



November 16, 2023

The Philippine Stock Exchange, Inc.
Disclosure Department
6th Floor, Philippine Stock Exchange Tower
28th Street, corner 5th Avenue
Bonifacio Global City, Taguig City

Attention: **Ms. Alexandra D. Tom Wong**
Manager, Disclosure Department

Gentlemen:

We reply with respect to the news articles posted in various online sites on November 16, 2023. In the news article entitled "BIR wins tax case versus San Miguel" posted in manilatimes.net it was reported in part that:

"THE Supreme Court has rejected San Miguel Corp.'s bid to claim a P30.4-million tax refund, the Bureau of Internal Revenue (BIR) said on Wednesday.

BIR Commissioner Romeo Lumagui Jr. said the high court, in an April 12, 2023 decision, had ruled that the conglomerate was not entitled to a refund of documentary stamp taxes (DST) on intercompany advances made in 2009 based on Section 179 of the National Internal Revenue Code (NIRC).

....

The Court of Tax Appeals had previously approved part of San Miguel's tax refund request, specifically that pertaining to P15,916,794.59 in interest.

The high court reversed that decision, stating that San Miguel could not claim good faith based on previous BIR issuances as those issuances were not in its favor.

The appellate court had reasoned that the company acted in good faith by relying on earlier BIR issuances stating that intercompany loans and advances covered by interoffice memoranda were not subject to DST.

'Since SMC failed to obtain a favorable ruling from the BIR declaring that their advances to related parties were not subject to DST, it cannot belatedly claim good faith under a BIR Ruling issued to a different entity,' the Supreme Court was quoted as having ruled.'

...."

By way of response to the Exchange, we advise that San Miguel Corporation (the Company"), through the office of Atty. Estelito P. Mendoza, the external counsel of the Company, filed with the Supreme Court on September 11, 2023 a Motion for Reconsideration relating to the decision rendered by the Court referred to in the aforementioned news article. A further disclosure to the Exchange shall be made by the Company in the event the Supreme Court resolves the pending Motion for Reconsideration.

Very truly yours,



FERDINAND K. CONSTANTINO
Corporate Information Officer