

MEMORANDUM CIRCULAR NO. _____
Series of 2020

TO : ALL BOI CLIENTS AND ALL OTHERS CONCERNED

SUBJECT : GUIDELINES ON COMPLIANCE WITH THE PRE-REGISTRATION REQUIREMENTS FOR APPROVED APPLICATIONS FOR BOI REGISTRATION UNDER EXECUTIVE ORDER NO. 226

DATE : 07 September 2020

WHEREAS, the Board of Investments (BOI) is mandated to promote and generate foreign and local investments, and develop globally competitive industries;

WHEREAS, Article 34 of E.O. 226 provides that the Board is authorized to adopt rules and regulations to facilitate action on applications filed with it and prescribe criteria for the evaluation of several applications filed in one preferred area;

WHEREAS, under existing procedure, applicants for BOI registration whose application has been approved are required to submit the pre-registration requirements within sixty (60) days from receipt of the notice of approval, which is extendible for another thirty (30) days. Otherwise, the approval would be deemed automatically withdrawn;

WHEREAS, there is a need to expedite the submission of pre-registration requirements in order to prevent/minimize repetition or duplication of the application processes resulting from the re-filing of applications that were deemed withdrawn on account of non-compliance with the pre-registration requirement;

NOW THEREFORE, to effectively carry out the intent and purposes of E.O. No. 226, as amended, and to ensure the timeliness of compliance with the pre-registration requirements, the Board, by virtue of Board Resolution No. 05-02, Series of 2020, approved the following guidelines on compliance with the pre-registration requirements for approved applications for BOI registration:

1. Upon date of receipt of the notice of approval, the applicant firm will be given sixty (60) days to comply with the pre-registration requirements.
2. Any requests for extension of the period to comply with the pre-registration requirements shall be filed before the lapse of the sixty (60) day period provided in the Notice of Approval. Otherwise, the Board may resolve that the application for registration may be deemed withdrawn, without prejudice to the re-filing of the application for registration, provided that the activity is still listed in the current IPP at the time the application is filed.
3. The approval of the request for extension of the period to submit pre-registration requirement to a period not exceeding one hundred twenty (120) days shall be

delegated to the concerned Service Director, subject to the payment of non-refundable fee of Fifteen Thousand Philippine Pesos (PhP15,000.00).

4. The fee shall be imposed only after the lapse of the sixty (60) day period indicated in the notice of approval or on the sixty-first (61st) day.
5. The payment of the fee shall not apply to projects of Micro and Small Enterprises.
6. In no case will the total period within which enterprises may comply with the pre-registration requirement be beyond six (6) months from receipt of the Notice of Approval. Upon failure of the enterprise to comply within the said period, the application for registration of the said enterprise may be deemed withdrawn, without prejudice to the re-filing of the application for registration provided that the activity is still listed in the current IPP at the time the application is filed.
7. Any requests for extension for a period beyond one hundred twenty (120) days shall be resolved by the Board.

This Circular shall take effect fifteen (15) days following its publication in a newspaper of general circulation and filing of three (3) copies hereof with the Office of the National Administrative Register (ONAR) University of the Philippines (UP) Law Center, Diliman, Quezon City pursuant to Presidential Memorandum Circular No. 11 dated 09 October 1992.


Done in Makati City, this 07 September 2020

BY AUTHORITY OF THE BOARD


DR. CEFERINO S. RODOLFO
Undersecretary and BOI Managing Head

SECRETARY'S CERTIFICATE

This is to certify that Memorandum Circular No. 2020-005 has been approved by the BOI through Board Resolution No. 05-02, Series of 2020.


Director ELYJEAN DC PORTOZA
Board Secretary