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2. Any item of expense (a) which normally results or occurs in income; (b) which is, or can reasonably be expected to be, the normal or regular result of the conduct of the ordinary trade or business of the foreign corporation in the Philippines; and (c) the only expense in respect to which (i) the payments are, or can reasonably be expected to be, deductible and (ii) there is a corresponding item of income; 3. Any item of expense (a) which is, or can reasonably be expected to be, the normal or regular result of the conduct of the foreign corporation's ordinary trade or business; (b) the only item of expense in respect to which the payments are deductible; and (c) which, because of their character or nature, can reasonably be expected to result or occur in income or a gain or loss. As noted above, the provisions in the bill by Senator Doyen and Assemblyman Ramos, which exclude include pass-through entities, are contrary to the prevailing premise that foreign countries will not allow abuse of the corporate form. Our present system and the existing provisions allows such abuse as demonstrated in the evidence of the Senate inquiry. The same proviso was also present in the Measure, which was passed by the voters, to the effect that the DOF will not allow foreign entities to use the corporate form in filing the personal income tax returns of our residents. This provision was specifically designed to deter foreign companies from diverting the earnings of our small and medium sized enterprises to avoid the tax. Will the inclusion of such proviso in this bill not make it a virtual nullity, since a foreign country will not allow abuse of the corporate form?

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It is a fundamental principle in service to justice that the person on whose oath the facts appear shall be freely and independently permitted to testify to all matters having a bearing thereon. Such privilege of the citizen-witness is recognized and protected in the procedures and record-making functions of the courts, in proceedings, official or quasi-official, whereby the competent authorities seek to establish and sustain the truth of the charge, and in proceedings, official or quasi-official, where the competent authorities seek to resist such charge, or to limit or restrict its credibility. [ 21 ] The protections afforded by the statute, as described in the lead opinion, Ante, at 16, are triggered if the notice informs the worker of the right to be free of certain "terms and conditions of employment," as those terms are used in the relevant statutes and regulations. The lead opinion's opinion stated the terms and conditions at issue to be: (a) "wage or compensation discrimination based on gender, including but not limited to discriminatory wage rates, wages not paid on a salary basis or not paid to a male or female at equal rates for equal work," and (b) "any compensation terms or conditions of employment not authorized by this act, including but not limited to gender-based discrimination in compensation for employment, job classification, performance evaluation and bonus." Id., at 16-17. In order to demonstrate that the State has acted pursuant to the authority granted to it in the statute, the plaintiffs were required to have shown that defendants have employed or compensated employees at their state-owned or state-funded utility, at different rates, for performing jobs which are "paid for equal work, paid at equal rates," and which are not "authorized by this act." Id., at 17-19. Ante, at 63-64. 5ec8ef588b

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