



# Application For Relief From Double Taxation

(Gains from Sale or Transfer of Shares of Stock in Philippine Corporation)

Fill in all applicable spaces.

RP Tax Convention with \_\_\_\_\_

(Name of Contracting State)

**Part I** PAYMENT OF FEES

Processing and certification fees - AAB/BIR Official Receipt No. \_\_\_\_\_ Date: \_\_\_\_\_

**Part II** PARTIES

1 Seller: (Attach separate sheet with the required information if there are two or more sellers)

Name: \_\_\_\_\_ TIN: \_\_\_\_\_

Type of Entity:  Corporation  Partnership  Individual Other: \_\_\_\_\_  
(specify)

Is seller the Head Office or a branch?  Head Office  Branch (if Branch, state country where Branch is registered) \_\_\_\_\_

Address: \_\_\_\_\_

Business Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ e-mail Address: \_\_\_\_\_

Date of Issuance of SEC Certification of Non-Registration of Corporation/Partnership: \_\_\_\_\_  
(attach original copy)

Country of Incorporation / Residence: \_\_\_\_\_

2 Buyer:

Name: \_\_\_\_\_ TIN: \_\_\_\_\_

Address: \_\_\_\_\_

Business Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ e-mail Address: \_\_\_\_\_

3 Agent in the Philippines of:  Seller  Buyer  Both

Name: \_\_\_\_\_ TIN: \_\_\_\_\_

Address: \_\_\_\_\_

Business Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ e-mail Address: \_\_\_\_\_

**Part III** DETAILS OF TRANSACTION

Philippine Corporation whose shares of stock are subject of sale/transfer:

S.E.C. Certificate No. \_\_\_\_\_ Date Issued: \_\_\_\_\_

Date of sale/transfer \_\_\_\_\_

Total number of unit of participation/shares sold/transferred \_\_\_\_\_

Shares of stock Traded in the Stock Exchange Par Value Per Share (for Par shares) \_\_\_\_\_

Shares of stock Not Traded in the Stock Exchange Issue Value per Share (for No-Par shares) \_\_\_\_\_

Unit in Partnership

Real Property Interest (RPI), if applicable, of the Philippine Corporation as appearing in its latest audited financial statement on the date of sale/transfer of shares of stock/unit of participation. (Use formula below)

Real Property Interest (RPI) =  $\frac{\text{Interest on properties enumerated in Sec. 3 of RR 4-86 (as reflected in Part V)}}{\text{Entire assets in terms of value}}$

Percentage of RPI = \_\_\_\_\_ %

\*Sale or transfer of shares of stock in Philippine Corporation includes sale or transfer of unit of participation in a Philippine Partnership.

Specify legal justification of request for relief citing the Article and tax treaty applicable, including precedent rulings issued on similar transaction:

Indicate if the herein transaction is subject of:

- Issue/s or transactions involving the same taxpayer which is the subject of an investigation, on-going audit, administrative protest, claim for refund or issuance of tax credit certificate, collection proceedings, or a judicial appeal.
- Industry issues. These are issues as determined by the Management Committee from time to time as such, which may not be the subject of a protest raised by a related party or unrelated taxpayer, so long as it involves the same issue.

**Part IV DOCUMENTARY REQUIREMENTS**

Documents	Date Submitted:
1. Letter providing information on transactions covered by treaty provisions and requested tax treaty treatment for such transactions, and legal justification.	
2. Original copy of proof of residence of income recipient such as a certification by the tax authority of its country.	
3. Original copy of certification from the Securities & Exchange Commission that the income recipient is / is not registered to engage in business in the Philippines.	
4. Original copy of Special Power of Attorney duly executed by the income recipient / authorizing withholding agent / representative in the Philippines to file claim for tax treaty relief or certification by the withholding agent / representative that he is the duly authorized representative in the Philippines of the income recipient.	
5. Documents pertaining to the acquisition/transfer of shares by the applicant.	
6. Duly notarized certificate of Corporate Secretary of the Phil. corporation whose shares of stock were sold showing the number & value of the shares of the seller and the latter's percentage ownership of the corporation as of the date of sale and the acquisition date of the shares of stock.	
7. Comparative Schedule of Property, Plant & Equipment of Philippine Corporation using the prescribed format in Part V.	
8. Certified copy of Audited Financial Statements of the Phil. corporation as of the date of sale. If unavailable, the most recent financial statements adjusted up to the date of sale may be used.	
9. Other additional documents as may be deemed necessary for the processing of this application.	

**Part V COMPARATIVE SCHEDULE OF PROPERTY, PLANT & EQUIPMENT (PPE)**

Particulars	Acquisition Cost	Previous Year		Current Year			Transaction Date		
		Accumulated Depreciation	Book Value	Depreciation Expense	Total Accumulated Depreciation	Book Value	Depreciation Expense	Total Accumulated Depreciation	Book Value
PPE1	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx
PPE2	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx
PPE3	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx
<b>Totals</b>	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx

\* The details of Property, Plant & Equipment shown must be in accordance with Revenue Regulations No. 4-86.

**Part VI PERJURY DECLARATION**

Under penalties of perjury, I/we, the undersigned, declare that I/we examined this application, including the accompanying documents, and to the best of my/our personal knowledge, belief, and information, the facts presented in support of the requested certification are hereby true, correct and complete.

Name and Position of Seller/Buyer/Agent of ...  
Seller and/or Buyer

Signature

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
BUREAU OF INTERNAL REVENUE

Quezon City



Date: November 4, 2002

REVENUE MEMORANDUM ORDER NO. 30-2002

**SUBJECT:** Authorizing the use of BIR Form No. 1928 -Application for Relief From Double Taxation (Gains from Sale or Transfer of Shares of Stock in Philippine Corporation) for processing of tax treaty relief applications involving gains from sale or transfer of shares of stocks in a Philippine corporation including gains from sale or transfer of unit of participation in a Philippine partnership.

**TO :** All Internal Revenue Officers and others concerned.

BUREAU OF INTERNAL REVENUE  
RECORDS DIVISION  
10:49 A.M.  
NOV 04 2002  
RECEIVED

**I. OBJECTIVE**

This Order is issued to authorize the use of BIR Form No. 1928 Application for Relief From Double Taxation (Gains from Sale or Transfer of Shares of Stock in Philippine Corporation) and the corresponding Certification detailing the relief granted as well as the tax consequences of transactions involving gains from sale or transfer of shares or stocks in a Philippine corporation including sale or transfer of unit of participation in a Philippine partnership.

**II. COVERAGE**

This Order covers exclusively applications for tax treaty relief on income derived or to be derived by the taxpayer under existing tax treaties particularly on gains from sale or transfer of shares of stock in Philippine corporation including sale or transfer of unit of participation in a Philippine partnership.

**III. PAYMENT OF FEES**

Pursuant to Executive Order No. 159, "Directing All Departments, Bureaus, Offices, Units And Agencies Of The National Government, Including Government-Owned Or Controlled Corporations, To Revise Their Fees And Charges At Just And Reasonable Rates Sufficient To Recover At Least The Full Cost Of Services Rendered" as amended by Executive Order No. 197, "Directing All Departments, Bureaus, Commissions, Agencies,

11-05-2002

11:25 AM

**Offices And Instrumentalities Of The National Government; Including Government-Owned Or Controlled Corporations, To Increase Their Rates of Fees And Charges By Not Less Than 20 Percent,"** the taxpayer shall pay the applicable processing and certification fee in the amount of P5,000.00 in the district having jurisdiction over the place of business of the Philippine corporation using BIR Form No. 0605, before filing the application for tax treaty relief with the International Tax Affairs Division. Proof of payment of the processing and certification fee must be submitted upon filing of application for tax treaty relief.

#### IV AUTHORIZED SIGNATORY

The Certification shall state the relief granted as well as the tax consequences, if any, involving gains from sale or transfer of the shares of stock in a Philippine corporation, including gains from sale or transfer of unit of participation in a Philippine partnership, and shall be signed by the Assistant Commissioner for Legal Service or whoever shall hereafter be delegated to sign it.

#### V REPEALING CLAUSE

This Order modifies RMO No. 1-2000 dated November 25, 1999 and amends all other issuances and portions thereof inconsistent herewith.

#### V EFFECTIVITY

This Order takes effect immediately.

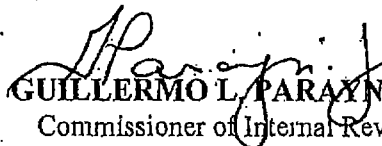
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GUILLERMO L. PARAYNO, JR.  
Commissioner of Internal Revenue