

REVENUE MEMORANDUM ORDER NO. 1-2000 issued January 4, 2000 prescribes the procedures for processing tax treaty relief applications, amending RMO No. 10-92 dated February 1, 1992. The Order covers exclusively applications for tax treaty relief, including claims or requests for tax exemption, preferential tax treaty rate and refund or credit of taxes on income derived or to be derived by the taxpayer under existing tax treaties. The processing for tax treaty relief shall be transferred from Law Division to the International Tax Affairs Division (ITAD). Any availment of the tax treaty relief shall be preceded by an application by filing BIR Form No. 0901 (Application for Relief from Double Taxation) with ITAD at least 15 days before the transaction (i.e. payment of dividends, royalties, etc.), accompanied by supporting documents justifying the relief. Consequently, BIR Form Nos. TC 001 and TC 002 prescribed under RMO No. 10-92 are declared obsolete. Claims for tax credit/refund pertinent to the tax treaty relief requested shall be filed with ITAD within the two year period prescribed by Section 229 of the NIRC, as amended under RA 8424. The Tax Credit Certificate (TCC) for this purpose shall be issued for the account of the "non-resident taxpayer/recipient of the income". Issuance of the TCC shall be done by the Appellate Division upon receipt of endorsement memo from ITAD recommending the issuance of such. The release of the signed TCC to the taxpayer/applicant, however, shall be done by ITAD.