REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
**BUREAU OF INTERNAL REVENUE**
Quezon City

June 25, 2004

**REVENUE MEMORANDUM CIRCULAR NO. 53-2004**

**SUBJECT : Clarification on whether Minors who are Opening a Bank Account can be Issued a Taxpayer Identification Number (TIN)**

**TO : All Internal Revenue Officials, Employees and other Concerned**

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For the information and guidance of all internal revenue officers, employees and others concerned, quoted hereunder is the reply of Legal Division of the Bureau of Internal Revenue on the query **"Whether minors who are opening a bank account can be issued a Taxpayer Identification Number (TIN)".**

> "Please be informed that Section 236(J) of the Tax Code of 1977, as implemented by Revenue Regulations (RR) No. 11-99 provides that for tax purposes, all taxpayers required to make, render or file a return, statement or other document with the BIR shall apply for the issuance of the TIN. In particular, the TIN shall be indicated in the application to open a bank account and in the application for loan with banks, financial institutions and other financial intermediaries.
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> However, under Article 37 of the New Civil Code, minors do not have juridical capacity and thus, are not capable of entering into contractual relations or be the subject of legal relations.
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> In relation to Section 2 of Rule 92 of the Revised Rules of Civil Procedure, which provides, viz:
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>> "Sec. 2. Meaning of word "Incompetent." – Under this rule, the word "incompetent" includes persons suffering the penalty of civil interdiction or xxx by reason of age, xxx cannot, without outside aid, take care of themselves and manage their property, becoming thereby an easy prey for deceit and exploitation."

In applying the above-mentioned provisions of law, it is clear that minors are not competent to act upon or manage their own property due to the fact that they are susceptible to deceit and exploitation.

Therefore, since the law discourages and disallows minors from managing their own property, e.g. opening of a bank account, this Office is of the opinion that minors cannot be issued TIN."

All internal revenue officials and employees are enjoined to give this Circular as wide as publicity as possible.

(Original Signed)
**GUILLERMO L. PARAYNO JR.**
Commissioner
Bureau of Internal Revenue

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