




**LOCATOR ADVISORY No. 2023- 001**

To: **ALL SBMA-REGISTERED BUSINESS ENTERPRISES (RBEs)<sup>1</sup> ENTITLED TO AND ARE AVAILING OF INCOME TAX HOLIDAY, FIVE PERCENT (5%) SPECIAL CORPORATE INCOME TAX (FORMERLY KNOWN AS 5% TAX ON GROSS INCOME EARNED) AND/OR ENHANCED DEDUCTIONS WHICH SHALL SECURE THE CERTIFICATE OF ENTITLEMENT TO TAX INCENTIVES (CETI) AS ATTACHMENT TO THE FILING OF THE ANNUAL INCOME TAX RETURN (AITR) FOR EACH APPLICABLE TAXABLE YEARS**

**ALL CONCERNED SBMA DEPARTMENTS**

From: **ROLEN C. PAULINO**  **JAN 31 2023**  
Chairman and Administrator

Subject: **ISSUANCE OF ANNUAL CERTIFICATE OF ENTITLEMENT TO TAX INCENTIVES (CETI) AS PROVIDED UNDER REPUBLIC ACT NO. 11534 OR THE CORPORATE RECOVERY AND TAX INCENTIVES FOR ENTERPRISES (CREATE) ACT**

Date: 20 January 2023

Pursuant to the Bureau of Internal Revenue (BIR) Revenue Memorandum Circular (RMC) No. 28-2022 entitled "Submission of the Certificate of Entitlement to Tax incentives (CETI) Under Republic Act No. 11534 - The Corporate Recovery and Tax Incentives for Enterprises (CREATE) Law" as clarified under RMC No. 37-2022, issued 06 April 2022, entitled. "Clarificatory Guidelines on the Submission of Certificate of Entitlement to Tax Incentives Pursuant to Revenue Memorandum Circular (RMC) No. 28-2022"; the Fiscal Incentives Review Board (FIRB) Advisory No. 001-2023 issued on 10 January 2023 entitled "Circularizing the Bureau of Internal Revenue (BIR) Revenue Memorandum Circular (RMC) No. 155-2022 dated December 27, 2022 entitled "Submission of Certificate of Entitlement to Tax Incentives (CETI) under Republic Act No. 11534- The Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act" and the FIRB Advisory No. 002- 2023 prescribing the "Templates for the Certificate of Entitlement to Tax Incentives (CETIs) issued on 19 January 2023, please be guided on the following:

- a. According to the Implementing Rules and Regulations (IRR) of the CREATE Act, the RBE must apply for a CETI before filing their Annual Income Tax Return (AITR). The CETI confirms that an RBE's registered project is eligible for either the Income Tax Holiday (ITH); the 5% Special Corporate Income Tax (SCIT) or the Enhanced Deductions (ED) for a specific accounting or taxable period. Such issued CETI shall be attached to the AITR filed with the BIR. Each registered activity shall be assigned a separate CETI, which outlines the income tax incentives for the same. Without an issued CETI, the RBE pays the regular corporate income tax for the applicable taxable year.
- b. The CETI shall be issued by the Business and Investment Group (BIG) of the Subic Bay Metropolitan Authority (SBMA) through the Fiscal Incentives Registration and Monitoring

<sup>1</sup> Registered Business Enterprises (RBEs) are registered Subic Bay Freeport Entities granted with income tax incentives. They are holders of CREATE Certificate of Registration (CoR) and/or the SBMA Certificate of Registration and Tax Exemption (CRTE). Under the CREATE Law and its IRR, the holders of the CRTE shall be entitled to their income tax incentives until April 10, 2031 after which regular corporate income taxes shall apply.

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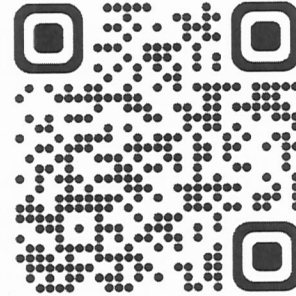




**SUBIC BAY**  
METROPOLITAN AUTHORITY



System (FIRMS) in a form prescribed by the FIRB Advisory No. 002-2023. The required documents must be uploaded by the RBE to the FIRMS portal (please scan this QR Code) after its registration thereat<sup>2</sup>.



- c. The CETI shall be granted only upon verification that the RBE has fulfilled or complied with the terms & conditions of its registration prior to the issuance of the same. Non-compliance with the terms and conditions, without justification, may be a ground for the suspension, cancellation or withdrawal of tax incentives granted subject to the provisions of the CREATE Act and its IRR, after due process<sup>3</sup>.

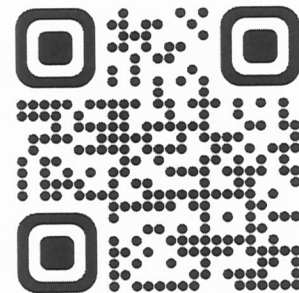
Specifically, the CETI shall be issued to SBMA RBEs that are: (i) compliant with SBMA policies and guidelines on the issuance of CREATE Certificate of Registration (COR)/ Certificate of Registration and Tax Exemption (CRTE), (ii) compliant with the Specific and General Terms and Conditions under the CREATE COR, (iii) compliant with the submission of the reportorial requirements as mandated by the law, e.g., Annual Tax Incentives Report (ATIR)/ Annual Benefits Report (ABR) and/or (iv) compliant with its approved investment and employment commitment verified against its reported total assets and current employment of Filipino workers for the taxable year. Therefore, the RBE is required to submit (a) its Audited Financial Statements (AFS) for the applicable year for verification/ validation of data and (b) the undertaking stating therein the RBE's total assets invested in its business operations in the Subic Bay Freeport and the total currently employed Filipino workers.

- d. The request for a CETI of an RBE, whether it uses calendar year or fiscal year, must be submitted within **60 days before the corresponding deadline for filing of the annual ITR.**
- e. The CETI shall be released by the SBMA Office of the Chairman and Administrator upon receipt of a copy of the Official Receipt of payment of Php2,000.00 CETI Fee. Official copies of CETI and Official Receipts shall be forwarded to the BIG's Records Officer and the concerned BIDs.
- f. Due to the anticipated high volume of application for CETI, limitations on time and rigors in processing and validating of the same, applications lodged **on or after the tenth (10th) calendar day prior to the corresponding deadline for filing of the AITR** shall **NOT** be processed.

The SBMA shall issue further Locator Advisories on these matters as deemed proper by the Investment Promotions Agency unless superseded, clarified or amended by the FIRB, in which case the advisory, issuances, resolutions or guidelines issued by the latter shall prevail and take precedence.

For your information and guidance.

RCP/rw/ljva/psj



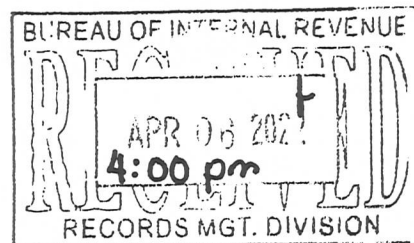
<sup>2</sup> Instructions on how to access and use the FIRMS site are here in this QR Code.

<sup>3</sup> FIRB Advisory 001-2023 issued 10 January 2023





REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
**BUREAU OF INTERNAL REVENUE**  
BIR National Office Building  
Diliman, Quezon City



Date: APR 06 2022

**REVENUE MEMORANDUM CIRCULAR NO. 37 - 2022**

**SUBJECT: Clarificatory Guidelines on the Submission of Certificate of Entitlement to Tax Incentives Pursuant to Revenue Memorandum Circular (RMC) No. 28-2022**

**TO: All Internal Revenue Officials, Employees and Other Concerned**

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This Circular is being issued to clarify the coverage of the provisions stated in RMC No. 28-2022.

All registered business enterprises (RBEs) enjoying tax incentives under the transitory provisions in Section 311 of Title XIII of Republic Act No. 11534, otherwise known as Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act and all business enterprises registered under the said law shall apply for a Certificate of Entitlement to Tax Incentives (CETI) with their respective Investment Promotion Agency (IPA) through the Fiscal Incentives Registration and Monitoring System (FIRMS) prior to the filing of the Annual Income Tax Return (AITR).

However, RBEs already issued with a certificate of entitlement to tax incentives in a template/format previously prescribed by the IPA, such as, certificate of entitlement to income tax holiday, certificate of available incentives, certificate of registration and tax exemption, or any similar certificate, as proof of the RBE's entitlement to fiscal incentives, shall be allowed to attach the same in their AITR for taxable year 2021, in lieu of the Fiscal Incentives Review Board (FIRB)-prescribed CETI.

All concerned are hereby enjoined to be guided accordingly and give this Circular a wide publicity as possible.

**CAESAR R. DULAY**  
Commissioner of Internal Revenue

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REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
**FISCAL INCENTIVES REVIEW BOARD**  
MANILA

**FIRB Advisory 001-2023**

**FOR** : All Heads of Investment Promotion Agencies (IPAs)  
and Registered Business Enterprises (RBEs)

**SUBJECT** : **Circularizing the Bureau of Internal Revenue (BIR) Revenue Memorandum Circular (RMC) No. 155-2022 dated 27 December 2022 entitled "Submission of Certificate of Entitlement to Tax Incentives (CETI) Under Republic Act No. 11534 - The Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act"**

**DATE** : 10 January 2023

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This Advisory is issued to circularize the BIR's RMC on the acceptance of CETIs issued manually by the various IPAs as an attachment to the Annual Income Tax Return (AITR) to be filed by RBEs as proof of their entitlement to income tax incentives.

Pursuant to Rule 8 Section 4 of the Implementing Rules and Regulations (IRR) of the CREATE Act, "upon verification of the compliance with the terms and conditions of registration and payment of corresponding fee by the RBE, the CETI shall be issued by the concerned IPA, in a prescribed form, upon application by the RBE which shall be attached to the ITR filed with the BIR."

In connection with this, the BIR issued **RMC No. 155-2022 dated 27 December 2022**, which further extended the acceptance of manually issued CETI as an attachment to the AITR. All RBEs enjoying income tax incentives shall be allowed to attach the CETI manually issued by their respective IPAs in their AITR for the taxable year 2022 until such time that a system-generated CETI can be issued through the Fiscal Incentives Registration and Monitoring System (FIRMS) being administered by the Fiscal Incentives Review Board (FIRB).

Attached in this advisory is a copy of the said circular.

The FIRB will release a separate issuance once the application and issuance of the system-generated CETI is fully operationalized through FIRMS.

Meanwhile, the FIRB reminds all IPAs that they should check and verify the compliance of their RBEs as regards the terms and conditions of the RBEs' registration prior to the issuance of the CETI. Noncompliance with the terms and conditions, without justification, may be grounds for the suspension, cancellation, or withdrawal of tax incentives granted subject to the provisions of the CREATE Act and its IRR, after due process<sup>1</sup>.

For your kind guidance.

Thank you.

  
**JUVY C. DANOFRATA**  
Assistant Secretary of Finance and  
Head of the FIRB Secretariat

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<sup>1</sup> Rule 13, Sec. 6 of the CREATE Act IRR provides:

*SECTION 6. Power to Cancel, Suspend, or Withdraw the Enjoyment of Tax Incentives. – The FIRB may cancel, suspend, or withdraw, on its own initiative or upon the recommendation of the IPA after due process, the enjoyment of fiscal incentives granted to qualified recipients in the following instances:*

*a. Non-compliance with the agreed performance targets or material violation of any of the conditions imposed in the grant of fiscal incentives or tax;*

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REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
**BUREAU OF INTERNAL REVENUE**  
BIR National Office Building  
Diliman, Quezon City

Date: DEC 27 2022

**REVENUE MEMORANDUM CIRCULAR NO. 155 - 2022**

**SUBJECT:** Submission of Certificate of Entitlement to Tax Incentives (CETI) Under Republic Act No. 11534 – The Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act

**TO:** All Internal Revenue Officials, Employees and Other Concerned


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This Circular is being issued to further extend the acceptance of manually issued CETI as an attachment to Annual Income Tax Return (AITR) to be filed by Registered Business Enterprises (RBEs) as proof of their entitlement to income tax incentives.

All RBEs enjoying income tax incentives shall be allowed to attach the CETI manually issued by their respective Investment Promotion Agency in their AITR for the taxable year 2022 until such time that a system generated CETI can be issued thru the Fiscal Incentives Registration and Monitoring System being administered by Fiscal Incentives and Review Board.

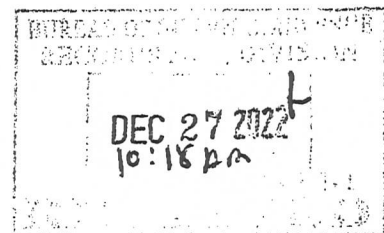
The CETI is a requirement for all RBEs in order to avail of the Income Tax Holiday (ITH) or preferential rate granted by law.

All concerned are hereby enjoined to be guided accordingly and give this Circular a wide publicity as possible.

  
ROMEO D. LUMAGUI, JR.  
Commissioner of Internal Revenue

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## FIRB Advisory 002-2023

**FOR** : Bureau of Internal Revenue and  
All Heads of Investment Promotion Agencies (IPAs)

**SUBJECT** : **Templates for the Certificate of Entitlement to Tax Incentives (CETIs)**

**DATE** : 19 January 2023

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This Advisory is issued to inform all parties concerned on the availability of the **templates** for the CETI covering the following types of projects:

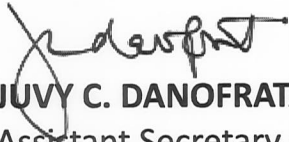
Classification of Projects	Annex	Updates
1. Projects registered under Republic Act (RA) No. 11534 or the Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act ("CREATE Projects")	Annex "A"	No change.
2. Projects registered prior to the effectivity of the CREATE Act ("Pre-CREATE Projects")	Annex "B"	Minor changes (in red font)
3. Projects registered under RA No. 9513 or the Renewable Energy Act of 2008 ("Renewable Energy Projects")	Annex "C"	Minor changes (in red font)

Please refer to the attached annexes for a copy of the templates. Ready-for-use electronic copies of the templates are also uploaded in the FIRB Website, for the IPAs' perusal.

All IPAs are mandated to use the updated templates beginning **1 March 2023**. However, earlier adoption of these amended templates is highly encouraged.

All CETIs already issued or to be issued on or before 28 February 2023 by the IPAs, using the previous templates circulated last 23 March 2022, shall remain **valid** for the corresponding fiscal or calendar year, unless canceled, suspended, or withdrawn by the IPA or the FIRB, after due process.

For your guidance. Thank you.



**JUVY C. DANOFRATA**  
Assistant Secretary of Finance and  
Head of the FIRB Secretariat

Item	Category	Description
1	Financial	Financial statement of the company for the year 2012
2	Financial	Financial statement of the company for the year 2013
3	Financial	Financial statement of the company for the year 2014

## CERTIFICATE OF ENTITLEMENT TO TAX INCENTIVES

### For Taxable Year ending MONTH-DAY-YEAR

*This is to certify that the {BusinessEnterpriseName}, with business address {BusinessEnterpriseMainOfficeAddress}, is registered with the {IPA}, pursuant to Title XIII of the National Internal Revenue Code of 1997, as amended by Republic Act No. 11534 or the Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act:*

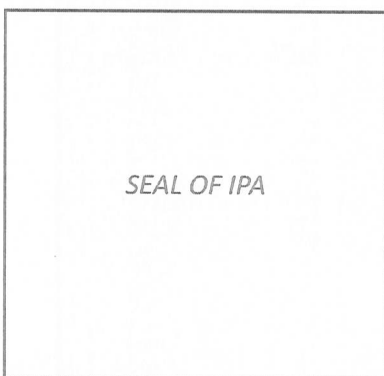
Registration Date	{DateOfRegistration}
Certificate of Registration No.	{CORNumber}
Tax Identification Number	{TaxIdentificationNumber}
Registered Project / Activity	{ActivityProjectNameOrDescription}
Actual Start of Commercial Operation	{ActualStartOfCommercialOperations}
Incentives and Actual period of entitlement:	
Income Tax Holiday	{ITHStart} to {ITHEnd}
Special Corporate Income Tax	{SCITStart} to {SCITEnd}
Enhanced Deductions:	{EDStart} to {EDEnd}

*subject to the representation and commitments set forth in its application for registration, the provisions of the above laws, the rules and regulations promulgated thereunder, and the terms and conditions of the Certificate of Registration.*

*This Certificate is issued pursuant to the Implementing Rules and Regulations of the CREATE Act requiring the submission of the income tax-based incentives entitlement certificate upon the filing of the annual income tax return with the Bureau of Internal Revenue.*

*Further, this Certificate is issued without prejudice to the evaluation of the full compliance by the registered business enterprise with its Terms and Conditions prior to tax incentives availment and shall be valid for the taxable year ending MONTH-DAY-YEAR unless canceled, suspended or withdrawn by the {IPA} or the Fiscal Incentives Review Board (FIRB), after due process.*

*Furthermore, this Certification shall be deemed revoked upon written notice to that effect as may be issued by the {IPA} or FIRB, after due process.*



*In testimony whereof, the seal of the {IPA} and the signature of its designated authority are hereunto affixed. Given in {PlaceGrantedTheCertificate}, PHILIPPINES on {DateGrantedTheCertificate}.*

{IPADesignatedAuthorityName}  
{Designation}

Attested by:

\_\_\_\_\_  
{Attestation}  
{Designation2}

## CERTIFICATE OF ENTITLEMENT TO TAX INCENTIVES

### For Taxable Year ending MONTH-DAY-YEAR

*This is to certify that the {BusinessEnterpriseName}, with business address {BusinessEnterpriseMainOfficeAddress}, is registered with the {IPA}, pursuant to {IPA\_Charter} as amended by Republic Act No. 11534 or the Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act:*

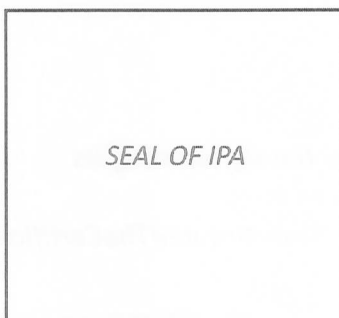
Registration Date	{DateOfRegistration}
Certificate of Registration No.	{CORNumber, or its equivalent, as applicable}
Tax Identification Number	{TaxIdentificationNumber}
Registered Project / Activity	{ActivityProjectNameOrDescription}
Actual Start of Commercial Operation	{ActualStartOfCommercialOperations}
Incentives and Actual period of entitlement:	
Income Tax Holiday	{ITHStart} to {ITHEnd}
5% Gross Income Earned (GIE)	{GIESTart} to {GIEEnd}
Others	{OthersStart} to {OthersEnd}

*subject to the representation and commitments set forth in its application for registration, the provisions of the above laws, the rules and regulations promulgated thereunder, and the terms and conditions of the {Registration Agreement/Certificate of Registration/other equivalent document, as applicable}.*

*This Certificate is issued pursuant to the Implementing Rules and Regulations of the CREATE Act requiring the submission of the income tax-based incentives entitlement certificate upon the filing of the annual income tax return with the Bureau of Internal Revenue.*

*Further, this Certificate is issued without prejudice to the evaluation of the full compliance by the registered business enterprise with its Terms and Conditions prior to tax incentives availment and shall be valid for the taxable year ending MONTH-DAY-YEAR unless canceled, suspended or withdrawn by the {IPA} or the Fiscal Incentives Review Board (FIRB), after due process.*

*Furthermore, this Certification shall be deemed revoked upon written notice to that effect as may be issued by the {IPA} or the FIRB, after due process.*



*In testimony whereof, the seal of the {IPA} and the signature of its designated authority are hereunto affixed. Given in {PlaceGrantedTheCertificate}, PHILIPPINES on {DateGrantedTheCertificate}.*

{IPADesignatedAuthorityName}  
{Designation}

Attested by:

\_\_\_\_\_  
{Attestation}  
{Designation2}

## CERTIFICATE OF ENTITLEMENT TO TAX INCENTIVES

### For Taxable Year ending MONTH-DAY-YEAR

*This is to certify that the {BusinessEnterpriseName}, with business address {BusinessEnterpriseMainOfficeAddress}, is registered with the {IPA} pursuant to Republic Act No. 9513 or the Renewable Energy Act of 2008 and Executive Order No. 226 or the Omnibus Investments Code of 1987, as amended by Republic Act No. 11534 or the Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act:*

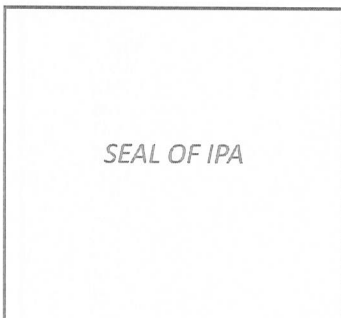
Registration Date	{DateOfRegistration}
Certificate of Registration No.	{CORNumber}
Tax Identification Number	{TaxIdentificationNumber}
Registered Project / Activity	{ActivityProjectNameOrDescription}
Actual Start of Commercial Operation	{ActualStartOfCommercialOperations}
Incentives	Actual period of entitlement:
Nothing follows	

*subject to the representation and commitments set forth in its application for registration, the provisions of the above laws, the rules and regulations promulgated thereunder, and the terms and conditions of the {IPA} registration.*

*This Certificate is issued pursuant to the Implementing Rules and Regulations of the CREATE Act and Revenue Memorandum Circulars Nos. 28-2022 and 155-2022 requiring the submission by all registered business enterprises of the income tax-based incentives entitlement certificate upon the filing of the annual income tax return with the Bureau of Internal Revenue.*

*Further, this Certificate is issued without prejudice to the evaluation of the full compliance by the registered business enterprise with its Terms and Conditions prior to tax incentives availment and shall be valid for the taxable year ending MONTH-DAY-YEAR unless canceled, suspended or withdrawn by the {IPA} or the Fiscal Incentives Review Board (FIRB), after due process.*

*Furthermore, this Certification shall be deemed revoked upon written notice to that effect as may be issued by the {IPA} or the FIRB, after due process.*



*In testimony whereof, the seal of the {IPA} and the signature of its designated authority are hereunto affixed. Given in {PlaceGrantedTheCertificate}, PHILIPPINES on {DateGrantedTheCertificate}.*

{IPADesignatedAuthorityName}  
{Designation}

Attested by:

\_\_\_\_\_  
{Attestation}  
{Designation2}

