

2019-08-005



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
**BUREAU OF CUSTOMS**

**MASTER COPY**

**MEMORANDUM**

**TO :** ALL DISTRICT COLLECTORS

**FROM :** REY LEONARDO B. GUERRERO  
Commissioner

**SUBJECT :** Memorandum re: Bureau of Customs Request for Guidance on Duty Exemption of Solar Philippines Commercial Rooftop Projects, Inc.

**DATE :** July 25, 2019



BOC-02-00633

AUG 01 2019

Attached is the Memorandum from the Undersecretary, Revenue Operations Group, Department of Finance instructing the Bureau to hold in abeyance and not to honor the TES mentioned pending final determination of the correctness of their issuance of exemption to Solar Philippines Commercial Rooftop Projects, Inc.

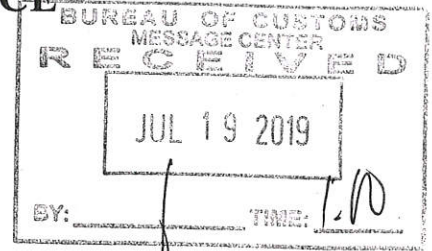
For your information and guidance



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Republic of the Philippines  
**DEPARTMENT OF FINANCE**  
Roxas Boulevard Corner Pablo Ocampo, Sr. Street  
Manila 1004



**MEMORANDUM**

**FOR :** REY LEONARDO B. GUERRERO  
Commissioner, Bureau of Customs

**FROM :** ANTONETTE C. TIONKO  
Undersecretary, Revenue Operations Group

**SUBJECT :** Bureau of Customs Request for Guidance on Duty Exemption of Solar Philippines Commercial Rooftop Projects, Inc.

**DATE :** 27 June 2019



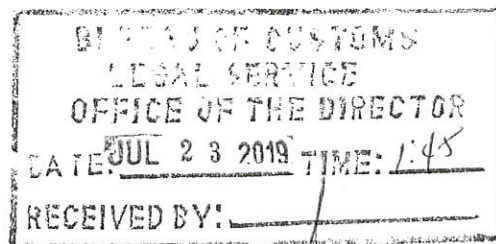
This is in relation to the Memorandum of Commissioner Lapeña requesting for DOF guidance on whether to approve the grant of duty-free exemption of **Solar Philippines Commercial Rooftop Projects, Inc.**, (SPCRPI or the "Company") granted under TES No. 20180614043.

Please be advised that based on the findings and observations of the Revenue Office, BOC is instructed to **hold in abeyance and not to honor the following TES pending final determination of the correctness of their issuance:**

TES No.	Indorsement Date	BOI CA No.	B/L No.	Date of B/L
20180614042	July 3, 2018	00924	3930-0145-608.011	8.6.2016
20180614043	July 4, 2018	00925	3930-0145-608.014	8.12.2016
20180614044	July 16, 2018	00923	3930-0145-607.012	7.29.2016
20180725067	July 27, 2018	00922	3930-0145-608.012	8.12.2016
20180725071	July 27, 2018	00926	3930-0145-608.013	8.12.2016

For information, below is the summary of observations made by the Revenue Office during the review of the application:

1. The Company's original registration was approved on **14 November 2016** whereas the shipment covered by B/L No. 3930-0145-608.014 arrived on **24 September 2016**. This is contrary to the Revenue Office's original assessment of the date of importation based on B/L, indicated as "12/08/2016," and reiterated by the Company in its application. The same is true in so far as the other importations enumerated in the table below:



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TES No.	Indorsement Date	BOI CA No.	B/L No.	Date of B/L
20180614042	July 3, 2018	00924	3930-0145-608.011	8.6.2016
20180614043	July 4, 2018	00925	3930-0145-608.014	8.6.2016
20180614044	July 16, 2018	00923	3930-0145-607.012	7.29.2016
20180725067	July 27, 2018	00922	3930-0145-608.012	8.12.2016
20180725071	July 27, 2018	00926	3930-0145-608.013	8.12.2016

- SPCRPI made active misrepresentation as to which Solar Power Project the imported materials will be utilized. TES were issued granting duty-free importation on the strength of the CAs issued by the BOI to the 140.40-MWp **Concepcion 1 Solar Philippines Commercial Rooftop Project** in Barangay Sta. Rosa, Concepcion, Tarlac covered by **Solar Energy Service Contract (SESC) No. 2017-07-442**.

However, based on SPCRPI's letter dated October 02, 2017 and the copy of surety bond addressed to District Collector Galeno, a copy of which was voluntarily provided to the Revenue Office by the Company, it was stated that the subject of importation therein was for the 13.4 MWp **Tagoloan Solar Power Project** located in Tagoloan, Misamis Oriental covered by SESC No. 2015-06-236.

In summary, the Company has misrepresented the date of importation of its machineries and equipment to the Revenue Office as well as the project by which it was really intended to be used.

The Company has been instructed to explain the noted discrepancies and misrepresentation. Further, it is required to explain why the TES should not be cancelled and sanctions not imposed upon the company.

Thank you.

**ANTONETTE C. TIONKO**  
*Undersecretary*  
*Revenue Operations Group*

**DEPARTMENT OF FINANCE**  
 Republic of the Philippines

