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09 June 2023

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CUSTOMS MEMORANDUM CIRCULAR
NO. 104-2023

**To: ASSISTANT COMMISSIONER
ALL DEPUTY COMMISSIONERS
ALL DIRECTORS AND DIVISION CHIEFS
ALL DISTRICT/ PORT COLLECTORS
ALL OTHERS CONCERNED**

SUBJECT: Revenue Regulations No. 2-2023 (RR 2-2023) dated 29^{of} MARCH 2023
"Prescribing the Use of Constructive Affixture of Documentary Stamp Tax for Certificates Issued by Government Agencies or Instrumentalities"

Attached herewith is a copy of the above mentioned subject pursuant to the provisions of Sections 244 and 245 of the National Internal Revenue Code (NIRC) of 1997, as amended, which prescribes the use of constructive affixture of documentary stamp as proof of payment of Documentary Stamp Tax (DST) on certificates issued by government agencies or instrumentalities.

Attention is hereby invited on Sections 2(a) and 3 thereof, to wit:

"Section 2 (a). *Constructive Affixture of Documentary Stamp refers to the attachment of the original copy of the government official receipt issued by government agencies or instrumentalities payment of the DST on the taxable certificate.*

"Section 3. Use of Constructive Affixture of Documentary Stamp. *In lieu of the loose documentary stamps, all government agencies or instrumentalities shall use the constructive affixture of documentary stamp as defined herein on the certificates they issue which are subject to DST. These government agencies or instrumentalities shall be constituted as agents of the Commissioner of Internal Revenue for the collection and remittance of such DST to the Bureau of Internal Revenue (BIR).*

For every issuance of certificate, the government agencies or instrumentalities shall collect their applicants the corresponding amount of DST due thereon which shall be indicated as one of the items in the government official receipt. The said receipt shall be attached to the taxable certificate as proof of payment of the tax.

**BUREAU OF CUSTOMS**

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

EXCELLENCE

ACCOUNTABILITY

The use of one government official receipt in order to cover two (2) or more certificates shall be allowed subject to the following conditions:

a. A serial or control number shall be printed and consecutively assigned for every issuance of certificate and the same shall be conspicuously located on the face thereof.

b. The serial or control numbers of the certificates and the total amount, of DST due, among others, shall be clearly indicated in the government official receipt.

The collected DST shall be remitted monthly by filing the Documentary Stamp Tax Declaration / Return (BIR Form No.2000) and paying the tax through the available payment facilities of the BIR on or before the fifth (5th) day of the following month.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt thereof.

For information and guidance.

BIENVENIDO Y. RUBIO
Commissioner



JUN 16 2023

case NO. 104-2023

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BUREAU OF CUSTOMS
CUSTOMER CARE CENTER
MAY 18 2023
CHRISTIAN A. INTUY
Customs Service Officer
ISO 9001:2015 Certified



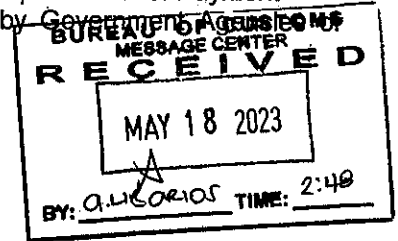
REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE
Revenue Region No. 6 - Manila
Revenue District Office No. 33
Intramuros - Ermita - Malate - Port Area, Manila



May 16, 2023

BUREAU OF CUSTOMS
GATE 3 A.C. DELGADO ST PORT AREA MANILA 1018
TIN: 000-746-591-034

SUBJECT : Use of Constructive Affixture of Documentary Stamp as Proof of Payment
of Documentary Stamp for Certificates Issued by Government Agencies or
Instrumentalities



Sir/Madam:

Warm greetings!

Pursuant to the provisions of Sections 244 and 245 of the National Internal Revenue Code (NIRC) of 1997, as amended, and as prescribed under Revenue Regulations (RR) No. 2-2023 dated March 29, 2023, which took effect on May 5, 2023, this Office is pleased to inform you of the **use of constructive affixture of documentary stamp as proof of payment of Documentary Stamp Tax (DST) on certificates issued by government agencies or instrumentalities.**

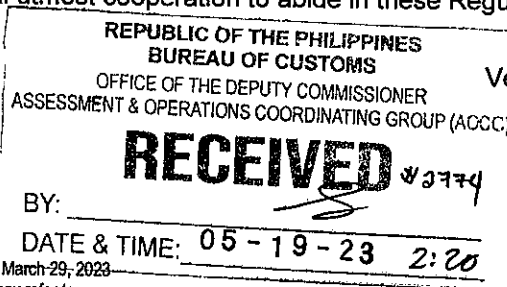
As constituted agents of the Commissioner of Internal Revenue, you shall collect for every issuance of certificate, from your applicants the corresponding amount of DST due thereon which shall be indicated as one of the items in the government official receipt and the same shall be attached to the taxable certificate as proof of payment of DST.

In addition to the affixture of government official receipt you shall stamp or print in a clear and readable manner which shall be located conspicuously on the face of the taxable certificate the phrase "DOCUMENTARY STAMP TAX PAID", including the serial number and the date of such government official receipt.

For the guidelines, procedures and transitory provisions in the use of Constructive Affixture of Documentary Stamp as Proof of Payment of Documentary Stamp for Certificates Issued by Government Agencies or Instrumentalities, please refer to the attached RR 2-2023 dated March 29, 2023.

Any violations of these Regulations shall be subject to the corresponding penalties under the pertinent provisions of the NIRC of 1997, as amended, and applicable regulations issued by the BIR.

Your usual utmost cooperation to abide in these Regulations is highly appreciated.

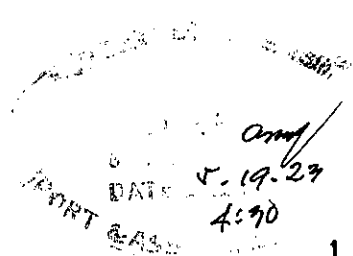


Very truly yours,

GERARDO C. UTANES
Revenue District Officer

Enclosure: RR 2-2023 dated March 29, 2023
For assistance/queries, you may refer to:
CAS Ronan P. Martinez
GS Susan P. Halog
Tel. Nos.: 8567-3609/8567-3970
Email Add.: ronan.martinez@bir.gov.ph
susan.halog@bir.gov.ph

RD AMRON LESTER S. DE
GS VIRGINIA P. DUKAN



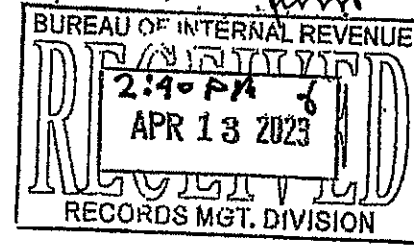
18 MAY 2023



OM. NO. 104-2023

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE
National Office Building
Quezon City

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29 MAR 2023

REVENUE REGULATIONS NO. 2-2023

SUBJECT : Prescribing the Use of Constructive Affixture of Documentary Stamp as Proof of Payment of Documentary Stamp Tax for Certificates Issued by Government Agencies or Instrumentalities

TO : All Internal Revenue Officers and Others Concerned

SECTION 1. SCOPE. - Pursuant to the provisions of Sections 244 and 245 of the National Internal Revenue Code (NIRC) of 1997, as amended, these Regulations are hereby promulgated to prescribe the use of constructive affixture of documentary stamp as proof of payment of Documentary Stamp Tax (DST) on certificates issued by government agencies or instrumentalities.

SECTION 2. DEFINITION OF TERMS. - For purposes of these Regulations, the terms herein provided are defined as follows:

- a. **Constructive Affixture of Documentary Stamp** – refers to the attachment of the original copy of the government official receipt issued by government agencies or instrumentalities evidencing payment of the DST on the taxable certificate.
- b. **Agency of the Government** – refers to any of the various units of the Government, including a department, bureau, office, instrumentality, or government-owned or controlled corporations, or a local government or a distinct unit therein. (Section 2, Revised Administrative Code of 1987)
- c. **Instrumentality** – refers to any agency of the National Government, not integrated within the department framework vested with special functions or jurisdiction by law, endowed with some if not all corporate powers, administering special funds, and enjoying operational autonomy, usually through a charter. This term includes regulatory agencies, chartered institutions and government-owned or controlled corporations. (Section 2, Revised Administrative Code of 1987)
- d. **Certificate** – refers to the document issued by any government agency or instrumentality for the purpose of giving information or establishing proof of a fact.

SECTION 3. USE OF CONSTRUCTIVE AFFIXTURE OF DOCUMENTARY STAMP. - In lieu of the loose documentary stamps, all government agencies or instrumentalities shall use the constructive affixture of documentary stamp as defined herein on the certificates they issue which are subject to DST. These government agencies or instrumentalities shall be constituted as agents of the Commissioner of Internal Revenue for the collection and remittance of such DST to the Bureau of Internal Revenue (BIR).

For every issuance of certificate, the government agencies or instrumentalities shall collect from their applicants the corresponding amount of DST due thereon which shall be indicated as one of the items in the government official receipt. The said receipt shall be attached to the taxable certificate as proof of payment of the tax.

The use of one government official receipt in order to cover two (2) or more certificates shall be allowed, subject to the following conditions:

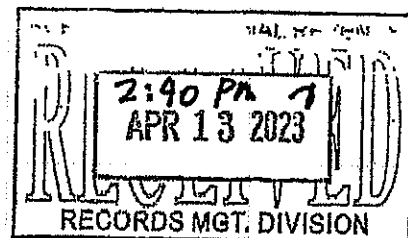
- a. A serial or control number shall be printed and consecutively assigned for every issuance of certificate and the same shall be conspicuously located on the face thereof.
- b. The serial or control numbers of the certificates and the total amount of DST due, among others, shall be clearly indicated in the government official receipt.

The collected DST shall be remitted monthly by filing the Documentary Stamp Tax Declaration/Return (BIR Form No. 2000) and paying the tax through the available payment facilities of the BIR on or before the fifth (5th) day of the following month.

SECTION 4. MAINTENANCE OF RECORD. - A record of all issued government official receipts shall be maintained by the government agency or instrumentality, in hard and soft copy, which shall contain the following information for each government official receipt:

- a. Serial or control number of the government official receipt
- b. Serial or control numbers of certificates covered in the government official receipt (In case of two or more certificates issued in one receipt)
- c. Date of issue
- d. Name of applicant to the certificate
- e. Description of the certificate
- f. Amount of DST collected

This record shall be updated daily and kept at all times at the premises of the government agency or instrumentality premises, for purposes of inspection and verification by the authorized representatives of the BIR.



SECTION 5. STAMPING OF DST DETAILS. - The government agencies or instrumentalities, in addition to the affixture of government official receipt shall stamp or print in a clear and readable manner which shall be located conspicuously on the face of the taxable certificate the phrase "DOCUMENTARY STAMP TAX PAID", including the serial number, and date of the government official receipt, as illustrated below.

"DOCUMENTARY STAMP TAX PAID"	
_____	_____
<i>(GOR SERIAL NUMBER)</i>	<i>(DATE OF PAYMENT)</i>

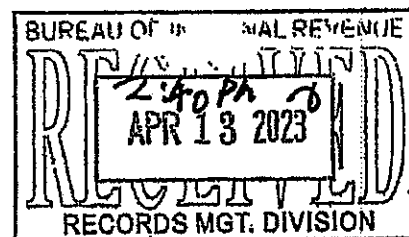
SECTION 6. AUTOMATION OF CONSTRUCTIVE AFFIXTURE OF DOCUMENTARY STAMP. - In case a government agency or instrumentality intends to implement an automated constructive affixture of documentary stamp, it shall be registered with the BIR where the government agency or instrumentality is registered as a taxpayer. A revenue issuance prescribing the procedures for this purpose shall be separately issued by the BIR.

SECTION 7. TRANSITORY PROVISIONS. - The following transitory provisions shall be strictly observed:

1. A list (Inventory List of Loose Documentary Stamp Tax – Annex "A") of the remaining physical inventory of loose documentary stamps in the possession of all government agencies or instrumentalities as of the effectivity of these Regulations shall be submitted to the RDO where they are duly registered as taxpayers, within thirty (30) days after the date of effectivity of these Regulations. Upon the exhaustion of the inventory, the constructive affixture of documentary stamp prescribed by these Regulations shall be immediately implemented by the government agency or instrumentality.
2. Any government agency or instrumentality with an existing automated constructive affixture of documentary stamp shall register the same with the RDO where it is duly registered as a taxpayer, within thirty (30) days after the date of effectivity of these Regulations.

SECTION 8. PENALTIES. - Any violation of these Regulations shall be subject to the corresponding penalties under the pertinent provisions of the NIRC of 1997, as amended, and applicable regulations issued by the BIR.

SECTION 9. REPEALING CLAUSE. - All existing rules and regulations or parts thereof, which are inconsistent with the provisions of these Regulations, are hereby repealed, amended or revoked accordingly.



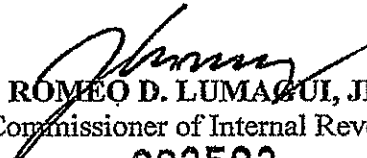
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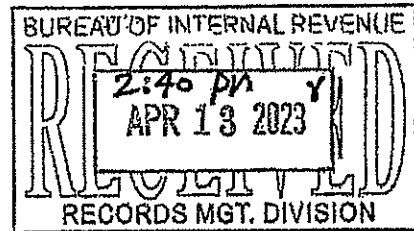
SECTION 10. EFFECTIVITY. - These Regulations shall take effect fifteen (15) days immediately after its publication in a newspaper of general circulation.



BENJAMIN E. DIOKNO
Secretary of Finance
MAR 29 2023

Recommending Approval:


ROMEO D. LUMAQUI, JR.
Commissioner of Internal Revenue
003502



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RR 15-2001

published on Manila Times on April 18, 2023