

## [ BIR REVENUE REGULATIONS NO. 11-96, August 07, 1996 ]

### **REVENUE REGULATIONS PRESCRIBING THE PROCEDURES IN THE PREPARATION AND ISSUANCE OF TAX CLEARANCE CERTIFICATE BY THE REVENUE DISTRICT OFFICER UPON PAYMENT OF CAPITAL GAINS TAX, ESTATE AND DONOR'S GIFT TAXES, AND EXPANDED CREDITABLE WITHHOLDING TAX, FOR PURPOSES OF REGISTRATION OF TRANSFERS OF REAL PROPERTIES**

*SECTION 1. Scope.* — In line with the computerized tax administration and pursuant to Section 245 in relation to Sections 4 and 16(h) of all the National Internal Revenue Code (NIRC), as amended, these Regulations are hereby promulgated amending Revenue Regulations No. 13-85, as amended, and other pertinent regulations and issuances regarding the preparation and issuance of tax clearance certificate (formerly Certificate Authorizing Registration) for registration of real estate transactions.

*SECTION 2. Tax Clearance for Capital Gains Tax.* — Upon filing of the capital tax return by an individual estate or trust, and full payment of the capital gains tax due on the sale, transfer, barter, exchange or other disposition of real property, including conditional sale of property classified as capital asset, the Revenue District Officer (RDO) of the revenue district where the transferor is registered shall issue the corresponding tax clearance (TCL) certificate authorizing the registration of the real property in favor of the transferee by the Register of Deeds.

#### *SECTION 3. Tax Clearance of Estate Tax. —*

3.1 Upon filing of the estate tax return and full payment of the estate tax due on the transmission of the estate of a decedent, the RDO of the revenue district where the decedent was previously registered shall issue the TCL.

3.2 If the decedent is not registered, the executor/administrator or any of the heirs shall register the Estate of the decedent with the Revenue District Office in the place of residence of the decedent at the time of his death, and the TCL shall be issued by the RDO of said office.

3.3 In case the decedent is a non-resident citizen or alien at the time of his death, the resident executor/administrator or heir shall register the Estate with the Revenue District Office where said executor/administrator or heir is registered, in which case, upon filing the estate tax return and payment of the estate tax the TCL shall be issued by the RDO of the said district office.

3.4 If the executor/administrator, or heir of a non-resident decedent (citizen or alien) has no legal residence in the Philippines, and the return is filed with the