

H. No. 2548 would amend the wharfage tax law by including in the list to be taxed the following articles which were previously excepted:

Coal, lumber, creosoted, and other pressure-treated materials, as well as other minor forest products, cement, guano, natural rock asphalt, and sugar molasses.

The articles proposed to be excepted are:

Mineral and ores of copper, lead, zinc, iron, and steel metals, and refractory gold ores.

The wording includes a change from duty to wharfage and covers both imports, and exports. The rate is ₱2.00 per gross ton of 1000 kilos except on untreated logs and bulky articles of light materials on which the rate is ₱1.00 per cubic meter. The purpose of the proposed amendment is stated to be the necessity for more funds for port works and improvement of the harbor, including better transit sheds for protection of cargo against weather and pilferage.

H. B. No. 2782 would provide for a rather comprehensive plan for separation pay for an employee whose employment is not for a fixed period and who is discharged without just cause, of one month's pay for every year of service which shall not be more than twelve months' pay and not less than one month's pay, when employed in any commercial, industrial, or agricultural establishment or enterprise. For other enterprises which are not for the purpose of gain, the separation pay would be 50% of that payable by the commercial, industrial, and agricultural enterprises. The 50% compensation would apply to domestic help which is specified to include the family driver, watchman, *yaya*, gardener, and other house help.

Taxes

By WASHINGTON SYCIP
Sycip, Gorres, Velayo & Company

SUMMARIZED below are some of the rulings issued by the Bureau of Internal Revenue in December, 1954:

1. Additional Residence Tax

"Proceeds from the sales of agricultural products, such as palay, sugar, corn, and fish from fishponds, received by landowners need not be returned for additional residence tax purposes, where the assessed value of the property on which said products have been raised has been already declared for purposes of the residence tax. However, if the producer receiving such proceeds is not himself the owner of the land from which the agricultural products were derived, then the proceeds so received constitute taxable receipts returnable for additional residence tax purposes, irrespective of whether or not the owner of the land has previously declared the assessed value thereof for the purpose of the residence tax." (BIR Ruling December 27, 1954).

2. Amusement Tax

(a) "In line with the ruling of the Secretary of Finance subjecting to the amusement tax the athletic meets sponsored by the different regional athletic associations under the Bureau of Public Schools, the PAAF-sponsored games such as the MICA, NCAA, UAAP and others may also be subjected to the same tax." (BIR Ruling December 23, 1954)

(b) "The mere fact that an organization engages in laudable activities does not entitle it to the exemption from the 50% amusement tax prescribed in Section 261 of the Tax Code. This exemption is granted only to duly registered charitable associations."

3. Compensating Tax

"Materials imported by a contractor for use in the construction of public works projects being undertaken by him are subject to the compensating tax prescribed in Section 190 of the National Internal Revenue Code." (BIR Ruling December 22, 1954)

4. Privilege Tax Receipts

"Owners of rented property are not required to provide themselves with privilege tax-receipts as real estate dealers for every place where they have properties rented or offered for rent. The case of owners of rented property is an exception to the requirement of Section 178 of the Tax Code that a privilege tax shall be secured for every separate or distinct establishment or place where business subject to tax is conducted. The criterion as to whether a property owner is a real estate dealer or not is the aggregate amount for which his properties are rented or offered for rent during a taxable year. It comprehends all his properties wherever located. He cannot be considered separately engaged in business in every place where he has properties for rent and required to secure separate privilege tax-receipts for each place." (BIR Ruling December 21, 1954)

5. Firearms Licenses

"Possessors of firearms under temporary permits are not subject to the firearms license fees prescribed in Section 292 of the National Internal Revenue Code. Only possessors under regular licenses issued in accordance with Section 888 of the Administrative Code are liable for the payment of the fees.

"The firearms license fees are imposed not on the firearms but on the privilege or right to possess the same, evidenced by the firearms license." (BIR Ruling December 9, 1954)

6. Farmers' Cooperative Associations

"Farmers' cooperative associations organized under Republic Act No. 821 creating the ACCFA are not exempt from the payment of inter-

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nal revenue taxes if they engage in any taxable business. Republic Act No. 821 was enacted by Congress for the sole purpose of assisting small farmers in securing liberal credit and to promote the effective groupings of farmers into cooperative associations to enable them to market effectively their agricultural commodities. Nowhere in the law is there any provision granting these organizations exemption from the payment of taxes if they engage in any taxable business."

7. Books of Accounts

"A taxpayer engaged in international operations, with its Philippine operations directed from a regional representative in Tokyo, keeps its main books of accounts in Tokyo. The books include the ledger, general journal, vouchers and other records of transactions coming from the United States affecting the Manila Office and passing through the Tokyo Office. Records of receivables and other records pertaining to transactions in Manila are kept in Manila and are reported periodically to Tokyo for incorporation in the main books kept there. At the end of the year after the books and records affecting the Manila transactions are audited by auditors in Tokyo, these books and records are sent to Manila to be kept as permanent files of Manila. The Bureau ruled that such an arrangement does not comply with the requirements of Revenue Regulations No. V-1 that books of accounts and other accounting records shall be kept all times at the place of business of the taxpayer subject to examination and inspection at any time by internal revenue officers." (BIR Ruling December 13, 1954)

TAX CALENDAR—MARCH, 1955

March 1, 1955

1. Last day for individuals, partnerships, corporations, donors, donees, and withholding agents of non-resident taxpayers to file their returns for the calendar year 1954 (Secs. 45-c, 46-b, 115-c, and 53-c National Internal Revenue Code).

2. Last day for aliens registered under the Alien Registration Act of 1950 to report and pay the necessary fee to the Bureau of Immigration if residing in Manila, or to the office of the respective city or municipal treasurer, if residing outside of Manila (Sec. 10, Republic Act No. 562).

March 2, 1955

1. Last day for taxpayers having fiscal years ending January 31, 1955, to submit their year-end inventories to the Bureau of Internal Revenue (Sec. 13 Revenue Regulations No. V-1).

March 10, 1955

1. Last day for payment of amusement taxes for February, 1955 (Sec. 260 National Internal Revenue Code.)

2. Last day for submission of monthly report by radio dealers (Sec. 19 Revenue Regulations No. 9).

3. Last day for employers who withheld taxes of P200 or more from salaries and wages of employees during the month of February to deposit such funds with the provincial, municipal, or city treasurer or Collector of Internal Revenue (Sec. 22, Revenue Regulations V-8A).

March 11, 1955

1. Last day for taxpayers on the calendar year exempt under Act 35 or 901 to submit the following to the Department of Finance:

- a. Balance Sheet, December 31, 1954
- b. Statement of income for the year ended December 31, 1954

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- c. Manufacturing statements for the year ended December 31, 1954
- d. Schedules showing values of all real and personal properties of the industrial plant or factory (Department Order No. 185, Revised)

March 15, 1955

1. Last day for corporations having fiscal years ending October 31, 1954, to pay first installment of income tax (50%) (Sec. 51-c National Internal Revenue Code.)

2. Last day for corporations having fiscal years ending July 31, 1954, to pay second installment of income tax (50%) (Sec. 51-c National Internal Revenue Code.)

March 30, 1955

Last day for taxpayers having fiscal years ending February 28, 1955, to submit their year-end inventories to the Bureau of Internal Revenue (Sec. 13 Revenue Regulations No. V-1).

Advertising

By **GEORGE COHEN**

General Manager, "The Robot Statistics"

Print Advertising

The 5 leading brands advertised in January, 1955, were:

1. MANILA RUM	P27,645.52
2. PURICO	19,039.98
3. CHELSEA CIGARETTES	16,490.75
4. CORTAL	16,229.65
5. PEPSI COLA	14,282.74

For December, 1954:

1. MANILA RUM	P47,509.90
2. PEPSI COLA	17,648.30
3. CHELSEA CIGARETTES	17,431.00
4. AGUINALDO (DEPT. STORES)	16,332.00
5. COCA COLA	14,595.75

Movies comprise the largest single classification of advertisement. A total of P109,475.05 was spent by all theaters during January. The sum represents 4,428 individual insertions, or a total of 28,852.75 column inches of advertising. These figures are based on the "Competitive Advertising Report" published monthly by The Robot Statistics. The report covers all print advertising appearing in 70 leading publications in the Philippines. During the month under study, the total volume of advertisement placements in these publications is estimated to be P1,198,581.94.

All figures appearing above are based on the rate-card of each publications and do not make any allowance for volume discounts.

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