Memorandum for: The ADMINISTRATOR
This Administration

Thru: The Director
Pre-Employment Services Office

Re: Affixiture of Documentary Stamp
Tax on Special Power of Attorney
and Affidavit

Quoted hereunder are the pertinent provision of the National Internal Revenue Code that requires the affixing of documentary stamp tax on the Special Power of Attorney and Affidavit and the cancellation of the same before it can be received by an Office.

"Sec. 188 Stamp Tax on Certificates - On each certificate of damage or otherwise, and on every other certificate or document issued by any custom officer, marine surveyor, or that person acting as such, and or each certificate issued by a notary public, on each certificate of any description required by law or by rules or regulations of a public office, or which is issued for the purpose of giving information, or establishing proof of a fact, and not otherwise specified therein, there shall be collected a documentary stamp tax of three pesos.

Sec. 193 Stamp Tax on Powers of Attorney - On each power of attorney to perform any act whatsoever, except acts connected with the collection of claims due from or accruing to the Government of
the Republic of the Philippines, or the
government of any province, city or
municipality, there shall be collected
a documentary stamp of two pesos:
Provided, however, that on each power of
attorney which authorizes another to
administer, sell, lease, or otherwise
dispose of the property of the principal,
there shall be collected a documentary
stamp tax of three pesos.

Sec. 201 Effect of Failure to Stamp
Taxable Document - An instrument, document,
or paper which is required by law to be
stamped and which has been signed, issued,
accepted, or transferred without being duly
stamped, shall not be recorded, nor shall
it or any copy thereof or any record of
transfer of the same be admitted or used
in evidence in any court until the requisite
stamps shall have been affixed thereto and
cancelled."

The foregoing provision clearly enjoined the
affixiture of documentary stamp to the document and
its cancellation before it shall be received by the
office concerned. While, the Revenue Code is silent
regarding the liability of the Office that received
the unstamped document, but, it is not a good govern-
ment management or sound office practice to be pathetic
to the government measure to raise revenue.

In view thereof, it is recommended that, henceforth,
no document of such nature shall be received by the office
without first ascertaining that the appropriate amount of
documentary stamp has been affixed thereto and the same
being cancelled.

[Signature]
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