

[BIR REVENUE REGULATIONS NO. 11-2013, May 20, 2013]

FILING/SUBMISSION OF HARD COPY OF THE CERTIFICATE OF COMPENSATION PAYMENT/TAX WITHHELD (BIR FORM 2316) COVERING EMPLOYEES WHO ARE QUALIFIED FOR SUBSTITUTED FILING, THEREBY AMENDING REVENUE REGULATIONS (RR) NO. 2-98, AS LAST AMENDED BY RR NO. 010-08

SECTION 1. Background. - These Regulations are issued in order to prescribe additional forms/documents to be filed by withholding agents in compliance with their duty to report income of their employees under the law.

SECTION 2. Amendment. Section 2.83 of RR 2-98, as amended, is hereby further amended to read as follows:

"Sec. 2.83. Statements and Returns. -

Section 2.83.1. Employees Withholding Statements (BIR Form No. 2316). In general, every employer or other person who is required to deduct and withhold the tax on compensation including fringe benefits given to rank and file employees, shall furnish every employee from whose compensation taxes have been withheld the Certificate of Compensation Payment/Tax Withheld (BIR Form No. 2316) on or before January 31 of the succeeding calendar year, or if employment is terminated before the close of such calendar year, on the day on which the last payment of compensation is made. Failure to furnish the same shall be a ground for the mandatory audit of payor's income tax liabilities (including withholding tax) upon verified complaint of the payee.

Employers of MWEs are still required to issue BIR Form No. 2316 (June 2008 Encs version) to the MWEs on or before January 31 of the following year.

As a rule, the employer shall furnish each employee with the original and duplicate copies of BIR Form No. 2316 showing the name and address of the employer; employer's TIN; name and address of the employee; employee's TIN; amount of exemptions claimed, amount of premium payments on health and/or hospitalization insurance not exceeding P2,400.00, if any; the sum of compensation paid including the non-taxable benefits; the amount of statutory minimum wage received by MWEs; Overtime pay, holiday pay, night shift differential pay and hazard pay received by MWEs; the amount of tax due; the amount of tax withheld during the calendar year and such other information as may be required. The statement must be signed by both the employer or other authorized officer and the employee, and shall contain a written declaration that it is made under the penalties of perjury. If the employer