REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE

Sec. 2(t) of Revenue Bulletin No. 01-2003; RMO 9-2014
BIR Ruling No. 007-15 BIR Ruling No. 1089-18 BIR Ruling No. 556-18 BIR Ruling No. 476-14
OT- 0534-2020
SEP 23 2020

MR. TOMAS R. PASTOR
Block 60, Lot 3, AFPOVAI
Bayani Road, Fort Bonifacio
Taguig City

Sir:

This refers to your letter dated February 12, 2020 requesting for a ruling that your condominium building consisting of all the units therein is classified as capital assets.

In reply, please be informed that this Office cannot issue a determinative ruling on the above matter considering that no specific or particular completed transaction was mentioned in your request, which is considered as a "No-Ruling Area" pursuant to Section 2 (t) of Revenue Bulletin 01-03, as amended.

Section 2 (t) of Revenue Bulletin 01-03, as amended, provides:

> "SEC. 2. List of No-Ruling Areas. — The following shall hereby be construed and identified as "No-Ruling Areas":
>
> t)Request for rulings on issue/s or transactions based on hypothetical situations;"

Likewise, on February 6, 2014, this Office issued Revenue Memorandum Order (RMO) No. 9-2014 to serve as guideline in the processing of request for rulings filed with the Law and Legislative Division. Section 4 thereof provides that the letter request for ruling must be sworn and executed under oath, must contain a list of submitted documents and must contain the following affirmations: 1) A similar inquiry has not been filed and is not pending in another office of the Bureau; 2) There is no pending case in litigation involving the same issue/s and the same taxpayer or related taxpayer; 3) The issue/s subject of the request is not pending investigation, on-going audit, administrative protest, claim for refund or issuance of tax credit certificate, collection proceeding or judicial appeal; and 4) The documents are complete and that no other documents will be submitted in connection with the request.

Moreover, Section 5 of the same RMO provides that the documents accompanying the letter request and material to the transaction for ruling must be certified as true copy of the original document by the public officer or private person having custody of the original document.

In view of the fact that no specific completed transaction was mentioned in your request and that the same letter request was not sworn to and executed under oath, does not contain a list of submitted documents, does not contain the affirmations required under Section 4 of RMO No.

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9-2014, and the accompanying documents submitted with the letter request was not certified as true copy of the original document by the public officer or private person having custody of the original document, your letter request cannot be given due course pursuant to Revenue Bulletin No. 1-2003 and RMO 9-2014. (*BIR Ruling Nos. 007-15 dated January 20, 2015; 1089-18 dated July 16, 2018; 007-15 dated January 20, 2015 and 1089-18 dated July 16, 2018)*

Be that as it may, we would be glad to process your request for a ruling when the said letter-request conforms with the said RMO.

Very truly yours,

CAESAR R. DULAY
Commissioner of Internal Revenue

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gps (tomas pastor)