

TAXATION MODULE 7

- Corporation is an artificial being created by operation of law, having the right of succession and the powers, attributes and properties expressly authorized by law or incident to its existence.
 - Partnership is one created when two or more persons contribute money, property or industry to a common fund with the intention of dividing the profit among themselves.
 - GENERAL PROFESSIONAL PARTNERSHIPS - partnerships formed by persons for sole purpose of exercising their common profession, no part of the income of which is derived from engaging in any trade or business
 - JOINT VENTURE - A commercial undertaking by two or more persons, differing from a partnership in that it relates to the disposition of a single lot of goods, or the completion of a single project.
 - JOINT STOCK COMPANIES - Constituted when a group of individuals, acting jointly, establish and operate a business enterprise under an artificial name
 - JOINT ACCOUNTS - Constituted when one interests himself in the business of another by contributing capital thereto, and sharing in the profits or losses in the proportion agreed upon.
 - ASSOCIATIONS - Includes all organizations which have substantially the salient features of a corporation to be taxable as such.
- 1) DOMESTIC CORPORATION - It refers to a corporation created and organized under the law of the Philippines.
 2. FOREIGN CORPORATIONS - It refers to those which are created and organized under foreign laws

FOREIGN CORPORATIONS

- a. Resident Foreign Corporation —It refers to having a permanent establishment/branch in the Philippines, acquiring residency for tax purposes.
- b. Non-Resident Foreign Corporation —It refers to no permanent establishment in the Philippines; not regularly engaged in trade or business in the Philippines.

TAX RATES

- 1) Income Tax Rate or the Regular Corporate Income Tax (RCIT) (or Normal Corporate Income Tax/ Normal Income Tax) for all corporations is 30%, notwithstanding if they are domestic or foreign
- 2) Capital Gains Tax (CGT) rates for: Domestic Corporations —Note that for corporations, only sale of land and/or building held as capital assets shall be subject to the 6% CGT unlike an individual taxpayer who is liable for the 6% CGT on sale of "real property".

MINIMUM CORPORATE INCOME TAX (MCIT)

The MCIT is 2% of Gross Income, which is Net Sales or Revenue (Gross sales or revenue less discounts, returns or allowances) less Cost of Sales or Services;

▲ Cost of Sales or Services are those directly incurred in bringing about the revenue or sales.

- 1) For a trading or merchandising concern, 'cost of goods sold' shall include the invoice cost of the goods sold, plus import duties, freight in transporting the goods
- 2) For a manufacturing concern, 'cost of goods manufactured and sold' shall include all costs of production of finished goods, such as raw materials used, direct labor and manufacturing overhead
- 3) 3) In the case of taxpayers engaged in the sale of service, 'gross income' means gross receipts less sales returns, allowances and discounts less 'cost of services'

- Regular Corporate Income Tax (RCIT) – 30%
- Minimum Corporate Income Tax – 2%

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S Ashworth



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