REVENUE MEMORANDUM CIRCULAR NO. 136-2022 issued on October 14, 2022 publishes Fiscal Incentives Review Board (FIRB) Resolution No. 026-2022 extending the 70:30 Work-From-Home (WFH) arrangement for Registered Business Enterprises (RBEs) in the Information Technology Business Process Management (IT-BPM) Sector from September 13, 2022 until December 31, 2022.

RBEs implementing WFH arrangements shall comply with all the conditions in FIRB Resolution Nos. 19-21, 017-22 and relevant issuances.

The affected RBEs in the IT-BPM sector may be allowed to transfer their registration to the Board of Investments (BOI) from the Investment Promotion Agency (IPA) administering an economic zone or freeport zone where their project is located until December 31, 2022 and adopt up to 100% WFH arrangement; Provided that the monitoring of these "transferee" RBEs' compliance and the availment of their remaining incentives shall remain with the concerned IPA administering such economic zone or freeport zone where they are located. The transfer of registration shall be governed by the following guidelines:

a. RBEs in the IT-BPM sector shall signify to the concerned IPA of their intention to transfer to BOI;
b. The concerned IPA shall prepare an endorsement to BOI, which shall contain the following basic information:
    - Registration Details (Certificate of Registration, Date of Registration, and Registered Activity with corresponding PSIC Code)
    - Remaining Tax Incentives; and
    - Status of compliance with registration terms and conditions;
c. BOI shall issue the BOI Certificate of Registration (CR) indicating the remaining tax incentives of the project; Provided that the current Cost-Benefit Analysis for new projects shall no longer be applied to the transferee RBEs;
d. The concerned IPA shall monitor compliance of transferee RBEs and submit a report to the BOI in relation to the BOI CRs issued; and Provided, that the "affected RBEs" shall cover those transferee RBEs that have remaining tax incentives under Section 311 of the NIRC of 1997, as amended, or those with approved incentives on or before 14 September 2022 under the Corporate Recovery and Tax Incentives for Enterprises Act with the concerned IPA.

The BOI and the concerned IPA, in coordination with the FIRB Secretariat, shall, when necessary, provide any additional procedures and mechanisms to effectively and expeditiously carry out the said transfer of registration of RBEs in the IT-BPM sector.

After the lapse of the periods of the remaining tax incentives, the existing registered project of the transferee RBEs shall not be entitled to additional incentives but may be eligible to apply if the activity is listed in the Strategic Investment Priority Plan and there is a new investment or qualified expansion.