



14 January 2014

**TO : CEAP NATIONAL BOARD, CEAP MEMBER SCHOOLS,
AND SUPERINTENDENTS**

**RE : ADVISORY ON THE BIR'S
REVENUE MEMORANDUM ORDER NO. 20-2013**

During the meeting held on 13 January 2014, the Philippine Association of Religious Treasurers (PART) advised the Catholic Educational Association of the Philippines (CEAP) that on 3 January 2014, Branch 143 of the Regional Trial Court (RTC) of Makati issued a Temporary Restraining Order (TRO) in the case entitled "St. Paul College of Makati v. Hon. Kim Jacinto Henares, in her official capacity as Commissioner of the Bureau of Internal Revenue, the dispositive portion of which states:

"Pursuant to the Order of the Court dated 27 December 2013, a Temporary Restraining Order is hereby issued enjoining Respondent Kim Jacinto Henares, as Commissioner of the Bureau of Internal Revenue, the agents and representatives of the Bureau of Internal Revenue, from implementing the BIR Revenue Memorandum Order No. 20-2013.

This Temporary Restraining Order is effective for twenty (20) days from service to the Defendants."

The TRO shall be effective until 23 January 2014. Thereafter, the TRO shall automatically expire, unless a writ of preliminary injunction is issued during the pendency of the case. The preliminary injunction would prohibit the Bureau of Internal Revenue (BIR) from enforcing Revenue Memorandum Order (RMO) No. 20-2013 during the pendency of the case. The application for preliminary injunction has now been submitted for resolution of the Court.

All member-schools that have not yet complied with RMO No. 20-2013 may opt to defer the filing of their application for Tax Exemption Ruling until 23 January 2014. In addition, we advise all member-schools to immediately notify, in writing, your respective banks that a TRO has been issued against the implementation of RMO No. 20-2013 and that these banks should refrain from withholding taxes on the member-schools' deposits and investments unless the TRO is lifted. In this regard, we recommend all member-schools to attach a copy of the TRO to the letters to your respective banks, a copy of which we have attached in this advisory.

CEAP will continue to monitor the progress of this case as well as other cases seeking the nullification of RMO No. 20-2013. We will issue periodic advisories for any developments in these cases. Should you have any concerns and inquiries regarding this advisory, kindly contact the CEAP Advocacy Officer, Mr. Anthony V. Coloma at ton.coloma@ceap.org.ph.