



## **BIR Form No. 2106 - WO GUIDELINES AND INSTRUCTIONS**

### **WHO ARE COVERED**

1. Individuals (Including Estates and Trusts);
2. Corporations subject to tax under the provisions of the National Internal Revenue Code of 1997; and
3. Taxpayers enjoying preferential tax treatment under special laws such as but not limited to enterprises registered in accordance with RA 7227, RA 7916 or E.O. 226.

### **EXCEPTIONS:**

1. Those covered by a Preliminary Assessment Notice (PAN), or by a Final Assessment Notice (FAN), or by a Collection Letter issued on or before July 31, 2001;
2. Persons under investigation as a result of verified information filed by a Tax Informer under Section 282 of the Tax Code, as amended, duly processed and recorded in the BIR Official Registry Book on or before July 31, 2001;
3. Tax fraud cases already filed and pending in Court for adjudication; and
4. Those with unpaid tax liability as reflected in the books of accounts/records or financial statements and tax return of the covered transaction, unless they first pay the same prior to availment, or at the same time as the date of availment.

### **WHERE TO FILE AND PAY**

**VAP application and payment of capital gains tax, creditable withholding tax and documentary stamp tax on the sale, exchange or disposition of real property.** – For the availment of VAP pertaining to capital gains tax, creditable withholding tax and documentary stamp tax on the sale, exchange, or disposition of real property, the VAP-applicant taxpayer shall file the prescribed application and payment forms, in triplicate copies, and pay the corresponding VAP amount together with the unpaid basic tax/unpaid balance to the Accredited Agent Bank (AAB) within the revenue district where the property is located. In the absence of any AAB, payment should be made to the authorized Revenue Collection Officer/Deputized Municipal Treasurer of the Revenue District Office where the property is located.

### **BIR OFFICE TO PROCESS VAP APPLICATIONS AND ATTACHMENTS**

1. **For VAP applications where returns have been filed.** - The VAP application and VAP payment forms, together with the required attachments, shall be filed with the Technical Working Group (TWG) of the Regional Office having jurisdiction over the place where the property is located. However, if the property is located in a Revenue District Office outside the province where the Regional Office is situated, such VAP application may be filed with the said RDO, which in turn shall transmit the same, after pre-processing, to the Regional Office, for final processing.

2. **For VAP applications where no returns have been filed.** The VAP application and VAP payment forms shall be filed with the Technical Working Group (TWG) of the Regional Office or RDO (for districts located outside the province of the regional office) where the property/ies is/are located, as the case may be, for processing and evaluation. Upon evaluation, these Offices shall forward the documents and their recommendations to the TWG of the Assessment Service (National Office), which will forward the same to the MANCOM for approval or disapproval, after further review and evaluation.

Once the VAP application is approved, a Certificate of Qualification shall be issued. If application is disapproved, a Notice of Disqualification shall be issued.

### **ATTACHMENTS:**

1. Fully accomplished withholding tax return on transfer of real property other than capital asset, in case no return has been filed;
2. A copy of withholding tax return on transfer of real property other than capital asset originally filed for the taxable transaction covered by VAP availment;
3. Photocopy of duly validated VAP Payment Form and the corresponding AAB Official Receipt or Revenue Official Receipt issued by the concerned RCO/DMT, whichever is applicable, as proof of payment;
4. Other attachments required:
  - Copy of the Notarized Deed of Sale or Exchange;
  - Certified true copy of the Transfer Certificate of Title (TCT)/Original Certificate of Title (OCT)/Condominium Certificate of Title (CCT) (front and back pages);
  - Certified True Copy of the Latest Tax Declaration (lot and/or improvement) (front and back pages);
  - Certification from the Assessor's Office that there is no existing improvement on the lot being sold/transferred, if what is sold is lot only;
  - Proof that the seller is habitually engaged in real estate business, if applicable; and
  - Proof of Documentary Stamp Tax payment.

### **NOTE:**

**In lieu of the certified true copy of the documents requested, photocopy thereof as verified and signed by the evaluation officer may be submitted.**

**The Alphanumeric Tax Code (ATC) to be used in Item No. 6 of BIR Form No. 0607 (VAP Payment Form) shall be MC032.**