

CLIENT ALERT

SEC requires tax identification number for foreign investors

The Philippine Securities and Exchange Commission (**SEC**) issued Memorandum Circular No. 1, s. 2013 dated 7 January 2013 (the **Circular**), requiring the incorporation of the tax identification number (**TIN**) of foreign investors in all forms, papers and documents filed with the SEC.

Under the Circular, the SEC will not accept documents to be filed by corporations and partnerships after their formation (such as the annual General Information Sheets) unless the TIN of all their foreign investors (whether natural or juridical persons, residents or non-residents) are indicated therein. The SEC will also not accept applications for amendments of articles of incorporation and by-laws of corporations or articles of partnership, unless the TIN of the foreign investors are indicated in the relevant documents.

The SEC will not accept applications for incorporation of a corporation or the registration of a partnership, unless the TIN or the passport number of all the foreign investors are indicated in the relevant documents.

The SEC required the incorporation of the TIN of foreign investors in order to implement Revenue Regulations No. 7-2012 (**Regulations**) of the Bureau of Internal Revenue and Executive Order No. 98, s. of 1998 (**Order**). Under the Regulations, non-resident aliens not engaged in trade or business in the Philippines and non-resident foreign corporations are to be issued TIN for purposes of withholding taxes on their income from sources within the Philippines. On the other hand, the Order directs all persons dealing with government agencies and instrumentalities to incorporate their TIN in all forms, licenses, clearances, official papers and documents which they secure from government agencies.

About SyCip Salazar Hernandez & Gatmaitan

Founded in 1945, SyCip Salazar Hernandez & Gatmaitan is one of the most established and largest law firms in the Philippines. Although its work centers on business activity, the firm has offered a broad and integrated range of legal services that cover such areas as family relations, constitutional issues, and other matters of law unrelated to commerce.

Client alerts are for general informational purposes and should not be regarded as legal advice.

FOR MORE INFORMATION

Please contact your account partner
or the authors of this Client Alert:

Rolando V. Medalla Jr. rvmcdalla@syciplaw.com

Hector M. de Leon Jr. hmdeleon@syciplaw.com

Carina C. Laforteza cclaforteza@syciplaw.com

MAKATI OFFICE

SyCipLaw Center, 105 Paseo de Roxas
Makati City 1226, Metro Manila
The Philippines

Phone +632 982-3500, 982-3600, 982-3700

Fax +632 817-3896, 817-3567

Email sshg@syciplaw.com