



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM INTEGRITY ACCOUNTABILITY

08 June 2023

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CUSTOMS MEMORANDUM CIRCULAR
NO. 92-2023

TO : ASSISTANT COMMISSIONER
DEPUTY COMMISSIONERS
SERVICE DIRECTORS AND DIVISION CHIEFS
DISTRICT AND SUB-PORT COLLECTORS
ALL OTHERS CONCERNED

Attached herewith is the Memorandum dated 30 May 2023 from the Department of Finance with subject:

"USE OF CONSTRUCTIVE AFFIXTURE OF DOCUMENTARY STAMP AS PROOF OF PAYMENT OF DOCUMENTARY STAMP FOR CERTIFICATES ISSUED BY GOVERNMENT AGENCIES OR INSTRUMENTALITIES."

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

For your information and guidance.

BIENVENIDO Y. RUBIO
Commissioner



JUN 16 2023

CMC No. 92-2023

email

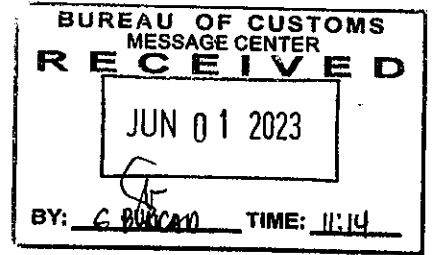
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Republic of the Philippines
DEPARTMENT OF FINANCE
Roxas Boulevard Corner Pablo Ocampo, Sr. Street
Manila 1004



Internal Admin. Group
Received by: VICKY REYES
Date: 26/05/23
Time: 12



MEMORANDUM

TO : HEADS OF OFFICES
This Department

HEADS OF BUREAUS/ATTACHED AGENCIES
Department of Finance

FROM : BENJAMIN E. BLOKNO
Secretary of Finance



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

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 29 March 2023, which took effect on 05 May 2023, please be informed 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.*

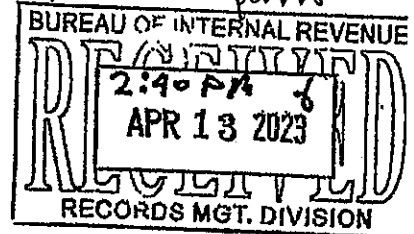
Please refer to the attached RR 2-2023 dated 29 March 2023, for guidelines, procedures, and transitory provisions.

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.

For compliance.



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



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.

CMC NO. 92-2023

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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:

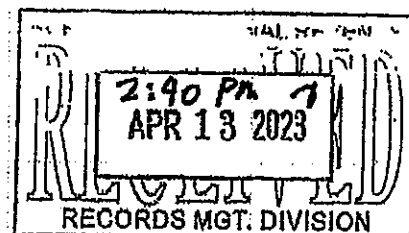
- a. A serial or control number shall be printed and consecutively assigned for every issuance of certificate and the same shall be conspicuously located on the face thereof.
- b. The serial or control numbers of the certificates and the total amount of DST due, among others, shall be clearly indicated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



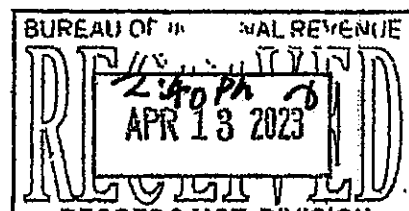
SECTION 6. AUTOMATION OF CONSTRUCTIVE AFFIXTURE OF DOCUMENTARY STAMP. - In case a government agency or instrumentality intends to implement an automated constructive affixture of documentary stamp, it shall be registered with the BIR where the government agency or instrumentality is registered as a taxpayer. 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.

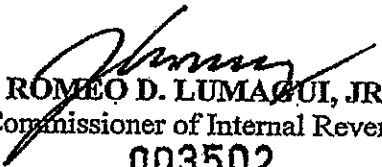


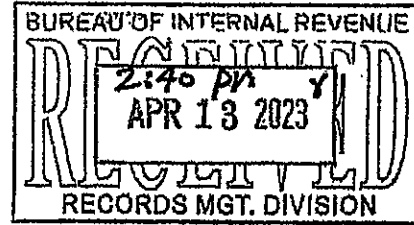
SECTION 10. EFFECTIVITY. - These Regulations shall take effect fifteen (15) days immediately after its publication in a newspaper of general circulation.



BENJAMIN E. DIOKNO
Secretary of Finance
MAR 29 2023

Recommending Approval:


ROMEO D. LUMAQUI, JR.
Commissioner of Internal Revenue
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RR 15-2001

published on Manila Times on April 18, 2023


OFFICE OF THE DIR.

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