

Guidelines and Instructions for BIR FORM No. 2118-EA

Estate Tax Amnesty Return

Who Shall File

This return shall be filed in triplicate by the executor/administrator/authorized representative of estates availing of the Estate Tax Amnesty under Republic Act (R.A.) No. 11213, otherwise known as the "Tax Amnesty Act".

When and Where to File and Pay

This return together with complete documentary requirements, shall be filed within two (2) years from the effectivity of the Implementing Rules and Regulations (IRR) of Estate Tax Amnesty under the Tax Amnesty Act to the Revenue District Office (RDO) having jurisdiction over the last residence of the decedent at the time of his death.

In case of a non-resident decedent with executor or administrator in the Philippines, the return shall be filed with the RDO where such executor/administrator is registered or if not yet registered with the BIR, at the executor/administrator's legal residence. If the decedent has no legal residence in the Philippines, the return shall be filed with RDO No. 39, South Quezon City.

The tax amnesty due shall be paid using the Estate Tax Acceptance Payment Form (BIR Form No. 0621-EA) to the Authorized Agent Bank (AAB) or Revenue Collection Officer (RCO) of the RDO.

Tax Rates and Basis of Tax

There shall be imposed a rate of six percent (6%) based on the decedent's NET TAXABLE ESTATE determined as of the time of death of decedent composed of all properties, real or personal, tangible or intangible, less allowable deductions. Provided that, the minimum amnesty tax for the transfer of the estate shall be Five Thousand Pesos (P5,000.00).

Valuation of Estate

The estate shall be valued at its fair market value (FMV) as of the time of death. However, the value of real property as of the time of death shall be whichever is higher of:

1. The zonal value as determined by the Commissioner of Internal Revenue; or
2. The FMV as shown in the schedule of values fixed by the Provincial or City Assessors.

Gross Estate

Gross Estate for citizens shall include all the property of the decedent at the time of death, real or personal, tangible or intangible, wherever situated but excluding the exclusive properties of the surviving spouse. For non-resident aliens, it shall include only property/ies situated in the Philippines.

Deductions

The allowable deductions shall be based on the law applicable at the time of death of the decedent (refer to Annex A of IRR).

Attachments:

Mandatory Requirements *[Original copy and two (2) photocopies of each document]*

1. Certified true copy of the Death Certificate (DC)
2. Taxpayer Identification Number (TIN) of decedent and heir/s
3. Estate Tax Amnesty Return (ETAR)
4. Estate Tax Acceptance Payment Form (APF), Revenue Official Receipt (ROR), if paid to RCO
5. Affidavit of Self Adjudication or Deed of Extra-Judicial Settlement (EJS) of the Estate of the decedent; or Court decision/judgement if the estate has been settled judicially or if there is a last will and testament
6. Certification of the Barangay Captain for the last residence of the decedent and claimed Family Home, if any

7. For "Claims Against the Estate" arising from Contract of Loan, Notarized Promissory Note, if applicable
8. Proof of the claimed "Property Previously Taxed", if any
9. Proof of the claimed "Transfer for Public Use", if any
10. At least one (1) valid government ID of the executor/administrator of the estate, or if there is no executor or administrator appointed, the heirs, transferees, beneficiaries or authorized representative

For Real Property/ies, if any: *[Original copy and two (2) photocopies of each document]*

11. Certified true copy/ies of the Transfer/Original/Condominium Certificate/s of Title of real property/ies
12. Certified true copy of the Tax Declaration of real property/ies, including the improvements at the time of death or the succeeding available tax declaration issued nearest to the time of death of the decedent, if none is available at the time of death
13. Where declared property/ies has/have no improvement, Certificate of No Improvement issued by the Assessor's Office at the time of death of the decedent

For Personal Property/ies, if any: *[Original copy and two (2) photocopies of each document]*

14. Certificate of Deposit/Investment/Indebtedness owned by the decedent alone, or decedent and the surviving spouse, or decedent jointly with others
15. Certificate of Registration of vehicle/s and other proofs showing the correct value of the same
16. Certificate of stocks
17. Proof of valuation of shares of stock at the time of death:
 - a. For shares of stock listed/traded – The price at the time of death or the arithmetic mean between the highest and lowest quotation at a date nearest the date of death, if none is available on the date of death itself.
 - b. For shares of stock not listed/not traded – The book value for common shares and par value for preferred shares as shown in the audited financial statement of the issuing corporation nearest to the date of death of the decedent with computation of the book value per share
 - c. For proprietary shares – Bid price on the date of death or nearest to the date of death, if none is available on the date of death itself, as published in the newspaper of general circulation.
18. Proof of valuation of other types of personal property

Other Requirements, if applicable: *[Original copy and two (2) photocopies of each document]*

- If the person transacting/processing the transfer is the authorized representative, duly Notarized Original Special Power of Attorney (SPA) and/or, if one of the heirs is designated as executor/administrator, Sworn Statement
- If document is executed abroad, Certification from the Philippine Consulate
- If zonal value cannot be readily determined from the documents submitted, Location Plan/Vicinity map

Note: All background information must be properly filled out.

- All returns filed by an accredited tax representative on behalf of a taxpayer shall bear the following information:
 - A. For Individual (CPAs, members of GPPs, and others)
 - a.1 TIN; and
 - a.2 BIR Accreditation Number, Date of Issue, and Date of Expiry.
 - B. For members of the Philippine Bar (Lawyers)
 - b.1 TIN;
 - b.2 Attorney's Roll Number; and
 - b.3 Mandatory Continuing Legal Education Compliance Number.

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