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This MAP Tax Bulletin for October 2023 was contributed by Punongbayan and Araullo (P&A Grant Thornton).

BIR Issuances

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- **RMC No. 93-2023 issued on September 13, 2023** – Updated list of registered manufacturers/importers/exporters with the corresponding product brand/ variants of cigarettes, heated tobacco products, vapor products and novel tobacco products now available
- **RMC No. 94-2023 issued on September 13, 2023** – Online Satisfaction Survey in the Online Registration and Update System (ORUS) now available

SEC Issuances

- **SEC Memorandum Circular No. 12 series of 2023 issued on September 07, 2023** – Amendment on the rules governing registrars of qualified institutional and individual buyers
- **SEC Memorandum Circular No. 17 series of 2023 issued on September 28, 2023** – Amnesty application extended until November 06, 2023

BIR Issuances

Implementing rules and regulations on the extended period of availment of Estate Tax Amnesty pursuant to RA No. 11956 (Revenue Regulations No. 10-2023 issued on September 8, 2023)

The Tax Amnesty covers the estate of the decedents who died on or before **May 31, 2022**, with or without assessments duly issued therefor, and whose estate taxes have remained unpaid or have accrued as of **May 31, 2022**.

The Estate Tax Amnesty Return (ETAR) (BIR Form No. 2118-EA) shall be filed and paid, either electronically or manually, by the executor or administrator, legal heirs, transferees or beneficiaries, who wish to avail of the Estate Tax Amnesty **within June 15, 2023 until June 14, 2025** with any authorized agent bank, through revenue collection officer of any Revenue District Office (RDO) or authorized tax software provider as defined in Revenue Memorandum Order (RMO) No. 9-2019.

The documents to be submitted shall be limited to the following:

A. Mandatory Requirements:

1. Certified True Copy of the Death Certificate (DC) or if not available the Certificate of No Record of Death from the Philippine Statistics Authority and any valid secondary evidence including but not limited to those issued by any government agency/office sufficient to establish the fact of death of the decedent;
2. Taxpayer Identification Number (TIN) of decedents and heir/s;
3. For "Claims Against the Estate" arising from contract of loan, notarized promissory note, if applicable;
4. Proof of the claimed "Property Previously Taxed", if any;
5. Proof of the claimed "Transfer for Public Use", if any; and
6. At least one (1) government issued identification card (ID) of the Executor/Administrator of the Estate, or if there is no executor or administrator appointed, the heirs, transferees, beneficiaries or authorized representative.

B. For Real Properties, if any

1. Certified true copy of the transfer/original condominium certificates of title of real property/ies;
2. Certified true copy of the tax declaration of real property/ies, if entitled including the improvements at the time of death or the succeeding available tax declaration issued nearest to the time of death, if none is available at the time of death; and
3. Certificate of No Improvement issued by the assessor's office at the time of death of the decedent, if applicable.

C. For Personal Property/ies, if applicable

1. Certificate of Deposit/Investment/Indebtedness owned by the decedent alone or decedent and the surviving spouse, or decedent jointly with other;
2. Certificate of Registration of vehicle/s and other proof showing the correct value of the same;

3. Certificate of Stock
4. Proof of valuation of shares of stock at the time of death; or
5. Proof of valuation of other types of personal property

D. Other Requirements, if applicable

1. Duly notarized original Special Power of Attorney (SPA), if the person transacting/processing the transfer is the authorized representative or one of the heirs, designated as executor/Administrator;
2. Certification from the Philippine Consulate or Apostille, if the document is executed abroad; or
3. Location Plan/vicinity map if the zonal value is not readily available.

Proof of settlement of the estate, whether judicial or extra-judicial, need not accompany the ETAR if it is not yet available at the time of its filing and payment of taxes. No electronic Certificate Authorizing Registration (eCAR) shall be issued unless such proof is presented and submitted to the concerned RDO.

After payment, the duly accomplished and sworn ETAR and APF with proof of payment, together with the complete documentary requirements, shall be immediately submitted to the concerned RDO in triplicate copies. Failure to submit the same until June 15, 2025 is tantamount to non-availment of the Estate Tax Amnesty and any payment made may be applied against the total regular estate tax due inclusive of penalties.

Installment payment shall be allowed within two (2) years from the statutory date of its payment without civil penalty and interest.

The regulation further states that One (1) eCAR shall be issued per real property, including the improvements, if any, covered by Original Certificate of Title/Transfer Certificate of Title/ Condominium Certificate of Title or Tax Declaration for untitled properties. For personal properties included in the estate, a separate eCAR shall be issued.

The eCAR shall only be issued upon submission of the proof of estate settlement [e.g. Extra-Judicial Settlement of Estate (EJS), Copy of Court Order].

Estates covered by Estate Tax Amnesty, which have fully complied with all the conditions set forth hereof, including the payment of estate tax amnesty, shall be immune from the payment of all estate taxes as well as any increments and additions thereto, arising from the failure to pay any and all estate taxes for the period ending May 31, 2022 and prior years, and from all appurtenant civil, criminal and administrative cases, and penalties under the 1997 Tax Code, as amended.

**Use of electronic mail (e-mail) and electronic signature as additional mode of service of the Warrant of Garnishment (WGs)
(Revenue Regulations No. 11-2023 issued on September 14, 2023)**

Warrants of Garnishment (WGs) against deposits of delinquent taxpayers are generally issued and served physically, or via constructive/substituted means, to the concerned depository banks. Due to various challenges using the traditional services of WG, the BIR is now allowing the use of electronic mail (e-mail) and electronic signature for the service of Warrants of Garnishment (WGs) to concerned depository banks of delinquent taxpayers.

The following general policies and guidelines will be observed in implementing the service thru e-mail of the WGs:

- 1) The Regional Director concerned, Assistant Commissioner-Collection Service (CS), Assistant Commissioner-Large Taxpayers Service (LTS), and Chief, Large Taxpayers District Offices (LTDOs), shall issue and electronically sign the WGs issued against the deposits of the delinquent taxpayer;
- 2) The Collection Division concerned, Accounts Receivable Monitoring Division (ARMD), LT-Collection Enforcement Division (LTCED), and the LTDO concerned shall use its official electronic mail address to transmit and serve the signed WGs to the Bank Head Offices and Bank Branches;
- 3) Bank Head Offices and Bank Branches are required to provide their official email address to the concerned BIR office where they are registered;
- 4) Service thru e-mail is complete at the time of such e-mail is made, or, when available, at the time that the electronic notification of service of the WGs is sent;
- 5) As proof of service, the concerned BIR official or employee who sent the e-mail shall execute an Affidavit of Service, with a printed proof of transmittal;
- 6) A copy of the served WGs together with the acknowledgement receipt shall be sent to the concerned delinquent taxpayer thru his/her/its e-mail address, and thru registered mail to its registered address;
- 7) The Collection Division, ARMD, LTCED and the LTDOs concerned shall send a claim letter for the garnished amount, if any, *via* e-mail addressed to the concerned banks and issue Authorization Letter to the handling Revenue Officer to collect the said garnishable amount, and claim the manager's check corresponding to deposit/s of the taxpayer under garnishment pursuant to the information electronically transmitted to the BIR by the concerned banks;
- 8) The Revenue Officer concerned shall remit the check in payment of the tax liability/s of the taxpayer to the authorized agent bank where the taxpayer's business is located.

**Registered Export Enterprises with expired tax-based incentives may continue enjoying zero-rating on local purchases until eSales reporting system becomes available or until expiration of the transitory provision, whichever comes earlier
(Revenue Memorandum Circular No. 91-2023 issued on September 11, 2023)**

Registered Export Enterprises as defined under Section 292(E) of the CREATE Act (RA 11534) whose income tax-based incentives have expired, may continue to enjoy VAT zero-rating on local purchases until the electronic sales reporting system of the BIR under Section 237-A of the Act is fully operational, or until the expiration of the transitory period referred to in Section 311(C) of the Act, whichever comes earlier.

Registered Business Enterprise classified Domestic Market Enterprise (DME) which is located inside the economic or freeport zone during the transitory period will be allowed to register as a VAT taxpayer.

The duty exemption, VAT exemption on importation, and VAT zero-rating on local purchases shall only apply to goods and services directly attributable to and exclusively used in the registered project or activity of said registered export enterprises.

The Rules shall apply prospectively; Provided that Domestic Market Enterprises (DMEs) inside the economic or freeport zone that will opt to register as VAT taxpayers shall not be allowed to claim VAT refund for transactions prior to the effectivity of the Rules.

**BIR Form No. 1621 in the eFPS now available
(Revenue Memorandum Circular No. 92-2023 issued on September 13, 2023)**

The BIR announces availability of BIR Form No. 1621 (Quarterly Remittance Return of Tax Withheld on the Amount Withdrawn from Decedent's Deposit Account) in the Electronic Filing and Payment System (eFPS).

This BIR Form shall be filed and the tax due thereon be paid or remitted not later than the last day of the month following the close of the quarter during which the withholding was made.

All mandated eFPS taxpayers required to file and pay shall use the eFPS facility effective immediately.

**Updated list of registered manufacturers/importers/exporters with the corresponding product brand/ variants of cigarettes, heated tobacco products, vapor products and novel tobacco products now available
(Revenue Memorandum Circular No. 93-2023 issued on September 13, 2023)**

The BIR circularizes the updated List of Registered Manufacturers/Importers/Exporters with the Corresponding Product Brands/Variants of Cigarettes, Heated Tobacco Products, Vapor Products and Novel Tobacco Products as of August 31, 2023 and integrates the requirements for compliance purposes. The said List reflects the following categories:

- a. Manufacturers of Locally Produced Cigarettes (Domestic);
- b. Manufacturers of Locally Produced Cigarettes (Export);
- c. PEZA-Registered Manufacturers of Cigarettes;
- d. Importers of Cigarettes;
- e. Manufacturers of Vapor Products;
- f. Importers of Vapor Products;
- g. Importers of Heated Tobacco Products; and
- h. Importers of Novel Tobacco Products.

Newly-registered manufacturers/importers of cigarettes, heated tobacco products, vapor products, and novel tobacco products after August 31, 2023 shall be included in the updated list of such entities in the BIR website.

As required under Revenue Regulations (RR) No. 7-2021 and RR No. 14-2022, manufacturers/importers/exporters of cigarettes, heated tobacco products, vapor products and novel tobacco products must comply with the requisite registration of brands and variants thereof within six (6) months from the date of release of the Circular to avoid penalties for non-compliance.

Furthermore, the products must comply with the requirement on Graphic Health Warning and the affixing of BIR Tax Stamps, except for vapor products and novel tobacco products for which Internal Revenue Stamps Integrated System stamps are not yet available in the system.

**Online Satisfaction Survey in the Online Registration and Update System (ORUS) now available
(Revenue Memorandum Circular No. 94-2023 issued on September 13, 2023)**

The BIR circularizes the availability of Online Customer Satisfaction Survey in the Online Registration and Update System (ORUS) starting September 5, 2023.

As mandated under the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, client satisfaction feedback shall be gathered for all services offered by the government agency. Relative to this, taxpayers using the ORUS are highly encouraged to answer the Online Customer Satisfaction Survey at the end of their transaction using the system.

SEC Issuances

**Amendment on the rules governing registrars of qualified institutional and individual buyers
(SEC Memorandum Circular No. 12 series of 2023 issued on September 07, 2023)**

Funding portals registered under the Securities and Exchange Commission crowdfunding rules and granted the appropriate secondary license by the SEC may be authorized to act as a Registrar upon proper application and compliance with registration requirements. A funding portal is an intermediary which facilitates transactions involving the offer and sale of crowdfunding securities through an online electronic platform.

**Amnesty application extended until November 06, 2023
(SEC Memorandum Circular No. 17 series of 2023 issued on September 28, 2023)**

The Commission shall continue to accept an Expression of Interest (EOI) to avail of the amnesty from eligible corporations until November 06, 2023. Since the EOI is a web-based form integrated in the online amnesty application module in eFAST, applicants no longer need to separately download the form and manually accomplish it.

Corporations not yet enrolled in the eFAST shall first comply with SEC Memorandum Circular No. 28, series of 2020 (MC 28) by submitting their official and alternate mobile phone numbers and email addresses using the prescribed form through the same MC 28.

Applicants are only given until December 04, 2023 to submit supporting reportorial documents. Failure to comply within the submission period shall warrant the forfeiture of the paid amnesty or filing fees in favor of the SEC. Refund of the amnesty fee for non-compliant corporations shall not be accommodated, except in highly meritorious cases, subject to existing accounting and auditing rules and regulations.