

ACCOUNTING FOR CORPORATIONS

CORPORATION FORMATION

ENBPV

CORPORATION

Is an artificial being created by operation of law having the right of succession, and the powers attributes and properties expressly authorized by law or incident to its existence (**Section 2 of Revised Corporation Code, R.A. 11232**)

- Generally composed of of 5 or more owners, but a corporation can now be incorporated with one owner (**One Person Corporation**)

CHARACTERISTICS:

1. SEPARATE LEGAL EXISTENCE

- A corporation has a "juridical personality of its own separate and distinct from the shareholders. It can act on its own name wherein it can enter into contracts, sue and be sued , have its own assets and liabilities under its own name.
- "An entity that is created by law and granted with rights and responsibilities.

2. CREATED BY OPERATION OF LAW

- A corporation is created by law (*Revised Corporation Code or R.A. 11232*) which authorizes and regulates its existence. It is not created by mere agreement by the parties who want to organize a corporation. In order for a corporation to be established, the rules and regulations in the *RA. 11232* must be strictly followed.

3. RIGHT OF SUCCESSION/ PERPETUAL LIFE

- A corporation can exist continuously regardless there is a death, withdrawal or incapacity of shareholders and regardless of the transfer or sale of shareholder of its shares. **Based of the Revised Corporation code the life of a corporation is perpetual, meaning it can exist continuously without any limitations unless base on their articles of incorporation otherwise.** Before, based on the *Old Corporation code*, the corporate life of a corporation is for a period not exceeding 50 years at a time from the date of incorporation, however this may be extended, by amending the articles of incorporation for periods not exceeding 50 years.

4. Powers, attributes and properties expressly authorized by law or incident to its existence.

A corporation is granted by the *Revised Corporation Code* the powers which are:

a.) Express powers – powers granted by the laws (*R.A. 11232/ Special laws*) or enumerated in the articles of incorporation.

Example of express power is the power to extend or shorten corporate term of a private corporation when approved by a majority vote of the board of directors and ratified by at least 2/3 of the outstanding shareholders indicated in the articles of incorporation.

b.) Incidental powers – powers which are necessary for corporate existence and which can be exercised.

Social Accounting For Corporations Priva

Annelies Wilder-Smith



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