



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

RA7279

BIR Ruling No. 351-2015

BIR Ruling No. 360-2013

006-2017

1-10-2017

Office of the City Treasurer
City of Bogo, Cebu

Attention : Mr. Julio S. Ursonal, Jr.
City Treasurer

Gentlemen:

This refers to your letter dated September 8, 2014, as indorsed to this office by the Regional Director of Revenue Region No. 13, Cebu City requesting exemption from the capital gains tax (CGT) pursuant to the provisions of Republic Act (RA) No. 7279 or the "Urban Development and Housing Act of 1992", on the sale of a parcel of land by Rosario C. Fernan, married to Pedro T. Garcia in favor of the City of Bogo for the benefit of the indigent informal settlers who were victims of Super Typhoon Yolanda.

Documents submitted show that Rosario C. Fernan, married to Pedro T. Garcia is the registered owner of a parcel of land located at Barangay Marangog, Bogo City, Cebu covered by Transfer Certificate of Title (TCT) No. (with an area of 22.017 sq. m.) of the Registry of Deeds for the Province of Cebu. On October 6, 2014, Rosario Fernan Garcia executed a Deed of Absolute Sale over the said parcel of land in favor of the City Government of Bogo for the amount of P for the purpose of establishing a resettlement site for Typhoon Yolanda victims. Based on the Certificate of Participation dated June 30, 2014 issued by the City Mayor of Bogo, Rosario C. Fernan had participated to the Resettlement/Socialized Housing Program of Bogo City for the indigent victims of Super Typhoon Yolanda. Her valuable participation pertains to her willingness and voluntary agreement to sell at cheap price her piece of land intended as a relocation for the afore-stated beneficiaries.¹ Per Resolution No. 103-2014, the City Council of Bogo authorized the acquisition of the aforesaid land for the purpose of establishing a resettlement site for the survivors of Typhoon Yolanda.

In reply, please be informed that pursuant to Sections 20 of RA No. 7279, pertinent portions of which state that:

"Sec. 20. Incentives for Private Sector Participating in Socialized Housing. To encourage greater private sector participation in socialized housing and further reduce the cost of housing units for the benefit of the underprivileged and homeless, the following incentives shall be extended to the private sector:

xxx

xxx

xxx

(d) *Exemption from the payment of the following:*

xxx

xxx

xxx

¹ qualified recipients are all Typhoon Yolanda survivors and are listed in the attached "Annex 1" hereof

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2) *Capital gains tax on raw lands used for the project;*
xxx xxx xxx"

the owner of the raw land is exempt from the payment of the CGT or the withholding tax under Revenue Regulations No. 2-98, as amended, on the conveyance of a parcel of land which shall be utilized for a socialized housing project. Such being the case, the sale of the parcel of land covered by TCT No. 58968 of the Registry of Deeds for the Province of Cebu, which shall be utilized as resettlement for the indigent informal settlers who were survivors of Super Typhoon Yolanda is exempt from the CGT. (*BIR Ruling No. 360-2013 dated September 30, 2013*)

However, the sale is subject to the documentary stamp tax imposed under Section 196 of the Tax Code of 1997, as amended, based on the actual consideration contracted to be paid for such realties.

Upon application for exemption, a lien on the title of the land shall be annotated by the Register of Deeds having jurisdiction over the property, to the effect that the same are to be applied or are being applied to a socialized housing project pursuant to RA 7279. (*BIR Ruling No. 351-2015 dated October 8, 2015*)

Please take note that this ruling is never intended and shall not be construed as giving authority to the concerned Register of Deeds to effect transfer of the land in the name of the buyer without the necessary certificate of authority to register issued by this Bureau. In this regard, this ruling shall be presented to the Revenue District Office (RDO) concerned in order for the latter to issue the CAR after the submission of the requirement provided under Revenue Memorandum Order (RMO) No. 15-2003, including proof of payment of documentary stamp tax.

This ruling is being issued on the basis of the foregoing facts as represented. However, if upon investigation, it will be disclosed that the facts are different, then this ruling shall be considered null and void.

Very truly yours,


CAESAR R. DULAY
Commissioner of Internal Revenue
003004

Annex 1

The following are qualified beneficiaries for the relocation site of the City Government of Bogo located at Brgy. Marangog, Bogo City, Cebu:

Names	Address
1. LITO MUANA	Odlot, Bogo City
2. LYDIA MUANA	Odlot, Bogo City
3. BENITO IROC	Odlot, Bogo City
4. BACQUITA BALO	Odlot, Bogo City
5. ROBE SARDIDO	Odlot, Bogo City
6. EDWIN DAMAYO	Siocon, Bogo City
7. RAMIE GELIG	Siocon, Bogo City
8. DINDO URSABIA	Siocon, Bogo City
9. TEODULA SURBAN	Siocon, Bogo City
10. BENJAMEN DAMAYO	Siocon, Bogo City
11. SAMUEL YOCTE	Siocon, Bogo City
12. ROMEO ATAON	Siocon, Bogo City
13. EDGAR DELA CRUZ	Siocon, Bogo City
14. CELSO REGALA	Siocon, Bogo City
15. GIOVANIE URSABIA	Siocon, Bogo City
16. GINA URSABIA	Siocon, Bogo City
17. LINO CADLAWON	Siocon, Bogo City
18. EVARESTO OLIAMOT JR.	Siocon, Bogo City
19. GEMMA ESCOLAR	Siocon, Bogo City
20. ARLENE RIVERO	Siocon, Bogo City
21. CARLITO RIVERO	Siocon, Bogo City
22. CARIANA RIVERO	Siocon, Bogo City
23. IRENE RIVIERO	Siocon, Bogo City
24. MARILOU NAILON	Siocon, Bogo City
25. PASENCIA RIVERO	Siocon, Bogo City
26. MERLITA NAILON	Siocon, Bogo City
27. REBECCA REGALA	Siocon, Bogo City
28. AMELITA CADLAWON	Siocon, Bogo City

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29.	MARELINE NAILON	Siocon, Bogo City
30.	JUVENCIO CADLAWON	Marangog, Bogo City
31.	JUNREY CADLAWON	Marangog, Bogo City
32.	ROGELIO MADAWE	Marangog, Bogo City
33.	RANIEL MANDAWAWE	Marangog, Bogo City
34.	ROMULO MANDAWAWE	Marangog, Bogo City
35.	CRESENCIANO DAMOS JR.	Marangog, Bogo City
36.	JOSE RUPAL	Marangog, Bogo City
37.	RICKY EDISA	Marangog, Bogo City
38.	RANIE RIVERO	Marangog, Bogo City
39.	JASON OCHEA	Marangog, Bogo City
40.	BUEN OCHEA	Marangog, Bogo City
41.	BENJAMEN MANDAWAWE	Marangog, Bogo City
42.	CRISTITO MANDAWAWE	Marangog, Bogo City
43.	REY MANDAWAWE	Marangog, Bogo City
44.	RAMIL MANDAWAWE	Nailon, Bogo City
45.	NELSON MANDAWAWE	Nailon, Bogo City
46.	FLORA OLING	Nailon, Bogo City
47.	RENAN MANDAWAWE	Nailon, Bogo City
48.	TINGGOY GELIG	Nailon, Bogo City
49.	ELSA DELA ZERNA	Nailon, Bogo City
50.	ABELINA V. MANDAWAWE	Nailon, Bogo City
51.	LITA SANDIEGO	Nailon, Bogo City
52.	LEOMEDES GELIG	Nailon, Bogo City
53.	JOCELYN JUSAY	Nailon, Bogo City
54.	FABIAN SERDONCILLO	Nailon, Bogo City
55.	SAMSON OLINARES	Nailon, Bogo City
56.	JOY OLINARES	Nailon, Bogo City
57.	JEFFERY UMULAK	Nailon, Bogo City
58.	CLEARME MICARSOS	Nailon, Bogo City
59.	WENEFREDO SARSALEJO	Nailon, Bogo City

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60.	GEMMA GUEVARRA	Nailon, Bogo City
61.	LUCANA MANDAWE	Nailon, Bogo City
62.	MARICEL CATARIG	Nailon, Bogo City
63.	CHARITO DELA RAMA	Nailon, Bogo City
64.	SAMSON BOLAMBAO	Nailon, Bogo City
65.	MAINERVA ODIAZ	Nailon, Bogo City
66.	LUCITA OCHEA	Nailon, Bogo City
67.	FLORA OCHEA	Nailon, Bogo City
68.	ARTURO DELA CRUZ	Nailon, Bogo City
69.	CLEARME MICARSOS	Nailon, Bogo City
70.	WENEFREDO SARSALEJO	Nailon, Bogo City
71.	BEATRIZ FERNAN	Nailon, Bogo City
72.	MARY JANE DAMAYO	Nailon, Bogo City
73.	LOLITA BOLAMBAO	Nailon, Bogo City
74.	LUZVIMINDA OCHEA	Nailon, Bogo City
75.	REGEN LEON	Nailon, Bogo City
76.	LILIA ANDO	Nailon, Bogo City
77.	SYDNEY FERNAN	Nailon, Bogo City
78.	ABRAHAM DEJITO	Nailon, Bogo City
79.	GINA RUIZ	Nailon, Bogo City
80.	ARIEL SALVACION	Nailon, Bogo City
81.	TESSIE ABAO	Nailon, Bogo City
82.	RITA LEON	Nailon, Bogo City
83.	AILEEN LEON	Nailon, Bogo City
84.	JESSICA CODERA	Nailon, Bogo City
85.	DANILOO NAILON	Nailon, Bogo City
86.	CLEOFE GELIG	Nailon, Bogo City
87.	GEREN ABAO	Nailon, Bogo City
88.	RITA ANTGUA	Nailon, Bogo City
89.	ROLLY TORING	Nailon, Bogo City
90.	MELDA TORING	Nailon, Bogo City

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91.	LYDIA APUYA	Nailon, Bogo City
92.	ERA NAILON	Nailon, Bogo City
93.	NICO GELIG	Nailon, Bogo City
94.	ESTER REGALA	Nailon, Bogo City
95.	MARLYN LEQUIN	Nailon, Bogo City
96.	MARLOU LEQUIN	Nailon, Bogo City
97.	AILEEN LEQUIN	Nailon, Bogo City
98.	JONALYN ZAMBO	Nailon, Bogo City
99.	NITO ABALLE	Nailon, Bogo City
100.	POR-OK OYAO	Nailon, Bogo City
101.	BERMOTH ABALLE	Nailon, Bogo City
102.	NORA NAILON	Nailon, Bogo City
103.	ERVIN BOLAMBAO	Nailon, Bogo City
104.	BONDOY ANDO	Nailon, Bogo City
105.	TELESPORO MASONG	Nailon, Bogo City
106.	JULIETO MONTANO	Nailon, Bogo City
107.	LEDEING DILAW	Nailon, Bogo City
108.	VENUS OLIAMOT	Nailon, Bogo City
109.	JENEGFER AMOREN	Nailon, Bogo City
110.	IRENE PELAYO	Nailon, Bogo City
111.	LOURDES PELAYO	Nailon, Bogo City
112.	BELEN PELAYO	Nailon, Bogo City
113.	LOLYN DELA CRUZ	Nailon, Bogo City
114.	LEONISA DAMAYO	Nailon, Bogo City
115.	JUDERIA MAURILLO	Nailon, Bogo City
116.	LITO BALUNAN	Nailon, Bogo City
117.	RONILO BALUNAN	Nailon, Bogo City
118.	JOYN DILAW	Nailon, Bogo City
119.	LARRY BARRO	Nailon, Bogo City
120.	DENNIS ABALLE	Nailon, Bogo City
121.	LIZA ABALLE	Nailon, Bogo City

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Annex 1

122.	BOB ABALLE	Nailon, Bogo City
123.	JUDITH UMPAD	Nailon, Bogo City
124.	MIROY UMPAD	Nailon, Bogo City
125.	PAQUITA OLIAMOT	Nailon, Bogo City
126.	MARLON URAL	Nailon, Bogo City
127.	LANDO BALUNAN	Nailon, Bogo City
128.	MELVIN URSAL	Nailon, Bogo City
129.	TEMBO LEQUIN	Nailon, Bogo City
130.	SIM PIAMONTE	Nailon, Bogo City
131.	NILO OCHEA	Nailon, Bogo City
132.	JIMMY JALANG	Nailon, Bogo City
133.	ANDRESA ALEXANDER	Nailon, Bogo City
134.	CAROLINA DELA CRUZ	Nailon, Bogo City
135.	NELLIE DELA CRUZ	Nailon, Bogo City

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