

IMPLEMENTING POLICIES, GUIDELINES AND ITS TRANSITION PROCEDURES FOR THE IMPLEMENTATION OF REVENUE REGULATION NO. 8-98

BIR REVENUE MEMORANDUM ORDER NO. 92-98, November 25, 1998

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I.

OBJECTIVES

- To set policies and guidelines for the implementation of Revenue Regulations No. 8-98.
- To clarify issues re changes in filing and payment of capital gains tax and corresponding issuance of Tax Clearance (TCL) or Certificate Authorizing Registration (CAR).
- To establish transition procedures for RDOs under the ITS implementation while changes in the computer systems are being done to adopt to the new regulations.

II.

POLICIES AND GUIDELINES

- The filing and payment of capital gains tax from the sale of real property for one-time transaction shall be with the authorized agent bank (AAB) or collection agent under the jurisdiction of the revenue district office (RDO) where the property is located. The return form for capital gains tax (BIR Form 1706) shall be used for this type of transaction. Consequently, collections arising from these transactions shall be credited to the RDO where the property is located, irrespective of where the seller is registered.
- Taxpayer involving one-time transaction with no previously issued TIN shall be required to register following regular REG guidelines (excluding attachments such as Capture Form - Form 1925, marriage contract and the birth certificate of taxpayer's dependents) until such time that the TIN issuance with minimum requirements is in place.
- The concerned AABs shall accept out-of-district returns for this type of transaction only.
- The non-ITS RDO where the property is located shall issue the corresponding CAR. For ITS RDO, they shall issue the TCL. If systems unavailability occurs for one hour or more, manual issuance of CAR shall be performed provided the appropriate Revenue Data Center (RDC) Head has been informed. The RDC head shall respond immediately to such report and ensure that the occurrence is properly logged at the Help Desk. The RDC Head or the authorized representative shall be responsible in the broadcast of systems unavailability and also the resumption of systems availability.
- Transaction involving multiple locations shall also adopt the policy of filing and payment of capital gains tax where the properties are located. If the amount involved is lumped, the RDO shall estimate the distribution of values to these properties.
- These guidelines will not apply to estate and donor's tax transactions.

III.

REPEALING CLAUSE

The provisions of any orders or issuances inconsistent with this Order are hereby repealed, amended or modified accordingly.

IV.

DATE OF EFFECTIVITY

This Order shall take effect immediately.

Adopted: 25 Nov. 1998

(SGD.) BEETHOVEN L. RUALO

Commissioner of Internal Revenue

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