

Tax in a dot

Clarifying issues on requirements for tax credit or refund of excess CWT



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Clarifying issues on requirements for tax credit or refund of excess CWT

The Bureau of Internal Revenue (BIR) clarified certain provisions of Revenue Memorandum Circular (RMC) No. 75-2024 related to the mandatory requirements for Tax Credit Certificate (TCC) or cash refund of excess/unutilized creditable withholding taxes (CWT).

Submission of withholding tax certificates

Scanned, facsimile, or photocopies of withholding tax certificates will not result in the disallowance of CWT. The transmission of documents such as BIR Forms 2307 or 1606 can be through physical delivery or digital means, such as but not limited to electronic mails, facsimile, cellphones, and other emerging technologies. Hence, the copies produced and

submitted by the recipient of the withholding tax certificate may not necessarily be the original copy.

The verification procedures for validity and authenticity includes matching the CWT claimed in the Summary Alphalist of Withholding Agents of Income Payments Subjected to Withholding Tax at Source (SAWT) submitted by the taxpayer-claimant with the annual or quarterly alphalist of payees as attached in the BIR Form 1604E or 1601E[Q] submitted by withholding agents of the taxpayer-claimant. If the data entries match, the BIR can be assured that the withholding tax certificate is valid and authentic.

In this regard and for consistency of application, the third item of Annex A.1 of RMC 75-2024 shall now be referred to as “Copies of duly accomplished Certificate of Creditable Tax Withheld at Source (BIR Form 2307) or Withholding Tax Remittance Return for Onerous Transfer of Real Property Other Than Capital Asset (BIR Form 1606), whichever is applicable, issued by the withholding agent to the payee.”

Submission of BIR Form 1606 for a taxpayer-claimant engaged in real estate business

A taxpayer claimant engaged in real estate business is not required to submit the original copy of BIR Form 1606. In establishing authenticity and veracity, the processing office is mandated to verify from the BIR database whether the return was truly filed to establish the authenticity of the said document. A reproduction of the original copy of the said form would suffice.

Claim of refunds or credit for individual taxpayers

Section 76(C) of the National Internal Revenue Code of 1997, as amended (Tax Code) pertains to tax credit or refund claims of corporate claimants only, while Section 58(E) pertains to refund claims of individuals.

Documentary requirements for individual taxpayer-claimants

A new set of documentary requirements for individual taxpayer-claimants shall be prescribed pursuant to Section 58(E), in relation to Section 204 of the Tax Code. However, the general policies and guidelines in the mandatory documentary requirements in RMC 75-2024 and procedures in the processing pursuant to Revenue Memorandum Order (RMO) No. 25-2024 remain the same for both corporate and individual taxpayer-claimants.

Prohibition to amend after filing tax credit/refund or after issuance of an Electronic Letter of Authority (eLA)

A taxpayer-claimant cannot amend their tax returns after filing for claim for income tax credit or after the issuance of eLA. Once the processing office of the BIR officially receives the application for income tax credit and refund and the verification process commences, only the tax returns filed on or before the receipt of the application shall be considered in the evaluation of the claim. Moreover, discrepancies may result in the disallowance of the portion of the claim or full denial thereto.

Changes in documentary requirements

To effect the changes, Annex A.1 is renumbered as Annex A.1.1 and Annex A.1.2 is added as the mandatory requirements for individual taxpayer-claimant. This correspondingly amends Annexes A.1, A.2, and A.4 of RMC 75-2024.

Please see attached RMC 14-2025, along with its annexes, for your reference.

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