 marketing, client or buyer-manufacturer relationship, procurement of materials,
15 logistics management and other related activities of a borderless global
16 manufacturing setup.

17 (v) *Capital equipment* shall refer to machinery, equipment, major
18 components thereof, spareparts, accessories, tools, devices, apparatus, fixtures,
19 fittings and accompaniments which are directly and/or reasonably needed in
20 the registered activity of the enterprise and those required for pollution
21 abatement and control, cleaner production and water reduction/conservation.

22 (w) *Less developed area (LDA)* shall refer to an area that is included in
23 the list prepared by the BOI, after consultation with appropriate government
24 agencies. Such listing shall take into consideration the following criteria: low
25 *per capita* gross domestic product, low level of investments, high rate of
26 unemployment and/or underemployment and low level of infrastructure
27 development, including its accessibility to developed urban centers.

1 TITLE III

2 INVESTMENTS WITH INCENTIVES

3 CHAPTER I

4 QUALIFIED ACTIVITIES

5 SEC. 15. *Investments Priorities Plan (IPP)*. – The BOI, upon
6 consultation with the Office of the President, concerned IPAs and appropriate
7 government agencies and the private sector, shall formulate a focused IPP to
8 be submitted to the President for approval and which shall be valid for a period
9 of three (3) years.

10 In the listing of activities to be undertaken under the IPP, the following
11 shall be complied with:

12 (a) The activity shall be covered by the current MTPDP and Medium
13 Term Philippine Investment Plan (MTPIP) or its equivalent;

14 (b) The activity shall satisfy the following conditions:

15 (1) Substantial amount of investments;

16 (2) Considerable generation of employment;

17 (3) Use of modern or new technology; or

18 (4) Installation of adequate environmental protection systems:

19 *Provided*, That items (b)(1) and (b)(4) above shall be required in all activities,
20 and the threshold amount of investments and employment generation required
21 for a specific activity shall be subject to a periodic review, taking into
22 consideration international standards and other indicators: *Provided, further*,
23 That the Plan shall be reviewed every three (3) years; and

24 (c) The activity must comply with the specific qualification
25 requirements and conditions for a particular sector or industry, as set by the
26 appropriate government agency and such other conditions as may be
27 determined.

1 SEC. 16. *Amendments.* – Subject to publication requirements and the
2 criteria for investment priority determination, the Board may, at any time,
3 include additional areas in the IPP, alter any of the terms of the declaration of
4 an investment area and temporarily or permanently suspend activities on the
5 IPP if it considers that such activity is no longer a priority. In no case,
6 however, shall any amendment of the IPP impair the incentives conferred on a
7 registered enterprise. The Board shall not accept applications in an area of
8 investment prior to the approval of the same as a preferred area or after
9 approval of its deletion as a preferred area of investment in the IPP.

10 SEC. 17. *Publication.* – Upon approval of the IPP, in whole or in
11 part, or upon approval of an amendment thereof, the IPP or the amendment,
12 specifying and declaring the areas of investment, shall be published in at least
13 one (1) newspaper of general circulation and all such areas shall be open for
14 application until publication of an amendment or deletion thereof.

15 SEC. 18. *Strategic Projects.* – The President, upon the
16 recommendation of the Board, may allow the registration of a strategic project
17 that may not be listed in the IPP, but will locate in the country as a result of
18 stiff competition with other countries.

19 A strategic project is a project that exhibits high social economic returns
20 and requires large investments that will significantly contribute to the country's
21 economic development. In the exercise of this authority, any three (3) of the
22 following criteria shall be taken into account:

- 23 (a) Large capital investments;
24 (b) Generate sizeable employment;
25 (c) Use of new and internationally accepted high level of technology;

26 and

- 27 (d) Create value-added.

1 Notwithstanding the preceding paragraphs of this section or any law to
2 the contrary, a project which shall lead to significant improvements in
3 productivity and value-added and that will (a) produce or manufacture new,
4 emerging and technologically advanced product; or (b) involve breakthrough
5 process innovation; or (c) involve new and innovative service; and projects
6 under the flagship program of the government such as projects under the
7 Public-Private Partnership (PPP) program shall also be deemed as "strategic
8 project".

9 CHAPTER II

10 INCENTIVES TO REGISTERED ENTERPRISES

11 SEC. 19. *General Incentives Provision.* -- The incentives provided in
12 this Act may be availed of by the registered enterprise to the extent of their
13 registered activity upon election at the time of application for registration:
14 *Provided,* That such election, once made, shall be final: *Provided, further,*
15 That the reckoning period for availment of incentives shall be at the start of
16 commercial operation.

17 SEC. 20. *Incentives to Registered Export Enterprises.* -- Registered
18 export enterprises shall have the following incentives:

19 (a) Income Tax-Based Incentive Options for Registered Export
20 Enterprises Located Inside or Outside Ecozones or Freeports. --

21 (1) Income Tax Holiday (ITH) for a period of six (6) years and
22 thereafter, five percent (5%) tax on Gross Income Earned (GIE), in lieu of all
23 national and local taxes except Real Property Tax (RPT) on land owned by
24 private developers, for a period of nineteen (19) years; or

25 (2) Five percent (5%) tax on GIE, in lieu of all national and local taxes
26 except RPT on land owned by private developers, for a period of twenty-five
27 (25) years; or

1 (3) Fifty percent (50%) reduction from Corporate Income Tax (CIT)
2 for a period of twenty-five (25) years.

3 The registered export enterprise shall avail one hundred percent (100%)
4 of any of these income-tax based incentives: *Provided*, That the seventy
5 percent (70%) export requirement is reached: *Provided, further*, That failure
6 to meet the seventy percent (70%) threshold, the registered export enterprise
7 may only be entitled thereto to the extent of the export sales generated:
8 *Provided*, That it is not less than thirty percent (30%); otherwise, all of its
9 income shall be subject to the relevant internal revenue taxes under the NIRC
10 of 1997, as amended: *Provided, finally*, That the registered export enterprise
11 shall pay taxes and duties on importation of raw materials used for domestic
12 sales;

13 (b) Value-added Tax (VAT) and Customs Duty Treatment on
14 Importation of Capital Equipment and Raw Materials. –

15 (1) Located Inside Economic and/or Freeport Zones:

16 (i) Exemption from VAT and customs duty on the importation of
17 capital equipment, including consignment thereof, subject to Section 32 of this
18 Act; and

19 (ii) Exemption from VAT and customs duty on the importation of raw
20 materials, supplies, spareparts and semi-finished products used exclusively by
21 the registered export enterprise in its registered activity;

22 (2) Located Outside Economic and/or Freeport Zones:

23 (i) Exemption from VAT and customs duty on the importation of
24 capital equipment, including consignment thereof, subject to Section 32 of this
25 Act;

26 (ii) Exemption from VAT and customs duty on the importation of raw
27 materials, supplies, spareparts and semi-finished products used exclusively by
28 the registered export enterprise in its registered activity: *Provided*, That such

1 registered export enterprise is operating a Customs Bonded Manufacturing
2 Warehouse (CBMW) or is an accredited user of a Customs Common Bonded
3 Manufacturing Warehouse (CCBMW); and

4 (iii) Refund of VAT and customs duty on the importation of raw
5 materials, supplies, spareparts and semi-finished products used exclusively by
6 the registered export enterprise in its registered activity if the registered export
7 enterprise is not operating a CBMW or is not an accredited user of a CCBMW;

8 (c) Tax- and Duty-Free Importation of Source Documents. – The
9 importation of source documents by registered export enterprises shall be
10 eligible for VAT and customs duty exemption. The tax incentive may be
11 granted to the registered export enterprise for a period of ten (10) years;

12 (d) Zero Percent (0%) Rate of VAT on the Sale by a Domestic
13 Enterprise to a Registered Export Enterprise. – The provisions of law to the
14 contrary notwithstanding, the sale by a domestic enterprise of goods and/or
15 services to a registered export enterprise, regardless of the latter's location and
16 whether enjoying the ITH, the Reduced Income Tax or the five percent (5%)
17 tax on GIE shall be subject to zero percent (0%) VAT rate: *Provided*, That
18 such goods and/or services are required by registered export enterprise's
19 activity;

20 (e) Exemption from Wharfage Dues. – The provisions of law to the
21 contrary notwithstanding, exports by a registered export enterprise shall be
22 exempted from wharfage dues and export taxes.

23 (f) Employment of Foreign Nationals. – Subject to the provisions
24 of Commonwealth Act No. 613, as amended, a registered export enterprise
25 may employ foreign nationals in managerial, technical or advisory positions.

26 Foreign nationals under employment contract within the purview of this
27 incentive, their spouses and unmarried children under twenty-one (21) years of
28 age, who are not excluded by Section 29 of Commonwealth Act No. 613, as

1 amended, shall be permitted to enter and reside in the Philippines during the
2 period of employment of such foreign nationals.

3 Notwithstanding any provision of the law to the contrary, foreign
4 nationals, subject to the following conditions, may be allowed the practice of
5 profession inside an ecozone:

6 (1) The foreign national shall secure the required permit from the
7 Professional Regulatory Commission (PRC) to practice his profession;

8 (2) The law of the country of that foreign national allows genuine
9 reciprocity for Filipinos to practice their profession thereto;

10 (3) There is no competent, able and willing Filipino at the time of
11 application to perform the profession for which the foreign national is desired;

12 (4) The foreign national shall train two (2) Filipino understudies;

13 (5) The ratio of foreign nationals *vis-a-vis* Filipinos practicing the same
14 profession in a registered enterprise shall not exceed 1:5 and shall not in any
15 case exceed five percent (5%) of the total workforce of the said registered
16 enterprise;

17 (6) The foreign national meets the conditions set forth under Section
18 28(b), (c) and (d) of this Act; and

19 (7) The practice of profession of the foreign national in the Philippines
20 shall not exceed a total of five (5) years extendible for a limited period as
21 determined by the Board.

22 *SEC. 21. Tax Treatment and Other Incentives for Registered*
23 *Enterprises in Ecozones and Freeport Zones. – In addition to the applicable*
24 *incentives provided under the preceding section on export incentives,*
25 *registered enterprises locating in the SEZ and freeport zones shall be entitled*
26 *to the following incentives:*

1 (a) Tax Treatment of Merchandise in Ecozones or Freeports. –

2 (1) Except as otherwise provided in this Act, foreign and domestic
3 merchandise, raw materials, supplies, articles, equipment, machineries,
4 spareparts and wares of every description, except those prohibited by law,
5 brought into the ecozones or freeports to be sold, stored, broken up, repacked,
6 assembled, installed, sorted, cleaned, graded or otherwise processed,
7 manufactured, mixed with foreign or domestic merchandise whether directly or
8 indirectly related in such activity, shall not be subject to customs and internal
9 revenue laws and regulations nor to local tax ordinances, the provisions of law
10 to the contrary notwithstanding.

11 (2) Merchandise purchased by a registered enterprise located in the
12 ecozones or freeports from the customs territory, and subsequently brought
13 into the ecozones or freeports, shall be considered as export sales and
14 exportation thereof shall be entitled to the benefits allowed by law for such
15 transaction.

16 (3) Merchandise sent from the ecozones or freeports to the customs
17 territory shall, whether or not combined with or made part of other articles
18 likewise of local origin or manufactured in the Philippines while in the
19 ecozones or freeports, be subject to internal revenue and customs laws of the
20 Philippines as domestic goods sold, transferred or disposed of for local
21 consumption. If the finished goods have imported components, the duties shall
22 be based on the value of said imported materials, except when the final product
23 is exempt.

24 (4) Qualified merchandise or articles manufactured by registered
25 ecozone or freeport locators, which are made available for sale in the domestic
26 market shall be imposed the applicable ASEAN Common Effective
27 Preferential Tariff (CEPT) rate, if qualified, or applicable tariff rates under
28 bilateral or regional trade agreements, if qualified, or Most Favoured Nation

1 (MFN) rate on imported raw materials and MFN rates on non-qualified raw
2 materials used in the manufacture of the qualified merchandise or articles. In
3 case of bilateral agreements, the applicable rate shall be the agreed rate.

4 (5) Domestic merchandise on which all internal revenue taxes have
5 been paid, if subject thereto, and foreign merchandise previously imported on
6 which duty or tax has been paid, or which have been admitted free of duty and
7 tax, may be taken into the ecozones or freeports from the customs territory of
8 the Philippines and be brought back thereto free of quotas, duty or tax.

9 (6) Subject to such regulations respecting identity and safeguarding of
10 the revenue as the concerned IPA may deem necessary when the identity of an
11 article entered into the ecozones or freeports under the immediately preceding
12 paragraph has been lost, such article when removed from the ecozones or
13 freeports and taken to the customs territory shall be treated as foreign
14 merchandise entering the country for the first time, under the provisions of the
15 Tariff and Customs Code of the Philippines, as amended.

16 (7) Articles produced or manufactured in the ecozones or freeports and
17 exported therefrom shall, on subsequent importation into the customs territory,
18 be subject to the import laws applicable to like articles manufactured in a
19 foreign country.

20 (8) Articles regulated by law for sale to the domestic market shall only
21 be allowed to be used or consumed within the ecozones or freeports.

22 (9) Unless the contrary is shown, merchandise taken out of the
23 ecozones or freeports shall be considered, for tax purposes, to have been sent
24 to customs territory.

25 Special economic zones declared by presidential proclamations or
26 created by law may avail of the incentives provided herein as conferred by the
27 appropriate IPA subject to such terms and conditions as may be provided by
28 law.

1 (b) Tax Treatment of Services in the Ecozones or Freeports. –

2 (1) Sale of service by an entity from the customs territory to a
3 registered ecozone or freeport enterprise or by a registered ecozone or freeport
4 enterprise to another ecozone or freeport enterprise shall be treated as indirect
5 export and, hence, shall not be subjected to internal revenue taxes for such
6 transaction.

7 (2) Sale of service by a registered ecozone or freeport enterprise to the
8 customs territory shall be subject to the applicable internal revenue laws and
9 regulations.

10 SEC. 22. *Incentives for Registered Domestic Enterprises.* –

11 Registered domestic enterprises shall be qualified to the following incentives to
12 the extent of their registered activity:

13 (a) Income Tax-Based Incentive Options. –

14 (1) ITH for a period of four (4) years; then ten percent (10%) CIT rate
15 for ten (10) years if located in 1st to 3rd class municipalities; and twelve (12)
16 years if located in 4th to 6th class municipalities; or

17 (2) Fifty percent (50%) reduction from CIT for a period of fifteen (15)
18 years.

19 (b) VAT and Customs Duty Treatment on Importation of Capital
20 Equipment. –

21 (1) Exemption from customs duty on importation of capital equipment,
22 including consignment thereof, subject to Section 32 of this Act; and

23 (2) Refund of VAT on importation of capital equipment.

24 (c) Preferential Access to Financing and Acceptable Form of
25 Collaterals. – Registered Small and Medium Enterprises (SMEs) shall be
26 accorded access to financing from government financial institutions at
27 preferential rates below the market rates. Further, capital goods acquired from

1 loans secured from government financial institutions shall be an acceptable
2 form of collateral for the same loan.

3 (d) Assistance in the Preparation of Project Study. – Registered SMEs
4 may be provided assistance in the preparation of project study for purposes of
5 registration under this Act.

6 (e) Employment of Foreign Nationals. – Subject to the provisions of
7 Section 24 of Commonwealth Act No. 613, as amended, a registered domestic
8 “strategic” enterprise may employ foreign nationals in managerial, technical or
9 advisory positions.-

10 Foreign nationals under employment contract within the purview of this
11 incentive, their spouses and unmarried children under twenty-one (21) years of
12 age, who are not excluded by Section 29 of Commonwealth Act No. 613, as
13 amended, shall be permitted to enter and reside in the Philippines during the
14 period of employment of such foreign nationals.

15 SEC. 23. *Incentives for Domestic “Strategic” Enterprises.* –

16 Registered domestic enterprises engaged in strategic projects, as defined under
17 Section 18 of this Act, may avail of the following incentives, whenever
18 applicable, to the extent of their registered activity:

19 (a) ITH for a period of eight (8) years. Thereafter, fifty percent (50%)
20 reduction from CIT for a period of seventeen (17) years.

21 (b) VAT and Customs Duty Treatment on Importation of Capital
22 Equipment. –

23 (1) Exemption from customs duty on importation of capital equipment,
24 including consignment thereof, subject to Section 32 of this Act; and

25 (2) Refund of VAT on importation of capital equipment.

26 Notwithstanding subsection (a) above, the President, upon the
27 recommendation of the Board, may grant to highly strategic projects ITH for a
28 period up to fifteen (15) years and, thereafter, five percent (5%) tax on GIE, in

1 lieu of all national and local taxes except RPT on land owned by private
2 developers and such other incentives as may be determined: *Provided*, That
3 such projects meet all the following criteria:

4 (i) Large capital investments of at least Two billion US Dollars
5 (US\$2 Billion);

6 (ii) Generate sizeable employment of at least ten thousand (10,000)
7 direct employees;

8 (iii) Use of new and internationally accepted high level of technology;
9 and

10 (iv) Create value-added.

11 The amount of capital investment and employment generation shall be
12 reviewed every five (5) years. In no case shall the requirements prescribed
13 above be reduced.

14 SEC. 24. *Incentives for Registered Domestic Enterprises in Mindanao*
15 *and in the Thirty (30) Poorest Provinces Outside of Mindanao or Less*
16 *Developed Areas (LDAs).* – Registered domestic enterprises located in
17 Mindanao, the thirty (30) poorest provinces outside of Mindanao and LDAs,
18 shall have the following incentives:

19 (a) Income Tax-Based Incentive Options. –

20 (1) ITH for a period of six (6) years; then ten percent (10%) CIT rate
21 for nineteen (19) years; or

22 (2) Five percent (5%) tax on GIE, in lieu of all national and local taxes
23 except RPT on land owned by private developers, for a period of twenty-five
24 (25) years.

25 (b) VAT and Customs Duty Treatment on Importation of Capital
26 Equipment. –

27 (1) Exemption from customs duty on importation of capital equipment,
28 including consignment thereof, subject to Section 32 of this Act; and

1 (2) Refund of VAT on importation of capital equipment.

2 (c) Special Realty Tax Rate on Equipment and Machinery. – Realty
3 tax rate on civil works, equipment, machinery and other improvements by a
4 registered enterprise actually and exclusively used shall not exceed one and a
5 half percent (1.5%) of their original cost less accumulated normal depreciation
6 or net book value.

7 SEC. 25. *Incentives for Private Ecozone and Domestic Industrial Zone*
8 *Developers.* – Private ecozone and domestic industrial zone developers may
9 avail of the incentives provided in Section 22 of this Act.

10 SEC. 26. *Incentives for Registered Enterprises in Supply Chain Cities.*
11 – Registered enterprises located in the supply chain cities shall be granted
12 incentives provided under Sections 20 and 21 hereof. A registered enterprise
13 under the supply chain city engaged in manufacturing may subcontract a
14 portion of its manufacturing processes to its affiliated entities outside the
15 Philippines. Moreover, a registered enterprise may book sales in the
16 Philippines which sales include others undertaken partially outside the
17 Philippines by its affiliated entities.

18 SEC. 27. *Non-fiscal Incentives.* – Registered enterprises shall be
19 entitled to the following non-fiscal incentives:

20 (a) Time-bound Processing of Requirement for Doing Business. – All
21 application for permits, licenses, authorization and other requirements
22 necessary for doing business, including application for renewals thereof, shall
23 be acted upon by the government agency concerned within ten (10) working
24 days from official acceptance thereof; otherwise, the same shall be considered
25 automatically approved. For this purpose, all government agencies shall be
26 mandated to post in their respective offices, the procedural process,
27 documentation requirements and the imposable fees to be paid to facilitate the
28 processing of the application.

1 (b) Simplification of Customs and Internal Revenue Procedures. –
2 Customs procedures for the importation of equipment, spareparts, raw
3 materials and supplies, and exports of processed products by registered
4 enterprises shall be simplified by the BOC.

5 The BIR shall simplify internal revenue procedures for the availment of
6 incentives provided herein for registered enterprises.

7 (c) Reduction and Harmonization of Documentary Requirements
8 Submitted to Government Agencies. – The Board shall formulate guidelines
9 for the reduction and harmonization of related documentary requirements
10 submitted to government agencies.

11 (d) Employment of Foreign Nationals. – Subject to the provisions of
12 Section 25 of Commonwealth Act No. 613, as amended, a registered domestic
13 “strategic” enterprise may employ foreign nationals in managerial, technical or
14 advisory positions.

15 Foreign nationals under employment, contract within the purview of this
16 incentive, their spouses and unmarried children under twenty-one (21) years of
17 age, who are not excluded by Section 29 of Commonwealth Act No. 613, as
18 amended, shall be permitted to enter and reside in the Philippines during the
19 period of employment of such foreign nationals.

20 SEC. 28. *Entitlement to Investor’s Visa by a Foreign National.* – A
21 foreign national who invests an amount of at least One hundred fifty thousand
22 US Dollars (US\$150,000), either in cash and/or equipment, in a registered
23 enterprise shall be entitled to an Investor’s Visa: *Provided, That:*

24 (a) He is at least eighteen (18) years of age;

25 (b) He has not been convicted of a crime involving moral turpitude;

26 (c) He is not afflicted with any loathsome, dangerous or contagious
27 disease; and

1 (d) He has not been institutionalized for any mental disorder or
2 disability:

3 *Provided, further,* That, as a holder of the Investor's Visa, an alien shall
4 be entitled to reside in the Philippines while his investment subsists. For this
5 purpose, he should submit an annual report, in the form duly prescribed for the
6 purpose, to prove that he has maintained his investments in the country.
7 Should said alien withdraw his investments from the Philippines, then the
8 Investor's Visa issued to him shall automatically expire.

9 The minimum amount for investment provided for under this Act shall
10 be made applicable to visas granted to investors by the BOI, the PEZA, the
11 SBMA, the CDC, the JHMC, the PPMC and other IPAs that may be created
12 under the law.

13 The investment amount heretofore stated shall be subject to a periodic
14 review every three (3) years by the BOI.

15 CHAPTER III

16 AVAILMENT OF INCENTIVES

17 *SEC. 29. Income Tax-Based Incentives.* -- On availing the income tax-
18 based incentives, the BIR shall require a registered enterprise to secure a
19 Certificate of Eligibility from the appropriate IPA and attach the same to its
20 Income Tax Return (ITR) or Annual Information Return (AIR), whichever is
21 applicable. Thereafter, the registered enterprise shall file its claim with the
22 appropriate IPA for validation. The IPA shall endorse the result of its
23 validation to the BIR after one (1) year from the filing of a claim for ITH by
24 the registered enterprise.

25 Failure to secure and attach the certification to the ITR or AIR, and/or
26 file the ITH availment for validation by the appropriate IPA, shall cause the
27 forfeiture of the ITH availment for the taxable period.

1 Within six (6) months from the effectivity of this Act, the BIR shall
2 review its regulations on the computation of GIE to ensure that only direct
3 costs, or cost of goods sold and/or services rendered, shall be deductible from
4 gross revenues, and recommend stricter rules to the Secretary of Finance if
5 warranted.

6 SEC. 30. *Fifty Percent (50%) Reduction from Corporate Income Tax.*

7 – In computing the net taxable income for this incentive, the enterprise may
8 be entitled to deduct the following expenses, in addition to ordinary and
9 necessary business expenses allowed under the NIRC of 1997, as amended:

10 (a) **Enhanced Net Operating Loss Carry-over (NOLCO).** – The net
11 operating loss of the registered activity during the first five (5) years from the
12 start of commercial operation which had not been previously offset as
13 deduction from gross income may be carried over as deduction from gross
14 income for the next five (5) consecutive taxable years immediately following
15 the year of such loss.

16 (b) **Accelerated Depreciation.** – Plant, machinery and equipment that
17 are reasonably needed and actually used for the production and transport of
18 goods and services may be depreciated using a rate not exceeding twice the
19 rate which would have been used had the annual allowance been computed in
20 accordance with the rules and regulations prescribed by the Secretary of
21 Finance and the provisions of the NIRC of 1997, as amended.

22 (c) **Double Deduction for Training Expenses.** – Expenses incurred for
23 local training given to employees for the development of skills, identified as
24 necessary by the appropriate government agencies and approved by the
25 concerned IPA, may be claimed as deduction from gross income to the extent
26 of two hundred percent (200%) of the actual amount of expenses incurred:
27 *Provided,* That the training expenses shall be deductible on the taxable year the
28 said training expenses were incurred: *Provided, further,* That the concerned

1 IPA shall issue the corresponding certificate of entitlement for its incentive
2 upon filing of an application; otherwise, the training incentive shall be deemed
3 waived.

4 (d) Double Deduction for Research and Development. – Expenses
5 incurred for research and development conducted in the Philippines relating to
6 the business shall entitle the registered enterprise to a special deduction from
7 taxable income equivalent to two hundred percent (200%) of the total expenses
8 over and above the allowable ordinary and business deductions for said
9 expenses under the NIRC of 1997, as amended: *Provided*, That the expenses
10 for research and development shall be deductible from gross income on the
11 taxable year the said research and development expenses were incurred:
12 *Provided, further*, That the concerned IPA shall issue the corresponding
13 certificate of entitlement for this incentive upon filing of an application;
14 otherwise, the research and development incentive shall be deemed waived.

15 SEC. 31. *Five Percent (5%) Tax on Gross Income Earned (GIE)*. – In
16 computing the five percent (5%) tax on GIE, the GIE shall refer to gross sales
17 or gross revenues derived from the business activity, net of sales discounts,
18 sales returns and allowances and minus the cost of goods sold/cost of services
19 or direct costs, but before any deduction is made for administrative, marketing,
20 selling expenses or incidental losses during a given taxable period.

21 The five percent (5%) tax on GIE shall be paid and remitted by
22 registered enterprises located inside the ecozone or freeport in accordance with
23 the existing sharing allocations provided in the IPAs' respective charters. For
24 registered enterprises located outside the ecozones or freeports, the tax on GIE
25 shall be paid and remitted as follows:

26 (a) Two percent (2%) to the national government;

27 (b) Two percent (2%) to the province where the project is located; and

1 (c) One percent (1%) to the city or municipality where the project is
2 located.

3 SEC. 32. *VAT and Customs Duties Exemption on Capital Equipment.*

4 – The importation of capital equipment, including consignment thereof, by
5 registered enterprises may be exempted to the extent of one hundred percent
6 (100%) of the VAT and customs duties: *Provided*, That the following
7 conditions are complied with:

8 (a) The capital equipment is directly and/or reasonably needed and will
9 be used exclusively in the registered activity of the registered enterprise unless
10 prior approval of the IPA is secured for the part-time utilization of the said
11 equipment in a non-registered activity to maximize usage thereof or the
12 proportionate taxes and duties are paid on a specific equipment and machinery
13 being permanently used for non-registered activities that are not manufactured
14 domestically in sufficient quantity, of comparable quality and at reasonable
15 prices; and

16 (b) The approval of the IPA was obtained by the registered enterprise
17 for the importation of such machinery, equipment and spareparts.

18 Approval of the IPA must be secured before any sale, transfer or
19 disposition of the imported capital equipment is made: *Provided*, That, if such
20 sale, transfer or disposition is made within the first five (5) years from the date
21 of importation, any of the following conditions must be present:

22 (1) If made to another enterprise enjoying tax and duty exemption on
23 imported capital equipment;

24 (2) If made to another enterprise, upon payment of any taxes and duties
25 due on the net book value of the capital equipment to be sold;

26 (3) Exportation of capital equipment, machinery, spareparts or source
27 documents, or those required for pollution abatement and control; or

28 (4) For reasons of proven technical obsolescence.

1 When the aforementioned sale, transfer or disposition is made under any
2 *of the conditions provided for in the foregoing paragraphs other than paragraph*
3 *(ii), the registered export enterprise shall not pay the taxes and duties waived*
4 *on such items: Provided, further, That, if the registered enterprise sells,*
5 *transfers or disposes the aforementioned imported items without prior approval*
6 *within five (5) years from the date of importation, the registered enterprise and*
7 *the vendee, transferee or assignee shall be solidarily liable to pay twice the*
8 *amount of the tax and duty exemption given it: Provided, finally, That even if*
9 *the sale, transfer or disposition of the capital equipment is approved after five*
10 *(5) years from the date of importation, the registered enterprise is still liable to*
11 *pay the taxes and duties based on the net book value of the capital equipment if*
12 *it has violated any of its registration terms and conditions; otherwise, it shall no*
13 *longer be subject to the payment of the taxes and duties waived thereon.*

14. SEC. 33. *VAT Refund Mechanism on the Importation of Capital*
15 *Equipment and/or Raw Materials.* – The VAT paid on imported capital
16 equipment and/or raw materials may be refunded: *Provided, That the imported*
17 *items are used exclusively by the registered enterprise pursuant to its registered*
18 *activity.*

19 In order to facilitate the immediate processing, clearance and release of
20 VAT refund as provided in this Act, a Trust Liability Account (TLA) is hereby
21 authorized to be established in the Bureau of Treasury (BTr). All VAT
22 payments pertaining to the importation of registered enterprises of capital
23 equipment and/or raw materials shall be deposited in the TLA for the purpose
24 of funding valid VAT refund claims. The claims for VAT refund shall be
25 made by the registered enterprise to the DOF – One-Stop Shop (DOF-OSS)
26 Tax Credit and Duty Drawback Center which, in turn, will process, approve
27 and release the VAT refund.

1 A registered enterprise shall file a claim for VAT refund within one (1)
2 year from the date of actual exportation. All amounts paid but no longer
3 allowed for refund shall immediately accrue to the general fund of the national
4 government.

5 All applications for VAT refund shall be processed and acted upon
6 within thirty (30) days after the submission of complete documents. The
7 refund shall be in a form of cash or manager's/cashier's check payable to the
8 registered export enterprise.

9 In case of dispute under the VAT refund mechanism provided in this
10 section, pertinent provisions of the NIRC of 1997, as amended, and the Tariff
11 and Customs Code of the Philippines, as amended, shall apply.

12 CHAPTER IV

13 REGISTRATION OF ENTERPRISES

14 SEC. 34. *Qualifications of a Registered Enterprise.* – To qualify for
15 registration and be entitled to avail of incentives, an applicant must satisfy the
16 following conditions:

17 (a) *He is a citizen of the Philippines.* In case the applicant is a natural
18 person, or in case of a corporation or partnership or any other association,
19 regardless of nationality, it must be organized and/or registered and existing
20 under Philippine laws, and that it must comply with all the qualifications
21 provided under this Act: *Provided, however,* That, for purposes of this Act
22 and any law to the contrary notwithstanding, a natural-born ASEAN citizen or
23 a corporation effectively controlled by ASEAN citizens, or a corporation
24 organized in any ASEAN country shall be considered as a Philippine investor:
25 *Provided, further,* That the investment is made in an activity where the
26 Constitution does not specifically require Filipino participation;

1 (b) The activity it will engage in is not within the activities reserved by
2 the Constitution to Philippine citizens or corporations owned and controlled by
3 Philippine citizens;

4 (c) It will engage in an activity included in the IPP or in an export
5 activity or in an activity located in supply chain cities, thirty (30) poorest
6 provinces or LDAs or in an activity considered as “strategic project”;

7 (d) It will infuse new investments. For this purpose, “new investments”
8 shall mean a new enterprise infusing new investments and undertaking new
9 activity. However, an enterprise with an existing operation may be qualified
10 for registration if it will undertake new activity. Further, an existing enterprise
11 undertaking the same activity that shall infuse additional investments of at least
12 fifty percent (50%) of its present actual investments shall be deemed to be
13 “new investments” but only to the extent of such additional investments; and

14 (e) If the applicant is engaged or proposes to engage in undertakings or
15 activities other than the registered projects, it shall install adequate accounting
16 system that shall identify the investments, revenues, costs and profits or losses
17 of each registered project undertaken by the enterprise separately from the
18 aggregate investments, revenues, costs and profits or losses of the whole
19 enterprise, or establish a separate corporation for each registered project if the
20 IPAs should so require, to facilitate the proper implementation of this Act.

21 CHAPTER V

22 BASIC RIGHTS AND GUARANTEES OF REGISTERED ENTERPRISES

23 SEC. 35. *Protection of Investments.* – All investors and registered
24 enterprises are entitled to the basic rights and guarantees provided in the
25 Constitution. Among other rights recognized by the Government of the
26 Philippines (GOP) are the following:

27 (a) *Repatriation of Investments.* – In the case of foreign investments,
28 the right to repatriate the entire proceeds of the liquidation of the investment in

1 the currency in which the investment was originally made and at the exchange
2 rate prevailing at the time of repatriation, subject to the provisions of Section
3 74 of Republic Act No. 265, otherwise known as the "Central Bank Act", as
4 amended.

5 For investments made pursuant to Executive Order No. 32, series of
6 1986, entitled: "Directing the Establishment of a Program for the Conversion
7 of Philippine External Debt into Equity Investments", and its implementing
8 rules and regulations, the repatriation of investments shall be as provided
9 therein;

10 (b) Remittance of Earnings. – In the case of foreign investments, the
11 right to remit earnings from the investment in the currency in which the
12 investment was originally made and at the exchange rate prevailing at the time
13 of remittance, subject to the provisions of Section 74 of Republic Act No. 265,
14 as amended. For investments made pursuant to Executive Order No. 32, series
15 of 1986, and its implementing rules and regulations, the remittance of earnings
16 shall be as provided therein;

17 (c) Foreign Loans and Contracts. – The right to remit at the prevailing
18 rate at the time of remittance such sums as may be necessary to meet the
19 payments of interest and principal on foreign loans and foreign obligations
20 arising from technological assistance contracts at the exchange rate prevailing
21 at the time of remittance, subject to the provisions of Section 74 of Republic
22 Act No. 265, as amended;

23 (d) Freedom from Expropriation. – There shall be no expropriation by
24 the government of the property represented by investments or of the property
25 of the enterprise except for public use, public interest, lawful purpose, or in the
26 interest of national welfare or defense and upon payment of just compensation.
27 In such cases, foreign investors or enterprises shall have the right to remit sums
28 received as compensation for the expropriated property in the currency in

1 which the investment was originally made and at the exchange rate at the time
2 of remittance, subject to the provisions of Section 74 of Republic Act No. 265,
3 as amended; and

4 (e) Requisition of Investment. – There shall be no requisition of the
5 property represented by the investment or of the property of enterprises, except
6 in the event of war or national emergency and only for the duration thereof.
7 Just compensation shall be determined and paid either at the time of requisition
8 or immediately after cessation of the state of war or national emergency.
9 Payments received as compensation for the requisitioned property may be
10 remitted in the currency in which the investment was originally made and at the
11 exchange rate prevailing at the time of remittance, subject to the provisions of
12 Section 74 of Republic Act No. 265, as amended.

13 CHAPTER VI

14 ADMINISTRATION OF INCENTIVES

15 SEC. 36. *Application for Registration.* – Applications shall be filed
16 with an IPA or any other government office authorized by the BOI to accept
17 applications, recorded in a registration book and the date appearing therein and
18 stamped on the application shall be considered the date of official acceptance.

19 All applications and their supporting documents filed under this Act
20 shall be confidential and shall not be disclosed to any person except with the
21 consent of the applicant or upon an order of a court of competent jurisdiction.

22 SEC. 37. *No Double Registration of Enterprises.* – Export or domestic
23 enterprises shall not be allowed to register their export or domestic activity in
24 more than one (1) IPA. In the event that an enterprise shall transfer to another
25 IPA, only the remaining unutilized incentives shall be granted to the enterprise
26 or the transferee.

1 SEC. 38. *Criteria for Evaluation of Application.* – The following
2 criteria shall be considered in the evaluation of applications for registration
3 under a preferred area:

- 4 (a) Impact of the project on the overall economy;
5 (b) Overall viability of the project;
6 (c) The extent of employment generation;
7 (d) The extent to which technological advances are applied and
8 adopted to local conditions; and
9 (e) Such other criteria as the Board may determine.

10 SEC. 39. *Environmental Protection and Corporate Social*
11 *Responsibility.* – Every registered enterprise shall prepare a Program for
12 Environmental Protection and Corporate Social Responsibility (CSR) covering
13 the period for its entitlement to fiscal incentives. Such Program shall be
14 undertaken on a per registration basis and shall be submitted as an
15 accompanying document to the application for registration to be submitted to
16 the appropriate IPA.

17 The environmental program shall include activities such as, but not
18 limited to, requiring registered firms to plant trees.

19 For the CSR activities, the registered enterprise shall align such
20 activities with the priority programs and projects of the National Anti-Poverty
21 Commission and other special laws such as Republic Act No. 7942 or
22 the Philippine Mining Act of 1995, as amended, and DOE Energy
23 Regulation 1-94.

24 The amount spent for the CSR activities shall be reflected in the Notes
25 to the Audited Financial Statements.

26 SEC. 40. *Approval and Registration Procedures.* – The IPA is
27 authorized to adopt rules and regulations to facilitate action on applications
28 filed with it; prescribe criteria for the evaluation of applications; devise

1 standard forms for the use of applicants; and delegate to the regional offices of
2 the DTI the authority to receive and process applications for enterprises
3 located in their respective regions.

4 Applications filed shall be considered automatically approved if not
5 acted upon by the IPA within ten (10) working days from official acceptance
6 thereof. Deferment by the IPA shall be considered as an official action:
7 *Provided, however,* That the IPA may defer action to a specific application not
8 more than twice: *Provided, finally,* That the IPA shall act upon the application
9 within ten (10) working days from compliance with the cause of the last
10 deferment.

11 SEC. 41. *Certificate of Registration.* – A registered enterprise under
12 this Act shall be issued a Certificate of Registration under the seal of the IPA
13 and the signature of its Chairperson and/or such other official or officer of the
14 IPA as it may empower and designate for the purpose. The certificate shall be
15 in such form and style as the IPA may determine and shall state, among other
16 matters:

17 (a) The name of the registered enterprise;

18 (b) The activity in which the registered enterprise is proposing to
19 engage; and

20 (c) The terms and conditions to be observed by the registered
21 enterprise by virtue of the registration.

22 SEC. 42. *Extension of Period of Availment of Incentives.* – The
23 availment period of the incentives provided herein may be extended by the
24 concerned IPA in the event that the registered enterprise has suffered
25 operational *force majeure* or losses that have impaired the viability of the
26 registered activity.

1 SEC. 43. *Administration of Incentives.* – The BOI, the PEZA and the
 2 other IPAs shall be responsible for the administration of incentives granted to
 3 their respective registered enterprises.

4 TITLE IV

5 FINAL PROVISIONS

6 SEC. 44. *Vested Right.* – Any provision of law to the contrary
 7 notwithstanding, incentives granted to existing registered enterprises pursuant
 8 to their certificates of registration, contracts or agreements entered into with
 9 government instrumentalities/corporations shall continue to be legally binding
 10 in accordance with the terms and conditions stated therein: *Provided, further,*
 11 That the registered enterprise may opt to be governed by the provisions of this
 12 Act: *Provided, however,* That only the remaining unutilized incentives shall
 13 be granted to the said enterprise. In such case, the said enterprise shall be
 14 required to surrender its Certificate of Registration, which shall be deemed as
 15 an express waiver of their privilege to apply for and avail of incentives
 16 provided in the incentives law, under which they were previously registered.

17 SEC. 45. *Authority to Retain Funds.* – Registered enterprises availing
 18 of fiscal incentives, except those located in the thirty (30) poorest provinces or
 19 LDAs, shall be assessed with a maximum fee of one percent (1%) of the
 20 amount of incentives granted. Said amount shall automatically accrue to the
 21 BOI to be allotted for investment promotions activities and other special
 22 projects to achieve the objectives of this Act, subject to the usual accounting
 23 and auditing rules and procedures.

24 SEC. 46. *Protection of the Environment.* – The IPAs, in coordination
 25 with the appropriate agencies, shall take appropriate steps to enact the proper
 26 measures for the protection of the environment and shall coordinate with the
 27 Environmental Management Bureau of the Department of Environment and
 28 Natural Resources (EMB-DENR) to avoid undue delay in the issuance of the

1 required Environmental Compliance Certificate (ECC): *Provided, however,*
2 That applications for environmental clearances, permits and/or licenses of
3 registered enterprises shall be acted upon by the appropriate government
4 agency within thirty (30) days from the date of official acceptance. In the
5 event that the appropriate government agency failed to act within the
6 aforementioned date, the application for the said environmental requirement
7 shall be deemed complied with for purposes of operation of the registered
8 activity.

9 SEC. 47. *Appeals.* – All orders or decisions of the IPA in cases
10 involving the provisions of this Act shall be immediately executory. No appeal
11 from the order or decision of the IPA by the party adversely affected shall stay
12 such order or decision, unless a *supersedeas* bond equivalent to the amount
13 stated in the order or decision is posted by the appellant.

14 All appeals involving cases decided by the IPA, except as provided in
15 the next succeeding paragraph, shall be filed with the Court of Appeals within
16 fifteen (15) days from the receipt of notice of the order or decision or of the
17 denial of the appellant's motion for new trial or reconsideration. Within the
18 same period, the aggrieved party may file a motion for reinvestigation or
19 reconsideration. Only one (1) motion for reconsideration shall be allowed,
20 subject to the posting of the aforementioned *supersedeas* bond which shall be
21 limited to cash and/or surety bond from a BOI-accredited bonding company.

22 In cases involving the denial of an application for registration, the party
23 adversely affected by such denial may appeal the same to the Office of the
24 President within thirty (30) days from the receipt of notice of the order denying
25 the application for registration. Where an appeal has been filed, the said order
26 or decision shall be final and executory ninety (90) days after the perfection of
27 the appeal, unless reversed.

1 SEC. 48. *Suspension and Forfeiture of Incentives of Registered*
2 *Enterprises, Refund and Penalties.* – When there is probable cause to believe
3 that the registered enterprise has violated its registration terms and conditions,
4 the BOI or the IPA may suspend its availment of incentives, until proven
5 otherwise.

6 The BOI or the IPA may impose fines and penalties and/or forfeit the
7 incentives granted to its registered enterprises whenever there are violations of
8 the registration terms and conditions by the latter, without prejudice to the
9 cancellation of the registration of the said enterprise.

10 In case of cancellation of the Certificate of Registration granted under
11 this Act, the BOI or the IPA may, in appropriate cases, require the refund of
12 incentives availed of and impose corresponding fines and penalties.

13 Any enterprise which violates any provision of this Act, its
14 implementing rules and regulations, the terms and conditions of its registration,
15 or of any lawful directive of the BOI or the IPA, shall be subject to a fine not
16 to exceed One million pesos (P1,000,000.00), without prejudice to the
17 disapproval of its application for registration or cancellation of its registration:
18 *Provided, That any willful commission of fraudulent misrepresentation in its*
19 *application for registration or submission of reports or gross violation of this*
20 *Act and its implementing rules and regulations, a fine of at least One million*
21 *pesos (P1,000,000.00) but not to exceed Ten million pesos (P10,000,000.00)*
22 *shall be imposed, in addition to other penalties that may be imposed by the*
23 *BOI or the IPA.*

24 The IPAs shall prepare a schedule of fines and penalties to be imposed
25 on *erring registered enterprises depending on the violation incurred, which*
26 *may be reduced in exceptional cases.*

1 Responsible officers of such enterprises, including duly appointed
2 external consultants-agents who knowingly commit, aid or abet the commission
3 of any of the acts mentioned above, shall be subject to a fine of not less than
4 One hundred thousand pesos (P100,000.00) but not more than Three hundred
5 thousand pesos (P300,000.00) without prejudice to disqualification from
6 appearing or doing business with the BOI or any IPA.

7 Government officers and employees who participate directly or
8 indirectly in the commission of the foregoing acts shall likewise be liable to a
9 fine of not less than One hundred thousand pesos (P100,000.00) but not more
10 than Three hundred thousand pesos (P300,000.00), in addition to any criminal
11 and administrative penalties imposable under the Civil Service law; Revised
12 Penal Code; Republic Act No. 3019, otherwise known as the "Anti-Graft and
13 Corrupt Practices Act"; Republic Act No. 6713, otherwise known as the "Code
14 of Conduct and Ethical Standards for Public Officials"; and other applicable
15 laws.

16 If the offender is a foreign national, in addition to the imposable fines
17 and penalties above, the foregoing acts shall be grounds for summary
18 deportation.

19 SEC. 49. *Disposition of Savings from the Implementation of this Act.* –
20 The total amount of savings to be generated from the implementation of this
21 Act shall be allocated annually and used exclusively for the provision of
22 scholarships under the Commission on Higher Education (CHED).

23 Such allocations shall be segregated as separate trust funds by the
24 National Treasury and shall be over and above the annual appropriations for
25 similar purposes.

26 The earmarking provided under this provision shall be observed for ten
27 (10) years starting from the effectivity of this Act.

1 SEC. 50. *Implementing Rules and Regulations (IRR)*. – The BOI, in
2 coordination with the DOF, NEDA, DBM, PEZA, other IPAs and other
3 concerned government agencies, shall promulgate rules and regulations to
4 implement the intent and provisions of this Act within one hundred twenty
5 (120) days from the effectivity of this Act. Such rules and regulations shall
6 take effect fifteen (15) days following its publication in a newspaper of general
7 circulation in the Philippines.

8 SEC. 51. *Transitory Provision*. – Until the implementing rules and
9 regulations of this Act take effect, the present rules and regulations under the
10 old investments laws shall apply to the extent that they are not inconsistent
11 with the provisions of this Act.

12 SEC. 52. *Separability Clause*. – The provisions of this Act are hereby
13 declared to be separable and, in the event any of such provisions is declared
14 unconstitutional, the other provisions which are not affected thereby shall
15 remain in full force and effect.

16 SEC. 53. *Survivor Clause*. – The provisions of this Act to the contrary
17 notwithstanding, the following laws, decrees and orders shall continue to have
18 full force and effect:

19 (a) Section 18(f) of Presidential Decree No. 66, otherwise known as
20 “Creating the Export Processing Zone Authority and Revising Republic Act
21 No. 5490”;

22 (b) Section 1 of Republic Act No. 9281, entitled: “An Act to
23 Strengthen Agriculture and Fisheries Modernization in the Philippines by
24 Extending the Effectivity of Tax Incentives and its Mandated Funding Support,
25 Amending for this Purpose Sections 109 and 112 of Republic Act No. 8435”;

1 (c) Section 10(1) to (6) of Republic Act No. 7156, otherwise known as
2 “An Act Granting Incentives to Mini-hydroelectric Power Developers and for
3 Other Purposes” (Mini-hydroelectric Incentives Act);

4 (d) Sections 10, 16(a), (b) and (c) and Section 17(a) to (e) of
5 Presidential Decree No. 972, as amended by Presidential Decree No. 1174,
6 otherwise known as “Promulgating an Act to Promote an Accelerated
7 Exploration, Development, Exploitation, Production and Utilization of Coal”;

8 (e) Section 12 of Presidential Decree No. 87, otherwise known as “An
9 Act to Promote the Discovery and Production of Indigenous Petroleum, and
10 Appropriating Funds Therefor”;

11 (f) Section 4(a) and (d) of Presidential Decree No. 1442, as restored by
12 FIRB Resolution 19-87, otherwise known as “An Act to Promote the
13 Exploration and Development of Geothermal Resources”;

14 (g) Chapter II, Section 4(A), (B), (C) and (D); and Chapter VIII,
15 Section 19(A), (B) and (C) of Republic Act No. 9295, entitled: “An Act
16 Promoting the Development of Philippine Domestic Shipping, Shipbuilding,
17 Ship Repair and Ship Breaking, Ordaining Reforms in Government Policies
18 Towards Shipping in the Philippines, and for Other Purposes”; and

19 (h) Republic Act No. 7903, otherwise known as the “Zamboanga City
20 Special Economic Zone Act of 1995”; Republic Act No. 7922, otherwise
21 known as the “Cagayan Special Economic Zone Act of 1995”; Republic Act
22 No. 9490, otherwise known as the “Aurora Special Economic Zone Act of
23 2007”; and Republic Act No. 9728, otherwise known as the “Freeport Area of
24 Bataan Act of 2009”.

25 *Provided, That* grantees or operators under their respective laws,
26 decrees and orders shall have the option to avail of the incentives provided
27 *under this Act.*

1 SEC. 54. *Repealing Clause.* – The following provisions are hereby
2 repealed:

3 (a) Books I, V and VI of Executive Order No. 226, series of 1987,
4 otherwise known as “The Omnibus Investments Code of 1987”;

5 (b) Section 24 of Republic Act No. 7916, otherwise known as “An Act
6 Providing for the Legal Framework and Mechanisms for the Creation,
7 Operation, Administration, and Coordination of Special Economic Zones in the
8 Philippines, Creating for this Purpose, the Philippine Economic Zone
9 Authority (PEZA), and for Other Purposes” (Special Economic Zone Act of
10 1995);

11 (c) Section 17(1), (2), (3), (4), (5), (6), (7), (8) and Section 18(a), (b)
12 and (c) of Presidential Decree No. 66, otherwise known as “Creating the
13 Export Processing Zone Authority and Revising Republic Act No. 5490”;

14 (d) Fourth paragraph of Presidential Decree No. 529 (restored by FIRB
15 Resolution 19-87), otherwise known as “Granting to Petroleum Exploration
16 Concessionaires Under the Petroleum Act of 1949 Exemption from Customs
17 Duty and Compensating Tax on Importations of Machinery and Equipment,
18 Spareparts and Materials Required for Their Exploration Operations”;

19 (e) Sections 8, 9 and the second sentence of the first paragraph and
20 second paragraph of Section 10 of Presidential Decree No. 538, otherwise
21 known as “Creating and Establishing the PHIVIDEC Industrial Authority and
22 Making its Subsidiary Agency of the Philippine Veterans Investment
23 Development Corporation, Defining its Powers, Functions and
24 Responsibilities, and for Other Purposes”;

25 (f) Section 36(e) and (f)(1) and (2) of Presidential Decree No. 705,
26 otherwise known as the “Revised Forestry Code”;

1 (g) Section 16(c) and (d) and Section 17 of Republic Act No. 7844,
2 otherwise known as "An Act to Develop Exports as a Key Towards the
3 Achievement of the National Goals Towards the Year 2000" (Export
4 Development Act of 1994);

5 (h) Chapter XVI, Sections 90, 92, 93(a) and (b) of Republic Act No.
6 7942, otherwise known as the "Philippine Mining Act of 1995";

7 (i) Section 9 of Republic Act No. 8479, otherwise known as the
8 "Downstream Oil Deregulation Act of 1998";

9 (j) Chapter II, Article II, Section 35(b), (c) and (d) of Republic Act
10 No. 8550, otherwise known as "The Philippine Fisheries Code of 1998";

11 (k) Section 5 of Proclamation No. 216, otherwise known as "Creating
12 and Designating the Area Covered by the Former Wallace Air Station and
13 Contiguous Areas in Poro Point as the Poro Point Special Economic and
14 Freeport Zone and Transferring Lands to the Bases Conversion Development
15 Authority Pursuant to Republic Act No. 7227"; and Section 6 of Proclamation
16 No. 984, otherwise known as "Creating and Designating the Municipality of
17 Morong, Province of Bataan, Including the Area of Philippine Refugee
18 Processing Center Complex (PRPCC) as the Morong Special Economic Zone
19 Pursuant to Republic Act No. 7227 and Transferring the Land Comprising the
20 PRPCC to the Bases Conversion Development Authority (BCDA)";

21 (l) Executive Order No. 528, series of 2006, amending Executive
22 Order No. 31, series of 2004, "Reducing the Rates of Duty on Capital
23 Equipment, Spareparts and Accessories Imported by BOI-registered New and
24 Expanding Enterprises";

1 (m) Section 1 of Executive Order No. 619, otherwise known as
2 "Creating and Designating Special Economic Zones Pursuant to Republic Act
3 No. 7916, as Amended by Republic Act No. 8784, in Relation to Republic Act
4 No. 7227, as Amended by Republic Act No. 9400, Inside the Clark Freeport
5 Zone"; and

6 (n) All other laws, acts, decrees, orders and issuances or provisions
7 thereof inconsistent with any of the provisions of this Act are hereby repealed
8 or modified accordingly.

9 SEC. 55. *Effectivity.* – This Act shall take effect fifteen (15) days
10 following its publication in the *Official Gazette* or in a newspaper of general
11 circulation.

Approved,

O