

MODULE 2

TAXES, TAX LAWS, AND TAX ADMINISTRATION

TAXATION LAW

Taxation law refers to any law that arises from the exercise of the taxation power of the State.

Types of taxation laws

1. **Tax laws** – There are laws that provide for the assessment and collection of taxes.

Examples:

- The National Internal Revenue Code (NIRC) (primary law)
- The Tariff and Customs Code
- The Local Tax Code
- The Real Property Tax Code

2. **Tax exemption laws** – These are laws that grant certain immunity from taxation.

Examples:

- The Minimum Wage Law
- The Omnibus Investment Code of 1987 (EO206)
- Barangay Micro-Business Enterprise (BMBE) Law
- Cooperative Development Act.

Cooperatives are tax-exempt for as long as transactions are within its members. Transactions with non-members are taxable. When a cooperative has revenue funds of more than P1 million, it is taxable.

Sources of Taxation Laws (Hierarchy)

- Constitution
- Statutes and Presidential Decrees
- Judicial Decisions or case laws
- Executive Orders and Bids, Pambansa
- Administrative issuances (issued by DDO)
- Local Ordinances
- Tax Treaties and Conventions with foreign countries
- Revenue Regulations

Types of Administrative Issuances

- Revenue regulations
- Revenue memorandum orders
- Revenue memorandum rulings
- Revenue memorandum circulars
- Revenue bulletins
- BIR rulings

Revenue Regulations are issuances signed by the Secretary of Finance upon recommendation of the Commissioner of Internal Revenue (CIR) that specify, prescribe, or define rules and regulations for the effective enforcement of the provisions of the National Internal Revenue Code (NIRC) and related statutes. Revenue regulations are formal pronouncements intended to clarify or explain the tax law and carry into effect its general provisions by providing details of administration and procedure. Revenue regulation has the force and effect of a law but is not intended to expand or limit the application of the law; otherwise, it is void.

Revenue Memorandum Orders (RMOs) are issuances that provide directives or instructions, prescribe guidelines, and outline processes, operations, activities, workflows, methods, and procedures necessary in the implementation of stated policies, goals, objectives, plans, and programs of the Bureau in all areas of operations conceptualizing. (RMOs that are directives for RIR explained)

Revenue Memorandum Rulings (RMRs) are rulings, opinions and interpretations of the CIR with respect to the provisions of the Tax Code and other tax laws as applied to a specific set of facts, with or without established precedents, and which the CIR may issue from time to time for the purpose of providing taxpayer guidance on the tax consequences in specific situations. BIR Rulings, therefore, cannot contravene duly issued RMOs; otherwise, the Rulings are null and void ab initio.

Revenue Memorandum Circulars (RMCs) are issuances that publish pertinent and applicable portions as well as applications of laws, rules, regulations, and procedures issued by the BIR and other agencies/offices.

Revenue Rulings (RRs) refer to periodic, frequent, uniform, and official announcements of the Commissioner of Internal Revenue that consolidate the Bureau of Internal Revenue's position on certain specific issues of law or administration in relation to the provisions of the Tax Code, relevant tax laws, and other issuances for the guidance of the public.

BIR Rulings are official positions of the Bureau to queries raised by taxpayers and other stakeholders relative to clarification and interpretation of tax laws. Rulings are merely advisory or a sort of information service to the taxpayer such that none of them is binding except to the addressee and may be reversed by the BIR at anytime.

Types of rulings

- Value Added Tax (VAT) rulings
- International Tax Affairs Division (ITAD) rulings
- BIR rulings
- Delegated Authority (DA) rulings

Generally Accepted Accounting Principles (GAAP) or Tax Law

Generally accepted accounting principles or GAAP are not laws but are mere conventions of financial reporting. They are benchmarks for the fair and relevant valuation and recognition of income, expenses, assets, liabilities, and equity of a reporting entity for general purpose financial reporting. GAAP accounting reports are intended to meet the common needs of a vast number of users in the general public.

Tax laws including rules, regulations, and rulings prescribe the criteria for tax reporting, a special form of financial reporting which is intended to meet specific needs of tax authorities.

Taxpayers normally follow GAAP in recording transactions in their books. However, in the preparation and filing of tax returns, taxpayers are mandated to follow the tax law instead of GAAP.

The law shall be followed when preparing reports for submission to the BIR. In the case of financial statements for stakeholders of a company, GAAP/IFRS shall prevail.

NATURE OF PHILIPPINE TAX LAWS

Philippine tax laws are civil and not political in nature. They are effective even during periods of enemy occupation. They are laws of the occupied territory and not by the occupying enemy. Tax payments made during occupations of foreign enemies are valid.

Our internal revenue laws are not penal in nature because they do not define crime. Their penalty provisions are merely intended to secure taxpayer's compliance.

TAX

Tax is an enforced, proportional contribution levied by the lawmaking body of the State to raise revenue for public purposes.

Elements of a Valid Tax

- Tax must be levied by the taxing power having jurisdiction over the object of taxation.
- Tax must not violate Constitutional and inherent limitations.
- Tax must be uniform and equitable.
- Tax must be for public purpose.
- Tax must be proportional in character.
- Tax is generally payable in money.

Classification of Taxes

1. **As to purpose**

- Revenue tax** – a tax imposed for general purposes
- Regulatory** – a tax imposed to regulate business, conduct, acts or transactions

Ex. Local Business Tax

- Compulsory** – a tax levied to achieve some social or economic objectives

2. **As to subject matter**

- Personal, real or corporeal** – a tax on persons who are residents of a particular territory
- Property tax** – a tax on property, real or personal
- Excise or privilege tax** – a tax imposed upon the performance of an act, enjoyment of a privilege or engagement in an occupation

Ex. Income tax

3. **As to incidence**

- Direct tax** – when both the impact and incidence of taxation rest upon the same taxpayer, the tax is said to be direct. The tax is collected from the person who is intended to pay the same. The statutory taxpayer is the economic taxpayer.

Ex. Income tax

Taxes And Insurance Module Quiz Answers

Michael Rajnik



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Understanding Taxes, 1984 United States. Internal Revenue Service, 1984 Wiley CPA Examination Review, Outlines and Study Guides Patrick R. Delaney, O. Ray Whittington, 2012-06-19 Reviews each section of the CPA examination through study guides outlines and examples and provides sample multiple choice questions and simulations with detailed answers for practice *CTA - Awareness (FA2012) Study Text* BPP Learning Media, 2012-12-01 A Core Study Text for the CTA Qualification **Small Business Tax Education**, 1992 Wiley CPA Exam Review 2012 O. Ray Whittington, Patrick R. Delaney, 2011-12-15 Everything today's CPA candidates need to pass the CPA Exam Published annually this comprehensive four volume paperback reviews all four parts of the CPA exam Many of the questions are taken directly from previous CPA exams With 3 800 multiple choice questions these study guides provide all the information candidates need to master in order to pass the computerized Uniform CPA Examination Its unique modular format helps you zero in on those areas that need more attention and organize your study program Complete sample exam The most effective system available to prepare for the CPA exam proven for over thirty years Timely up to the minute coverage for the computerized exam Contains all current AICPA content requirements in auditing and attestation business environment and concepts financial accounting and reporting and regulation Unique modular format helps candidates zero in on areas that need work organize their study program and concentrate their efforts Comprehensive questions over 3 800 multiple choice questions and their solutions in the four volumes Guidelines pointers and tips show how to build knowledge in a logical and reinforcing way Other titles by Whittington Audit Sampling An Introduction Fifth Edition Wiley CPA Exam Review 2012 arms test takers with detailed outlines study guidelines and skill building problems to help candidates identify focus on and master the specific topics that need the most work **Wiley CPA Exam Review 2008** O. Ray Whittington, Patrick R. Delaney, 2007-12-04 Completely revised for the new computerized CPA Exam Published annually this comprehensive four volume study guide for the Certified Public Accountants CPA Exam arms readers with detailed outlines and study guidelines plus skill building problems and solutions that help them to identify focus and master the specific topics that need the most work Many of the practice questions are taken from previous exams and care is taken to ensure that they cover all the information candidates need to pass the CPA Exam Broken down into four volumes Regulation Auditing and Attestation Financial Accounting and Reporting and Business Environment and Concepts these top CPA Exam review study guides worldwide provide More than 2 700 practice questions Complete information on the new simulation questions A unique modular structure that divides content into self contained study modules AICPA content requirements and three times as many examples as other study guides *Resources in Education*, 1991 *Wiley CPA Examination Review, Problems and Solutions* O. Ray Whittington, 2013-06-21 The 1 CPA exam review self study leader The CPA exam review self study program more CPA candidates trust to prepare for the CPA exam and pass it Wiley CPA Exam Review 40th Edition contains more than 4 200

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Wiley CPA Exam Review 2011, Regulation Patrick R. Delaney, O. Ray Whittington, 2010-10-05 This comprehensive four volume set reviews all four parts of the CPA exam With more than 3 800 multiple choice questions over all four volumes these guides provide everything a person needs to master the material *IRS Printed Product Catalog* United States. Internal Revenue Service, 1994-03 *Human Resource Management: Text & Cases, 2nd Edition* Pande Sharon & Basak Swapnalekha, 2015 In a constantly evolving service led Indian economy human resources have become the cornerstone of an organization s success The management of human capability has become an art that has to be understood and mastered to run a successful enterprise Human Resource Management Text and Cases 2e explains the basic concepts of this discipline and presents cases that provide an insight into the challenges faced by HR professionals on a day today basis Going beyond the coverage of a traditional textbook this book focuses on applied aspects of HRM which capture the evolving challenges in the field The authors have used their extensive real world work experience in talent acquisition and human resource

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Emergency Department Compliance Manual Rusty McNew, 2017-06-14 Emergency Department Compliance Manual 2017 Edition provides everything you need to stay in compliance with complex emergency department regulations The list of questions helps you quickly locate specific guidance on difficult legal areas such as Complying with COBRA Dealing with psychiatric patients Negotiating consent requirements Obtaining reimbursement for ED services Avoiding employment law problems Emergency Department Compliance Manual also features first hand advice from staff members at hospitals that have recently navigated a Joint Commission survey and includes frank and detailed information Organized by topic it allows you to readily compare the experiences of different hospitals Because of the Joint Commission's hospital wide function based approach to evaluating compliance it's been difficult to know specifically what's expected of you in the ED Emergency Department Compliance Manual includes a concise grid outlining the most recent Joint Commission standards which will help you learn what responsibilities you have for demonstrating compliance Plus Emergency Department Compliance Manual includes sample documentation that hospitals across the country have used to show compliance with legal requirements and Joint Commission standards Age related competencies Patient assessment policies and procedures Consent forms Advance directives Policies and protocols Roles and responsibilities of ED staff Quality improvement tools Conscious sedation policies and procedures Triage referral and discharge policies and procedures And much more

Resources in Education, 1983

South Carolina Advanced Real Estate Principles Stephen Mettling, David Cusic, Ryan Mettling, 2024-09-09 Performance Programs Company's South Carolina Advanced Real Estate Principles the SCAP Unit II Program has been developed to satisfy South Carolina's 30 hour Unit II requirement The course also fulfills the Real Estate Commission's objective of giving South Carolina real estate licensees a carefully developed reinforcement of key real estate brokerage principles concepts and practices necessary to initiate a productive professional career in real estate Beyond an initial review of key principles the SCAP Program takes on a further examination of essential skills and practices that will be necessary to meet client and customer transactional requirements within South Carolina's legal framework Such skills examined include compliance with South Carolina agency and disclosure laws how to properly represent and disclose property characteristics and an intensive look at South Carolina transaction contracts listings the sales contract options and contracts for deed Beyond its agency and contracts topics the SCAP further examines the other key subjects required by the Commission ethics handling trust funds regulatory compliance and critical cornerstones of professional practice Finally the last two modules of the SCAP program

examine the various methods used to measure real property price and appraise real property and evaluate how real property is evaluated as a professional investment These considerations encompass income properties as well as residential non income property and include pre tax analysis as well as after tax analysis Taken as a whole the South Carolina Advanced Real Estate Principles program is designed to deepen the new licensee s understanding of how brokerage works in actual practice and how it is supposed to be undertaken in view of today s standards of professionalism ethics and legal compliance

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Table of Contents Taxes And Insurance Module Quiz Answers

1. Understanding the eBook Taxes And Insurance Module Quiz Answers
 - The Rise of Digital Reading Taxes And Insurance Module Quiz Answers
 - Advantages of eBooks Over Traditional Books
2. Identifying Taxes And Insurance Module Quiz Answers
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Taxes And Insurance Module Quiz Answers
 - User-Friendly Interface
4. Exploring eBook Recommendations from Taxes And Insurance Module Quiz Answers
 - Personalized Recommendations
 - Taxes And Insurance Module Quiz Answers User Reviews and Ratings
 - Taxes And Insurance Module Quiz Answers and Bestseller Lists

5. Accessing Taxes And Insurance Module Quiz Answers Free and Paid eBooks
 - Taxes And Insurance Module Quiz Answers Public Domain eBooks
 - Taxes And Insurance Module Quiz Answers eBook Subscription Services
 - Taxes And Insurance Module Quiz Answers Budget-Friendly Options
6. Navigating Taxes And Insurance Module Quiz Answers eBook Formats
 - ePub, PDF, MOBI, and More
 - Taxes And Insurance Module Quiz Answers Compatibility with Devices
 - Taxes And Insurance Module Quiz Answers Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Taxes And Insurance Module Quiz Answers
 - Highlighting and Note-Taking Taxes And Insurance Module Quiz Answers
 - Interactive Elements Taxes And Insurance Module Quiz Answers
8. Staying Engaged with Taxes And Insurance Module Quiz Answers
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Taxes And Insurance Module Quiz Answers
9. Balancing eBooks and Physical Books Taxes And Insurance Module Quiz Answers
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Taxes And Insurance Module Quiz Answers
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Taxes And Insurance Module Quiz Answers
 - Setting Reading Goals Taxes And Insurance Module Quiz Answers
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Taxes And Insurance Module Quiz Answers
 - Fact-Checking eBook Content of Taxes And Insurance Module Quiz Answers
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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