REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF MANDALUYONG

ISO 9001:2015
QUALITY MANAGEMENT SYSTEM
CB CERT. NO. 119910

ORDINANCE NO. 993, S-2024

AN ORDINANCE GRANTING RELIEF ON THE PAYMENT OF SURCHARGES AND INTERESTS ON LOCAL TAX ON THE TRANSFER OF REAL PROPERTY OWNERSHIP TO ALIGN WITH THE IMPLEMENTATION OF THE EXTENSION OF THE ESTATE TAX AMNESTY PROGRAM UNDER REPUBLIC ACT NO. 11956 AND THE DEPARTMENT OF FINANCE CIRCULAR NO. 002-2024

WHEREAS, Section 168 of the Local Government Code of 1991 provides that the Sanggunian may impose a surcharge not exceeding 25% of the amount of taxes, fees or charges not paid on time and an interest at the rate not exceeding 2% per month of the unpaid taxes, fees or charges including surcharges, until such amount is fully paid but in no case shall the total interest on the unpaid amount or portion thereof exceed 36 months;

WHEREAS, Section 192 of the same Code, allow local government units, through ordinances duly approved, to grant tax exemptions, incentives or reliefs, under such terms and conditions that the local government units may deem necessary;

WHEREAS, on 05 August 2023, the Republic Act (R.A.) No. 11956 entitled, "An Act Further amending R.A. No. 11213, otherwise known as the "Tax Amnesty Act" as amended by R.A. No. 11569, extending the period of availment of the Estate Tax Amnesty until June 14, 2025, and for other purposes" has lapsed into law;

WHEREAS, to enforce the mandate of the Tax Amnesty Act across local government units (LGUs), the Department of Finance (DOF) issued Department Circular (DC) No. 001-2024, supplementing DC Nos. 001-2019 and 001-2022 and reiterating the policy that LGUs must uphold the intention of the afore-cited law by, among others, easing the process for taxpayers towards full availment of the Tax Amnesty Act;

WHEREAS, Section 3 of the Department of Finance (DOF) Department Circular No. 001-2024 provides, "*(L)ocal treasurers shall assess the tax due on the transfer of real property through succession upon the prevailing schedule of fair market value of the subject property at the time of the decedent's death*" covering transfers of real property by way of succession and shall run until 14 June 2025;

WHEREAS, the Bureau of Local Government Finance (BLGF) issued Memorandum Circular No. 21-2024 dated 18 April 2024, reiterating DOF Department Circular No. 001-2024 on the Supplemental Guidelines on the Grant of Relief of Surcharges and Interests on Local Tax on Transfer of Real Property Ownership;

WHEREAS, Section 2 of the Department of Finance (DOF) Department Circular No. 001-2024 provides that, "*(T)he grant of relief shall be authorized under a duly enacted local ordinance upon the effectivity of this Circular*", thus the necessity of a local ordinance implementing the same;

NOW, THEREFORE, BE IT ADOPTED by the Sangguniang Panlungsod of Mandaluyong, Metro Manila, in session assembled:

SECTION 1. TITLE. — This Ordinance shall be known as the "Mandaluyong City Tax Relief on Surcharges and Penalties for Local Estate Transfer Tax Ordinance."

SECTION 2. COVERAGE OF RELIEF. — The relief granted shall cover the payment of all surcharges and interests on local tax imposed by the city of Mandaluyong for all transfers of real property forming part of the estate of the decedent to the legal heirs, legatees and devisees, covering the estate of decedents who died on or before 31 May 2022.

SECTION 3. CONDITIONS FOR THE GRANT OF RELIEF. — All legal heirs, executors or administrators who have availed of the Estate Tax Amnesty under R.A. No. 11569, as amended by R.A. No. 11956, as duly certified by the appropriate Revenue District Office of the Bureau of Internal Revenue, shall be entitled to a relief on the payment of all surcharges and interests on local transfer tax on the estate of a decedent who died on or before 31 May 2022.

SECTION 4. PERIOD TO AVAIL RELIEF. — The grant of relief may be availed from the date of effectivity of this Ordinance until 14 June 2025.

SECTION 5. LIMITATIONS ON RELIEF. — The grant of relief shall only cover transfer of real property by succession, and in no case shall apply to other modes of transfer of property. Further, as for the actual tax on transfer of real property ownership to be collected, the same shall only be based on the prevailing schedule of fair market value of the subject property at the time of the death of the decedent, and in accordance with the grant of relief that the LGU may authorize.

SECTION 6. MANDATORY REQUIREMENTS. — Without prejudice to the requirements set forth under Section 3 (b) and (c) of DOF DC No. 001-2019, as supplemented, and those which are required by the City Assessor's Department under established laws, rules, and regulations, the decedent's legal heir, executor or administrator must present the Philippine Statistics Authority (PSA) copy of the Certificate of Death of the decedent, in the absence of which, a certificate of No Record of Death from the PSA and any valid secondary evidence sufficient to establish the fact of death of the decedent shall be submitted.

SECTION 7. DATA PRIVACY OF LOCAL ASSESSMENT RECORDS. — In accordance with RA No. 10173, otherwise known as the Data Privacy Act of 2012, and DOF DC No. 001-2019, the City Assessor's Department is mandated to ensure security of personal information of real property owners.

SECTION 8. SEPARABILITY CLAUSE. — If, for any reason, any article or provision of this Ordinance or any portion thereof or the application of such article, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Ordinance shall not be affected by such decision.

SECTION 9. REPEALING CLAUSE. — All ordinances, resolutions, executive issuance, or rules and regulations, or parts thereof, whose provisions are inconsistent with or contrary to the provisions of this Ordinance, are hereby repealed, amended, or modified accordingly.

SECTION 10. EFFECTIVITY. — This Ordinance shall take effect after its approval and publication at least once (1) in a newspaper of general circulation in Metro Manila.

ENACTED on this 23rd day of September 2024, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN A REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

CARMELITA A. ABALOS
City Vice Mayor &
Presiding Officer

APPROVED BY:

BENJAMIN S. ABALOS
City Mayor

Date: SEP 30 2024

DISTRICT I

ANTONIO DLS. SUVA, JR.
Councilor

ANJELO ELTON P. YAP
Councilor

DANILO L. DE GUZMAN
Councilor

RODOLFO M. POSADAS
Councilor

CARISSA MARIZ S. MANALO
Councilor

ESTANISLAO V. ALIM III
Councilor

DISTRICT II

BENJAMIN A. ABALOS III
Councilor

ALEXANDER C. STA. MARIA
Councilor

REGINALD S. ANTIOJO
Councilor

LESLIE F. CRUZ
Councilor

MICHAEL ERIC G. CUEJILO
Councilor

ON OFFICIAL BUSINESS
DARWIN A. FERNANDEZ
LnB President

CHERILYN V. MINA
SK Federation President