**Comments on the Proposed Amendment of the RA No. 9513**

**AMENDING SECTIONS 13 (E) and 18(C) OF DEPARTMENT CIRCULAR NO. DC2009-05-0008 ENTITLED RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 9513**

|  |  |  |  |
| --- | --- | --- | --- |
| **Section** | **Name/Company/Agency** | **Comments/ Recommendation** | **Proposed/ Suggested Revision** |
| **Title.** AMENDING SECTIONS 13 (E) and 18(C) OF DEPARTMENT CIRCULAR NO. DC2009-05-0008 ENTITLED RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 9513 |  |  |  |
| **Section 1. AMENDMENT TO SECTION 13 (E) OF THE RE LAW IRR.** Section 13(E) of DC No. 2009-05-0008 shall be read as follows:E. Corporate Tax RateALL REGISTERED RE DEVELOPERS SHALL, SOLELY ON THE BASIS OF A VALID AND SUBSISTING DOE RENEWABLE ENERGY SERVICE CONTRACT AND CERTIFICATE OF REGISTRATION, AUTOMATICALLY BE ENTITLED TO ITH AND CORPORATE INCOME TAX OF TEN PERCENT (10%), INCLUDING OTHER INCENTIVES UNDER THE ACT. After availment of the ITH, all Registered RE Developers shall pay a corporate tax of ten percent (10%) on their net taxable income as defined in the National Internal Revenue Code (NIRC) of 1997, as amended. All RE Developers that acquire, operate, and/or administer existing RE facilities that were or have been in commercial operation for more than seven (7) years, upon the effectivity of the Act, shall AUTOMATICALLY pay a corporate tax rate of 10% on their net taxable income, upon registration with the DOE. |  |  |  |
| **Section 2. AMENDMENT TO SECTION 18 (C) OF THE RE LAW IRR.** Section 18(C) of DC No. 2009-05-0008 shall be read as follows:*C. No Separate Endorsement from the DOE**RE Developers and manufacturers, fabricators, and suppliers of locally-produced RE equipment shall be AUTOMATICALLY qualified to avail of the incentives provided for in the Act, other than the incentive of duty-free importation of qualified machinery, equipment, materials, parts and components, after securing a Certificate of Registration from the DOE.**In order to avail of the incentive of duty-free importation of qualified machinery, equipment, materials, parts and components, RE Developers that import RE equipment, equipment, materials, parts and components shall secure a Certificate of Endorsement from the DOE, through the REMB, on a per importation basis.**Consistent with the mandate under the Republic Act No. 11032 and Republic Act No. 11234, the DOE may issue guidelines to further streamline the procedures and requirements for the availment of incentives for RE Developers or manufacturers, fabricators, and suppliers of locally-produced RE equipment in good standing, as determined based on specific criteria, such as, but not limited to:*1. ***Compliance with Obligations*** *– The RE Developers or manufacturers, fabricators, and suppliers of locally-produced RE equipment shall observe and abide by the provisions of the Act, this IRR, the applicable provisions of existing Philippine laws, and take adequate measures to ensure that its obligations thereunder as well as those of its officers are faithfully discharged;*
2. ***Compliance with Directives*** *– The RE Developer or manufacturers, fabricators, and suppliers of locally-produced RE equipment shall comply with the directives and circulars which the DOE may issue from time to time in pursuance of its powers under the Act;*
3. ***Compliance with Pre****-****Registration/Registration Conditions –*** *The RE Developers or manufacturers, fabricators, and suppliers of locally-produced RE equipment shall comply with all the pre-registration and registration conditions as required by the DOE;*
4. ***Compliance with Reportorial Requirements*** *– An RE Developer shall maintain distinct and separate books of accounts for its operations inside the RE facilities and shall submit technical, financial and other operational reports/documents to DOE on or before their respective due dates; and*
5. ***Remittance of Government Shares and Payment of Applicable Financial Obligations*** *– An RE Developer shall observe timely remittance of Government Share, and payment of applicable fees and other financial obligations to the DOE.*
 |  |  |  |