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

SECS. 90 (C), 91 (B) & 249 NIRC of 1997, as amended; Revenue Regulations (RR) No. 02-2003
BIR Ruling No. 276-2015
009-2017
3-1-2017

ENGR. ETHEL IREEN R. WISCO

Madam:

This refers to your letter dated January 03, 2017 requesting on behalf of the heirs of the late Engr. Ramon P. Wisco for an extension of time to file the estate tax return and pay the estate tax due pursuant to Sections 90 (C) and 91 (B), respectively, of the National Internal Revenue Code of 1997, as amended.

It is represented that Engr. Ramon P. Wisco died on July 21, 2016; that the heirs are still in the process of collating all the relevant documents pertaining to the properties left by the Decedent; that the heirs anticipate that they will not be able to finalize and file the estate tax return as well as pay the estate tax by January 21, 2017, due to the following reasons:

a) the Decedent has numerous properties still to be accounted for;
b) the heirs are dealing with voluminous and incomplete documents;
c) the heirs are still in the process of extra-judicially settling the properties of the Decedent; and
d) one of the co-heirs is currently residing outside the Philippines;

and that due to the foregoing, you are requesting for an extension to file the estate tax return and to fully pay the estate tax due thereon.

In reply thereto, please be informed that Sections 90 (C) and 91 (B) of the National Internal Revenue Code of 1997, as amended, provide, viz.:

"SEC. 90. Estate Tax Returns. -

xxx xxx xxx

(C) Extension of Time. - The Commissioner shall have authority to grant, in meritorious cases, a reasonable extension not exceeding thirty (30) days for filing the return."

"SEC. 91. Payment of tax. -

xxx xxx xxx

(B) Extension of Time. - When the Commissioner finds that the payment on the due date of the estate tax or of any part thereof would impose undue hardship upon the estate or any of the heirs, he may extend the time for payment of such tax or any part thereof not to exceed five (5) years, in case the estate is settled through the courts, or two (2) years in case the estate is settled extrajudicially. In such case, the

IN -

amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension, and the running of the Statute of Limitations for assessment as provided in Section 203 of this Code shall be suspended for the period of any such extension.

xxx xxx xxx"

Based on the foregoing representations, this Office finds justifiable reason to grant the request for an extension to file the estate tax return of thirty (30) days counted from January 21, 2017, which is the last day for filing of the estate tax return of the late Engr. Ramon P. Wisco. Thus, the filing of the said estate tax return of the decedent is hereby extended up to February 20, 2017.

Moreover, your request for extension of the time within which to pay the estate tax is hereby granted up to the maximum period of two (2) years, reckoned from actual filing of the return or on February 20, 2017, whichever comes first.

It shall be understood, however, that the estate shall be liable for the corresponding interest that shall have accrued thereon up to the time of payment of the estate tax due on the transmission by the said estate of its properties in favor of the heirs pursuant to Section 249 of the National Internal Revenue Code of 1997, as amended.

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

004167

K-1-LMAT