



Republic of the Philippines
DEPARTMENT OF FINANCE

Roxas Boulevard Corner Pablo Ocampo, Sr. Street
Manila 1004

11 September 2018

GABRIEL B. ATEGA

President, Midtown Printing Co., Inc.
MPCI Building, Bonifacio Street,
Davao City, Philippines

DOF Opinion No. 002.2018

**SUBJECT: Request for Review of Bureau of Internal Revenue Ruling
No. 421-2013**

Dear **Mr. Atega**:

This refers to the subject letter dated 25 April 2016 with attached Petition for Review dated 22 April 2016 ("Petition for Review") which you filed with this Department on behalf of Midtown Printing Co., Inc. ("MPCI") to request for review of Bureau of Internal Revenue ("BIR") Ruling No. 421-2013 dated 10 June 2013, which denied the exemption from payment of Value-Added Tax ("VAT") on the printing of yearbooks by MPCI.

In particular, the Petition for Review prays for the reversal of the BIR's denial of MPCI's confirmation for exemption from payment of VAT on the printing of yearbooks by MPCI. The BIR denied the request of MPCI for lack of legal basis on the premise that a "yearbook" does not come within the purview of the term "book" as defined in Black's Law Dictionary and RA 8047 for the purpose of VAT exemption.

On the other hand, it is your position, as stated in your Petition for Review, that the yearbooks are undoubtedly and unmistakably covered by the exemption under Section 109 (1) (R) of the Tax Code, as amended.

We find it unnecessary, however, to delve into the substantive issues of your Petition and dismiss it accordingly in view of its belated filing with this Office.

Pursuant to DOF Department Order No. 007-02,¹ DOF Department Order No. 023-01,² and Revenue Administrative Order (RAO) No. 03-01,³ a taxpayer who receives an adverse ruling from the Commissioner of Internal Revenue may, **within thirty (30) days from the date of receipt of such ruling**, seek its review by the Secretary of Finance.

It should be noted that MPCI received BIR Ruling No. 421-2013 on **16 May 2014**. It was only on **25 April 2016** that the Petition for Review was received by the DOF

¹ Dated 7 May 2002.

² Dated 5 October 2001.

³ Dated 22 October 2001.


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which is almost two (2) years after MPCl received the BIR Ruling. This is beyond the thirty-day reglementary period allowed by the rules for the taxpayer to seek review of the ruling by the DOF. The Petition for Review was, therefore, filed out of time, thus, this Office has not acquired jurisdiction over the case. The decision of the Commissioner of Internal Revenue denying MPCl's confirmation for exemption from payment of VAT on the printing of yearbooks by MPCl has become final and executory.

This ruling is being issued on the basis of the foregoing facts as represented. However, if upon investigation, it will be disclosed that the facts are different, then this ruling shall be considered as null and void.

Thank you.

Sincerely yours,


CARLOS G. DOMINGUEZ
Secretary of Finance
SEP 14 2018

CC **Commissioner Caesar R. Dulay**
Bureau of Internal Revenue

Handwritten initials: CA/24

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Handwritten note: C. Aliviado 9/14/18

Handwritten initials: CA
SEP 25 2018

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