

S. No. 2127
H. No. 3297

Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. 11256]

AN ACT TO STRENGTHEN THE COUNTRY'S GROSS INTERNATIONAL RESERVES (GIR), AMENDING FOR THE PURPOSE SECTIONS 32 AND 151 OF THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Amendment of Section 32 of the National Internal Revenue Code, As Amended.* – Section 32(B)(7) of the National Internal Revenue Code of 1997, as amended, is hereby further amended to read as follows:

"SEC. 32. *Gross Income.* -

"x x x

"(B) *Exclusions from Gross Income.* - The following items shall not be included in gross income and shall be exempt from taxation under this title:

"x x x

"(7) *Miscellaneous Items.* -

"x x x

"(i) *Income Derived from the Sale of Gold Pursuant to Republic Act No. 7076.* - Income derived from the following transactions pursuant to Republic Act No. 7076, otherwise known as the "People's Small-scale Mining Act of 1991":

"(1) The sale of gold to the Bangko Sentral ng Pilipinas by registered small-scale miners, as defined under Republic Act No. 7076, and accredited traders; and

"(2) The sale of gold by registered small-scale miners to accredited traders for eventual sale to the Bangko Sentral ng Pilipinas."

SEC. 2. *Amendment of Section 151 of the National Internal Revenue Code, As Amended.* - Section 151 of the National Internal Revenue Code of 1997, as amended, is hereby further amended to read as follows:

"SEC. 151. *Mineral Products.* -

"x x x

"(C) Notwithstanding the foregoing, gold which is sold, or eventually sold, to the Bangko Sentral ng Pilipinas, in accordance with Section 32(B)(7)(i), shall be exempt from the payment of excise tax: *Provided, however,* That if the excise

tax due thereon had been paid prior to the sale of gold to the Bangko Sentral ng Pilipinas, the taxpayer may file a claim for refund or credit with the Commissioner for the excise tax paid."

SEC. 3. *Tax Incentives and Privileges of Small-Scale Miners.* – In addition to the foregoing, and notwithstanding the existing provisions of Republic Act No. 6938, as amended, and other applicable laws, the sale of gold by registered small-scale miners, as defined under Republic Act No. 7076, to accredited traders for eventual sale to the Bangko Sentral ng Pilipinas shall enjoy the same tax treatment and privileges given to the direct sale of gold to the Bangko Sentral ng Pilipinas under the Tax Code.

SEC. 4. *Presumption on the Source of Gold.* – All gold sold to the Bangko Sentral ng Pilipinas by accredited traders shall be presumed to have been purchased by said traders from small-scale miners.

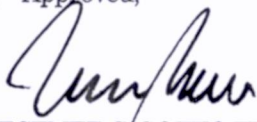
SEC. 5. *Implementing Rules and Regulations.* – Within sixty (60) days after the effectivity of this Act, the Governor of the Bangko Sentral ng Pilipinas, the Secretary of Environment and Natural Resources, the Secretary of the Interior and Local Government and the Commissioner of Internal Revenue shall recommend to the Secretary of Finance, for promulgation, the rules and regulations necessary for the effective implementation of this Act. The rules and regulations shall include provisions for the registration and accreditation requirements of small-scale miners and traders in order to avail of the tax exemptions under this Act.

SEC. 6. *Repealing Clause.* – All laws, executive/administrative orders, rules, regulations and other issuances or parts thereof, which are inconsistent with the provisions of this Act, are hereby revoked, repealed or modified accordingly.

SEC. 7. *Separability Clause.* – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

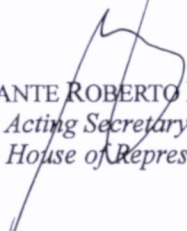
Approved,


VICENTE C. SOTTO III
President of the Senate


GLORIA MACAPAGAL-ARROYO
Speaker of the House of Representatives

This Act was passed by the Senate of the Philippines as Senate Bill No. 2127 on January 29, 2019 and adopted by the House of Representatives as an amendment to House Bill No. 3297 on February 6, 2019.


MYRA MARIE D. VILLARICA
Secretary of the Senate


DANTE ROBERTO P. MALING
Acting Secretary General House of Representatives

Approved: **MAR 29 2019**




RODRIGO ROA DUTERTE
President of the Philippines

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