

**GUIDELINES/PROCEDURES FOR REGISTRATION  
UNDER BOOK 1 OF THE OMNIBUS INVESTMENTS CODE OF 1987**  
Executive Order No. 226

1. OFFICIAL FILING OF APPLICATION

An application is considered officially filed upon submission of **two (2) sets** of the following documents and upon payment of the required filing/application fee (*See Table 1*).

- Prescribed application form (BOI Form 501) duly accomplished, signed by the authorized officer and notarized;
- Project Report (*See Project Outline*)
- Supporting documents

2. Preparation of PROJECT EVALUATION report by the Project Evaluation and Registration Department (PERD), including applicant's publication of Notice of Filing of Application, BOI referral of the application to concerned government/private sectors (e.g., Department of Finance, Department of Science and Technology), and conduct of plant visit if necessary.

3. PRESENTATION by PERD of the project evaluation report to the BOI MANAGEMENT COMMITTEE

4. ACTION on the application for registration is rendered by the BOI BOARD OF GOVERNORS.

5. TRANSMITTAL OF NOTICE OF BOARD ACTION

Preparation by PERD of letter advising the applicant enterprise, of the Board action:

- Letter of approval including the pre-registration requirements, if application is approved; or,
- Letter of the Board action, if the application is denied or decision is deferred.

If there is no request for waiver/amendment of the pre-registration or registration conditions, proceed to **Step No. 7**.

6. PROCESSING OF ANY REQUEST of the applicant for waiver of pre-registration requirement(s), for amendment of timetable/ terms and conditions of registration, etc:

- PERD evaluates the request
- PERD presents the request and its recommendations to the BOI Management Committee if necessary.
- ACTION on the application for registration is rendered either by the BOI BOARD OF GOVERNORS, or by the Executive Director of the Project Assessment Group (PAG) as delegated by the Board.
- PERD prepares notice of BOI action on the request.

7. Applicant complies with the PRE-REGISTRATION REQUIREMENTS including payment of the required registration fee. (*See Table 2*).

8. PERD prepares and issues CERTIFICATE OF REGISTRATION (CR).

## **SUPPORTING DOCUMENTS**

- a. Copy of Applicant's DTI Certificate of Business Registration (if sole proprietorship) or Securities and Exchange Commission (SEC) Certificate of Registration (if partnership or corporation) including Articles of Incorporation/Partnership and By-Laws, amendments thereof and copy of the updated SEC-General Information Sheet (GIS).
- b. Copy of the enterprise's Board Resolution authorizing its officer to transact, execute and sign in behalf of the applicant enterprise.
- c. Copy of clearances from proper authorities for waste disposal and emission control (if already available).
- d. Proof of the following may be required on case to case basis:
  - Assured supply of major raw materials e.g., supply contract/agreement(s), contract growing arrangement(s), etc.
  - Assured market, e.g., copy of letter(s) of intent, purchase order(s), proforma invoice(s), sales/marketing contract(s), supply contract/agreement(s), etc.
  - Acquisition of equipment (if already acquired).
  - Financial capacity of Principal Stockholders (e.g., Sworn Statement of Assets and Liabilities and latest Income Tax Return)
- e. Additional Requirement for existing enterprises  
  
Copy of the Audited Financial Statements (AFS) and Income Tax Return (ITR) for the past three (3) years, or for the period the enterprise has been in operation if less than three (3) years:
- f. Additional Requirements for specific investment areas/activities  
*Requirements indicated in the current year's Investment Priorities Plan (IPP) and/or those that the Board may require.*
- g. Other documents that may be required.

**Table 1. Filing/Application Fees <sup>a</sup>**

<b>Classification</b>	<b>Project Cost <sup>b</sup></b>	<b>MSE Fees <sup>c</sup></b>	<b>Regular Fees</b>
New/ Expansion			
Micro	Not exceeding P3 million	Waived	1,500
Small	Exceeding P3 million but not over P4 million	375	1,500
	Exceeding P4 million but not over P15 million	750	3,000
Medium	Exceeding P15 million but not over P 20 million	Na	3,000
	Exceeding P20 million but not over P 50 million	Na	4,500
	Exceeding P50 million but not over P 100 million	Na	6,000
Large	Over P 100 million	Na	6,000
Existing	<b>Assets</b>		
Micro	Not exceeding P3 million	Waived	1,500
Small	Exceeding P3 million but not over P15 million	375	1,500
Medium	Exceeding P15 million but not over P 100 million	Na	1,500
Large	Over P 100 million	Na	1,500

**Table 2. Registration Fees**

<b>Classification</b>	<b>Project Cost <sup>b</sup></b>	<b>MSE Fees <sup>c</sup></b>	<b>Regular Fees</b>
New/ Expansion			
Micro	Not exceeding P3 million	Waived	1/10 of 1% of project cost, but not less than P3,000; and not to exceed P15,000.
Small	Exceeding P 3 million but not over P 15 million	25% of 0.1% of project cost. But not less than P3,000.	
Medium	Exceeding P 15 million but not over P 100 million	Na	
Large	Over P 100 million	Na	
Existing	<b>Assets</b>		
Micro	Not exceeding P3 million	Waived	3,000
Small	Exceeding P3 million but not over P15 million	750	3,000
Medium	Exceeding P15 million but not over P 100 million	Na	3,000
Large	Over P 100 million	Na	3,000

<sup>a</sup> There is additional fee for Legal Research Fund(LRF), equivalent to 1% of filing fee but not lower than Php 20.00 as per P.D. 1856.

<sup>b</sup> Project cost includes loan but excludes cost of land

<sup>c</sup> Under the 2009 Investment Priorities Plan (IPP), Micro enterprises are exempted from payment of application and registration fees. Small enterprises are entitled to seventy five percent (75%) reduction in application and registration fees.

Reduced fees shall apply to projects that meet both of the following conditions, otherwise the regular fees shall be applied:

- The enterprise satisfies the definition for MSEs under RA 9501 amending the Magna Carta for Small Enterprises, as follows: Any business activity or enterprise engaged in industry, agribusiness and/or services, whether single proprietorship, cooperative, partnership or corporation whose total assets, inclusive of those arising from loans but exclusive of the land on which the particular business entity's office, plant and equipment are situated, must have value falling under the following categories:

Micro: Not more than P 3,000,000

Small: P 3,000,001 to P 15,000,000

- The cost of the project proposed by the enterprise, exclusive of the cost of land on which the particular business entity's office, plant and equipment are situated, shall not exceed fifteen million (Php15,000,000). Likewise, authorized capital shall not exceed fifteen million (Php15,000,000).

## **BOARD RESOLUTION NO. 240 S'91**

WHEREAS, it has come to the attention of the Board that certain consultation, agents, representatives of enterprises enjoying fiscal and non-fiscal incentives under investment and investment-related laws have intentionally or through gross negligence committed acts resulting in violations of the provisions of said investment laws and the implementing rules thereof.

WHEREAS, enterprises which have violated the terms and conditions of registration, the provisions of their law registration and the rules and regulations thereof have invariably raised the defense that said violations were committed by their consultants, agents or representatives; without their knowledge or consent.

NOW THEREFORE, for and in consideration of the foregoing premises, the Board hereby adopts the following resolution:

“RESOLVED”, as it is hereby RESOLVED that it is the policy of the Board to repress acts of consultations, agents, representatives or other persons which tend to defraud the government by blacking and/or disqualifying said consultants, agents or representatives from further dealing with the BOI if they are found to have committed any of the following acts:

- a) Persuading, including or influencing any BOI staff to perform any act constituting a violation of any investment related law and the rules and regulations and policies duly promulgated by the Board;
- b) Intentional or grossly negligent making of a material misstatement in the application for registration or enjoyment of incentives under laws being implemented by the BOI;
- c) Intentional or grossly negligent making of a material misstatement in the annual reports, audited financial statements, income tax returns, and/or other reports required to be submitted to BOI;
- d) Fraudulent tampering, falsification, and/or misrepresentation of any material fact in any document required by the BOI to be submitted as supporting document in connection with or relative to the application for registration and/or application for enjoyment of incentives under any incentive law being implemented by BOI.

Provided, that nothing herein shall be construed as to exculpate any enterprises from any liability or penalty for the violation of any provision of the investment laws and the terms and conditions of its registration whether or not the violation thereof can be traced to the enterprise itself or its consultant, agent or representative.

**REPUBLIC OF THE PHILIPPINES  
BOARD OF INVESTMENTS**

**APPLICATION FOR REGISTRATION  
UNDER BOOK I OF THE OMNIBUS INVESTMENTS CODE OF 1987, AS AMENDED  
(EXECUTIVE ORDER NO. 226)**

<b>A. APPLICANT</b>	
NAME OF ENTITY :	_____
TAX ACCOUNT NO. :	_____
OFFICE ADDRESS :	_____
ZIP CODE :	_____
E-MAIL ADDRESS :	_____
TELEPHONE NO. :	_____
FAX NO. :	_____
PLANT/FARM ADDRESS :	_____
TELEPHONE NO. :	_____
FAX NO. :	_____
<b>CONTACT DETAILS</b>	
NAME OF AUTHORIZED OFFICER/DESIGNATION :	_____
TELEPHONE NO. :	_____
FAX NO. :	_____
MOBILE NO. :	_____
E-MAIL ADDRESS :	_____
APPLICANT'S REPRESENTATIVE TO BOI:	
NAME :	_____
ADDRESS :	_____
TELEPHONE NO. :	_____
FAX NO. :	_____
MOBILE Phone No. :	_____
E-MAIL ADDRESS :	_____
<b>B. TYPE OF ACTIVITY APPLIED FOR</b>	
_____	Listed in the Investment Priorities Plan (IPP)
_____	Not listed in the IPP but production intended for export is at least 50% (if a Phil. National) or 70% (if foreign-owned)
_____	Activity under the industry cluster
<b>C. AREA OF INVESTMENT APPLIED FOR</b>	
Activity as listed in the IPP :	_____
Specific Products/Services :	_____
Attainable Capacity/Year (volume) / (if applicable) :	_____
Capacity Geared for Export :	_____

<b>D. TYPE OF PROJECT</b>		
_____ New	_____ Rationalization and modernization	_____ Existing and Expansion
_____ Expansion	_____ Existing	

<b>E. STATUS</b>	
_____ Pioneer	_____ Non-Pioneer

<b>F. SOLE PROPRIETORSHIP, PARTNERSHIP, OTHERS</b>			
Name	Nationality	Country of Residence	Capital (In Pesos)

<b>G. CORPORATION</b>
-----------------------

1. CAPITAL STRUCTURE				
CAPITAL STOCK	Voting		Non-Voting	
	No. of Shares	Total Value (PhP)	No. of Shares	Total Value (PhP)
AUTHORIZED: SUBSCRIBED: Filipino Foreign (specify nationality) a. b. c. TOTAL SUBSCRIBED: PAID-UP:				

2. STOCKHOLDERS						
Name & Tax Identification No. (TIN)	Nationality (indicate with * if naturalized Filipino)	Country of Residence	Subscribed Capital		Paid-Up Capital	
			No. of shares	Value	No. of shares	Value

3. DIRECTORS						
Name	Nationality	Country of Residence	Subscribed Capital		Paid-Up Capital	
			No. of Shares	Value	No. of Shares	Value
4. PRINCIPAL OFFICERS						
Name			Designation			

The applicant has read the Omnibus Investments Code of 1987, as amended and the Rules and Regulations adopted by the BOI and commits itself to abide by the provision thereof.

DONE IN THE CITY/PROVINCE OF \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_ .

\_\_\_\_\_  
Applicant/Authorized Officer

REPUBLIC OF THE PHILIPPINES  
CITY/PROVINCE OF \_\_\_\_\_ ) S.S.  
MUNICIPALITY OF \_\_\_\_\_ )

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of 20 \_\_\_\_\_  
in the City/Province of \_\_\_\_\_ affiant exhibited to me his Residence  
Certificate No. \_\_\_\_\_ issued at \_\_\_\_\_ on  
\_\_\_\_\_ 20 \_\_\_\_\_ .

**NOTARY PUBLIC**  
Until Dec. 31, \_\_\_\_\_

Doc. No. : \_\_\_\_\_  
Page No. : \_\_\_\_\_  
Book No. : \_\_\_\_\_  
Series of : \_\_\_\_\_

**SAMPLE FORMAT FOR SECRETARY'S CERTIFICATE**

**SECRETARY'S CERTIFICATE**

I, (name of Corporate Secretary), of legal age, Filipino, being the duly elected and qualified Corporate Secretary of (name of applicant firm), a corporation duly organized and existing under the laws of the Philippines, with office address at (office address of applicant firm), under oath, do hereby certify that at the special meeting of the Board of Directors of the Corporation held on (date of special meeting), the following resolution was unanimously adopted:

RESOLVED, that (name of officer of firm), (position of officer) be as it hereby, authorized to transact, execute and sign all documents in behalf of the Corporation pertaining to its application for registration under the Omnibus Investments Code of 1987 (Executive Order No. 226) with the Board of Investments for its (proposed project activity) as (new)(expanding)(existing) (export) producer of \_\_\_\_\_ under the 20\_\_ Investment Priorities Plan.

**IN WITNESS WHEREOF**, I have hereunto affixed my signature this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_.

**Corporate Secretary**

**Subscribed and Sworn** to before me this \_\_\_\_\_ at \_\_\_\_\_, affiant exhibited to me his CTC No. \_\_\_\_\_ issued on \_\_\_\_\_ at \_\_\_\_\_.

**Notary Public**

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of \_\_\_\_\_

## PROJECT OUTLINE (GENERAL)

1. Project Description
2. Products(s) and by-products / Service(s) Descriptions(s) including uses/applications
3. Five (5)-Year Projected Production and Sales Schedules (Volume & Value) for Product(s) and By-products

Annual Production Capacity/ Volume Applied for Registration (No. of units)								
Year	Production Volume <sup>1</sup>	% Capacity Utilization	Sales Volume (No. of units)		Average Selling Price per Unit		Total Sales Value	
			Domestic	Export	Domestic (Php)	Export (Php)	Domestic (Php)	Export (Php)
1								
2								
3								
4								
5								
<sup>1</sup> Indicate unit of measure (e.g., metric tons, liters, etc.) Assumptions Used in the Projections: <ul style="list-style-type: none"> <li>○ Year1 is 1<sup>st</sup> year of commercial operations</li> <li>○ Foreign Exchange Rate Used (in Php per USD) _____</li> <li>○ No. of shifts per day _____</li> <li>○ No. of Operating days per year _____</li> <li>○ Basis for the selling price(s) _____</li> <li>○ Others _____</li> </ul>								

4. Employment Generation (at Full capacity or Year 5)

	No. of Employees	Annual Payroll
Direct		
Indirect		
Selling and Administrative		
Total:		

5. Market

Name of Buyers	Market/Country

- Include information on marketing arrangements, including trade names, channels of distribution



8. Justification for Pioneer Status (if applicable)

9. Project Timetable/ Cost (*applicant to modify activity/related expense components as deemed necessary*)

Activity	Schedule (Month/Year)	Related expenses	Cost (in Php)
Secure necessary license/ permit/ registration from the government		Pre-operating expense	
Site acquisition through execution of deed of sale or lease contract of land		Land:	
		Other expenses	
Site preparation & development • Hiring of Contractors • Civil works		Building	
		Leasehold Improvements	
		Other expenses:	
Acquisition of machinery & equipment • Placing of purchase order or opening of letters of credit • Arrival of equipment • Installation of equipment		Machinery & equipment:	
		Installation cost	
Start of commercial operation		Working capital (___ months) <sup>8</sup>	
		Total	

<sup>8</sup> Normally covers the first three (3) to four (4) months of operations.

10. Sources of Financing (breakdown)

	Amount (Php)
Equity	
Advances from stockholders	
Loan	
Total <sup>9</sup> :	
• Bank/s	Status

<sup>9</sup> Total should tally with the total project cost

11. Financial Projections (at least 5 years projection): (*preferably in Excel format*) presented in two sets: (i) Projections *WITH* Income Tax Holiday (ITH); and, (ii) Projections *WITHOUT* Income Tax Holiday:

- a. Income Statements  
(Itemized Cost of Goods Sold, Manufacturing Overhead and Operating Expenses)
  - b. Cash Flow Statements (Receipts & Disbursements)
  - c. Balance sheets
  - d. Profitability Ratios (e.g., IRR, ROS, ROE, ROA, ROI)
- Assumptions used in Financial Projections

12. Background Information on the applicant enterprise and its stockholders (e.g., previous and current business(es) of the applicant enterprise, other than the proposed project being applied for BOI registration)

13. Additional Information Required from existing enterprises

- Actual Production & Sales Schedule (Volume & Value) For The Past Three (3) Years

Year	Production Volume (No. of units)	% Capacity Utilization	Sales Volume (No. of units)		Unit Selling Price per Unit		Total Sales Value	
			Domestic	Export	Domestic (Php)	Export (US\$)	Domestic (Php)	Export (US\$)
Existing Operations:								
○ No. of shifts per day _____								
○ Working days per year _____								
○ Unit of Volume (e.g., metric tons, liters, etc.) _____								

*Last Updated: 17 September 2009*