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

RA7279
BIR Ruling No. 003-16
#261-2016 6-22-2016

EDDMARI CONSTRUCTION AND TRADING
19 San Juan, San Luis, Pampanga

Attention : **ENGR. EDGARDO A. SAGUM**
General Manager

Gentlemen:

This refers to your letter dated May 20, 2016 requesting issuance of Certificate of Tax Exemption for the socialized housing project under the Yolanda Housing Project in Biliran Housing Project located at Brgy. Villa Enage, Biliran, Biliran pursuant to Republic Act (R.A.) No. 7279, otherwise known as the "Urban Development and Housing Act of 1992".

Documents submitted show that Emma Ramirez Jiongco, (married to Teodoro A. Jiongco), Edgardo T. Ramirez, (married to Milagros Martin Ramirez), Ernesto T. Ramirez (Amelia Calexto Ramirez), Eduardo T. Ramirez, (Aurora Hernandez Ramirez) and Steve T. Ramirez, (married to Cynthia Medalla Ramirez), (hereinafter referred to as Landowners) are the registered owners of parcels of land covered by three (3) Transfer Certificates of Title (TCT) located at Brgy. Villa Enage, Biliran, Biliran, to wit:

Landowners	**TCT**	**Lot No.**	**Area (sq. m.)**
Emma Ramirez Jiongco			11,901
Edgardo T. Ramirez			11,900
Ernesto T. Ramirez			11,900
Eduardo T. Ramirez			11,899
Esteve T. Ramirez			11,901
		Total Area	59,501

all issued by the Registry of Deeds for Province of Biliran.

The following Deeds of Absolute of Sale conveying the abovementioned properties were executed by the landowners and the National Housing Authority (NHA), a government corporation organized and existing by virtue of Presidential Decree No. 757, as amended:

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Landowners	Date of Deed of Absolute Sale	TCT	Consideration (PhP)	Area (sq. m.)
Emma Ramirez Jiongco	February 17, 2016			11,901
Edgardo T. Ramirez	February 17, 2016			11,900
Ernesto T. Ramirez	February 17, 2016			11,900
Eduardo T. Ramirez	February 17, 2016			11,899
Steve T. Ramirez	February 17, 2016			11,901
			Total Area	59,501

The above described properties have been identified and certified for development into a residential project under the Yolanda Permanent Housing Program intended for the families affected by Typhoon Yolanda and qualified for housing assistance under R. A. No. 7279.

The NHA has issued a Notice of Award dated December 16, 2015 to Eddmari Construction and Trading (TIN: a single proprietorship owned by Eduardo Aguilar Sagum, for the "Procurement of Fully Developed Lots and Completed Housing Units under the NHA's Yolanda Housing Program located at Brgy. Villa Enage, Biliran, Biliran-816 Housing Units" with a contract price of .

To give effect to the Notice of Award, a Contract for the Procurement of House and Lot Packages at San Antonio Village Housing Project, Brgy. Villa Enage, Biliran, Biliran was executed on May 11, 2016 between NHA and Eddmari Construction and Trading, whereby the latter is committed to deliver 816 units (House and Lot Package) for a contract price of ; and that according to the contract, the scope of work under this project are "survey works, earthworks, roadworks, drainage works, water systems, electrical power lines, miscellaneous works and housing construction.

In reply, please be informed that pursuant to Sections 19 and 20 of Republic Act (RA) No. 7279, pertinent portions of which state that:

> *"Sec. 19. Incentives for the National Housing Authority. — The National Housing Authority, being the primary government agency in charge of providing housing for the underprivileged and homeless, shall be exempted from the payment of all fees and charges of any kind, whether local or national, such as income and realty taxes. All documents or contracts executed by and in favor of the National Housing Authority shall also be exempt from the payment of documentary stamp tax and registration fees, including fees required for the issuance of transfer certificates of title.*
>
> *"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:*

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(1) Project-related income taxes;
(2) Capital Gains Tax on raw lands used for the project;
(3) Value-added tax for the project contractor concerned;"

xxx xxx xxx

Moreover, pertinent portions of RMC No. 42-01 dated October 5, 2001, provide, viz.:

xxx xxx xxx

xxx xxx xxx

A. National Housing Authority (NHA) — The NHA, being the primary government agency in charge of providing housing for the underprivileged and homeless citizens shall be exempted from the payment of the following national internal revenue taxes:

(1) . . .

(2) Documentary stamp tax on sales transactions executed by and in favor of the NHA in connection with socialized housing projects. Since Section 19 of R.A. 7279 exempts "all documents or contracts executed by and in favor of the NHA," the exemption from documentary stamp tax extends to the other party (either seller or buyer) that is dealing or transacting with the NHA.

xxx xxx xxx

NHA's acquisition of raw land

The landowner who sells his property for use in a socialized housing project is exempt from the payment of the capital gains tax.

Such being the case, the sale by the landowners to NHA of the ***subject properties covered by TCT Nos.*** ***and*** are exempt from capital gains tax. (BIR Ruling No. 003-2016 dated January 6, 2016)

The exemption from documentary stamp tax of NHA in connection with any of its socialized housing project extends to the other party (either seller or buyer) that deals or transacts with the NHA. Consequently, since NHA is a party to the sale, no documentary stamp tax shall be due on such sale. Accordingly, the transfer by the landowners to NHA of the ***subject properties covered by*** are likewise exempt from documentary stamp tax imposed under Section 196 of the Tax Code of 1997, as amended. (BIR Ruling No. 003-2016 dated January 6, 2016)

Moreover, under Section 109 (1)(P) of the Tax Code of 1997, as amended by R.A. 9337, the sale of real properties utilized for low-cost and socialized housing as defined by R.A. No. 7279 shall be exempt from value-added tax (VAT), thus, the sale of the ***subject properties covered by TCT Nos.*** by the landowner to NHA for purposes of the Yolanda Permanent Housing Program is exempt from the imposition of VAT. (BIR Ruling No. 003-2016 dated January 6, 2016)

Upon application for exemption, a lien on the titles of the lands shall be annotated by the Register of Deeds having jurisdiction over the properties, to the effect that the same is to be applied or is being applied to socialized housing project pursuant to RA 7279.

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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 lands 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 Certificate Authorizing Registration (CAR) after the submission of the requirements provided under Revenue Memorandum Order (RMO) No. 15-2003.

Transaction between NHA and Eddmari Construction and Trading

Considering that Eddmari Construction and Trading is a project contractor whose services are engaged by NHA to undertake construction of 816 Housing Units with its necessary construction components in San Antonio Village Housing Project, Brgy. Villa Enage, Biliran, Biliran and which was certified by the NHA as a socialized housing project as resettlement site pursuant to R.A. 7279, the income directly realized by Eddmari Construction and Trading from the land development and housing construction for 816 Housing Units with its necessary construction components in San Antonio Village Housing Project, Brgy. Villa Enage, Biliran, Biliran shall be exempt from project-related income taxes. (BIR Ruling No. 003-2016 dated January 6, 2016)

Moreover, pursuant to Section 20 (d)(3) of R.A. No. 7279, the housing construction with its necessary construction components for 816 Housing Units in San Antonio Village Housing Project, Brgy. Villa Enage, Biliran, Biliran by Eddmari Construction and Trading shall be exempt from VAT. However, the purchases of goods/articles by Eddmari Construction and Trading shall be subject to VAT, even if the said purchases are to be used for the socialized housing project, since VAT is an indirect tax which can be passed on by the seller of the goods/services. It shall be understood that Eddmari Construction and Trading must issue non-VAT official receipts on its gross receipts from the said socialized housing project.

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,

KIM S. JACINTO-HENARES
Commissioner of Internal Revenue

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JUN 17 2016