

[BIR REVENUE MEMORANDUM CIRCULAR NO. 67-2010, August 10, 2010]

CIRCULARIZING REVOCATION OF BIR RULING NO. DA-722-2006

For the information and guidance of all internal revenue officials, employees and others concerned, quoted hereunder is the full text of the memorandum letter to the Regional Director of Revenue Region No. 10, Legazpi City, declaring **BIR Ruling No. DA-722-2006** dated December 15, 2006, null and void, as follows:

“MEMORANDUM

TO : DIOSDADO R. MENDOZA
Regional Director
RR No. 10, Legazpi City

SUBJECT: Revocation of BIR Ruling DA-722-2006 dated 12-15-2006;
(Atlas Consolidated Mining and Development Corporation)

DATE : July 13, 2010

This refers to your letter dated November 24, 2008 requesting that BIR Ruling No. DA-722-2006 dated December 15, 2006 issued in favor of Atlas Consolidated Mining and Development Corporation (Atlas for brevity) be revoked on the ground of misrepresentation of facts by the subject taxpayer.

In the said letter, it was alleged that the facts are not as represented by Atlas in its request for ruling. Specifically, Atlas failed to represent that it willfully neglected to file the required excise tax returns and failed to pay the excise tax due within the prescribed period;

It must be noted that the ruling was issued with a very specific collatilla, to wit:

“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 null and void.”

Finding merit in the arguments of our revenue officers and considering the blatant misrepresentation by Atlas, it is hereby declared that BIR Ruling No. DA-722-2006 dated December 15, 2006 is null and void. For your immediate and appropriate action.