REVENUE MEMORANDUM ORDER NO. 77-2010 issued on October 12, 2010 prescribes the reportorial requirements for late/out-of-district returns.

All Revenue District Officers (RDOs), Large Taxpayers District Office (LTDO) and LT Division Chiefs shall, within five (5) days from receipt thereof, transmit out-of-district returns to the proper RDO, LTDO or LT Division where the subject returns are required to be filed. Said officials are directed to prepare and submit a report (under oath) of late tax returns filed in their jurisdictions, as well as out-of-district tax returns, which they have received and subsequently transmitted to the proper RDOs, LTDOs or LT Divisions where the subject returns are required to be filed.

The report (using the prescribed format in Annex A of the Order) shall contain the taxpayer’s name, Tax Identification Number (TIN), address, kind of tax, type of tax return, return period covered and the date when the return was filed. In case of out-of-district tax returns, the report shall likewise contain the RDO/LTDO/LT Division where the return was subsequently transmitted, and the date when the return was transmitted to said RDO/LTDO/LT Division. The report shall also contain a statement that no other late/out-of-district returns were received and transmitted (in case of out-of-district returns) by the RDO, LTDO or LT Division other than those contained in the report.

Any late return filed with and received by an RDO, LTDO or LT Division, and any out-of-district return received by an RDO/LTDO/LT Division and subsequently transmitted to the proper RDO/LTDO/LT Division, which is not included in the report shall be presumed not to have been filed and shall subject the concerned Revenue District Officer, LTDO or LT Division Chief to sanctions under Section 6 of the Order.

If no late returns were filed, and no out-of-district returns were received and transmitted, the RDO, LTDO or LT Division Chief shall likewise submit a report (under oath, using the prescribed format) stating that no late returns were filed or no out-of-district returns were received and transmitted during the particular period.

All RDOs, LTDO or LT Division Chiefs of the recipient RDOs/LTDOs/LT Divisions shall likewise prepare and submit a report (under oath) of out-of-district tax returns, which they have received from other RDOs/LTDOs/LT Divisions. The said report shall also contain all the information in the report on late tax returns as well as the RDO/LTDO/LT Division from where return was received, and the date when the return was received. The report shall also state that no other returns were received by the RDO/LTDO/LT Division other than those contained in the report. Any return received by an RDO/LTDO/LT Division which is not included in the report shall be presumed not to have been filed and shall subject the concerned RDO, LTDO or LT Division Chief to sanctions under Section 6 of the Order.

If no out-of-district returns were received, the RDO, LTDO or LT Division Chief shall likewise submit a report (under oath) stating that no out-of-district returns were received during the particular period.

Failure of the RDOs, LTDO or LT Division Chiefs to submit the reports required under the Order shall subject them to administrative liabilities. The same shall be considered as inefficiency and incompetence in the performance of their official duties, which constitutes as Grave Offense(s) under Section 11 of the Revised Code of Conduct for BIR Officials and Employees.

Should there be late or out-of-district tax returns filed but are not included in the reports required under the Order involving taxpayers with filed and/or pending cases/investigation will likewise subject the erring RDO, LTDO or LT Division Chief, revenue officers and employees to appropriate criminal charges by being impleaded as principal by indispensable cooperation.