

# DISCUSSIONS ON THE FEATURES OF VARIOUS TAX AMNESTY PROPOSALS\*

## I. INTRODUCTION

In the previous NTRC paper entitled, *The Philippines Experience with Tax Amnesties*<sup>1</sup>, the concept of tax amnesty, its advantages and disadvantages, various tax amnesties granted during the previous administrations and the Philippines experience thereon were extensively discussed. With the current administration's plan to grant another tax amnesty, it becomes exigent to present the various tax amnesty bills now filed in Congress in order to raise awareness and encourage discussion on their features and their merits and demerits.

The public hearings that were conducted so far by the Committee on Ways and Means in both the House of Representatives and the Senate of the Philippines during the 17<sup>th</sup> Congress reveal that there is unanimous support from the stakeholders on the grant of the proposed tax amnesty. However, they have differing views on the features of the amnesty program, such as on the period and types of taxes to be covered, base and rate of tax amnesty, and the taxpayers who will be eligible to avail of the amnesty, among others.

This paper presents the features of the tax amnesty bills and the rationale advanced by various stakeholders to justify their respective positions on the proposals.

## II. DISCUSSION ON THE FEATURES OF THE BILLS<sup>2</sup>

### A. Taxes and Period Covered

The bills vary in the period that shall be covered by the tax amnesty. HB 7105 proposes to cover all national internal revenue taxes that remained unpaid as of

\* Prepared by Jocet Consisa R. Pabilona, Tax Specialist II, reviewed by Roselyn C. Domo, Supervising Tax Specialist and approved by Donaldo M. Boo, Chief Tax Specialist, Direct Taxes Branch, NTRC.

<sup>1</sup> NTRC Tax Research Journal, Vol. XXVIII.5 September-October 2016 Issue, p. 27.

<sup>2</sup> Please refer to **Annex A** for comparative features of various tax amnesty bills.

December 31, 2017 and prior years while HBs 3655 & 4011 propose that the cut-off date be as of December 31, 2015. On the other hand, HBs 3832 & 4133 propose that the tax amnesty covers only tax delinquency from January 1, 2006 up to June 30, 2016. The proponents argue that since Republic Act (RA) No. 9480,<sup>3</sup> the last tax amnesty, covered unpaid national internal revenue taxes as of December 31, 2005 and prior years, it is presumed that those who were delinquent as of December 31, 2005 and prior years have already availed of the 2007 tax amnesty. This presumption, however, might not be true to some taxpayers, hence, the proposal will limit the number of potential amnesty availers.

All bills propose that the tax amnesty covers “all unpaid national internal revenue taxes.” There is a differing view, however, on what constitutes national internal revenue taxes. The draft Senate bill on the tax amnesty includes taxes collected by the Bureau of Customs (BOC), considering that these taxes are also classified as internal revenue taxes, although the BOC is only designated as collecting agent.

On the other hand, there was a suggestion that the value-added tax and excise taxes collected by the BOC be excluded and to cover only those taxes collected by the Bureau of Internal Revenue (BIR) on the ground that the former has the authority to detain/seize and auction VAT-able and /or excisable goods and articles in case of non-payment of taxes. There is a concern that if BOC-administered taxes are included, the goods and articles might no longer be available at the time the taxpayer/importer avail of the tax amnesty.

It should be mentioned that RA 9480 covered only BIR-collected taxes although the provision therein covers national internal revenue taxes with no explicit exclusion of BOC-collected taxes.

## B. Availment of Tax Amnesty

HB 7105 proposes that the tax amnesty may be availed and paid within two (2) years, while the other HBs propose that the availment and payment be within six (6) months, from the effectivity of the law’s implementing rules and regulations. The draft Senate bill, on the other hand, proposes that the availment of the amnesty be made within one (1) year and the payment be made simultaneously with the filing of the tax amnesty return and the Statement of Assets, Liabilities, and Net worth (SALN).

The longer period is being pushed in order to give delinquent taxpayers more time to raise the money needed to avail of the tax amnesty. On the other hand, the shorter period is forwarded in order to create a sense of urgency among delinquent taxpayers and provide the government immediate revenue it needs for its priority infrastructure and social programs.

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<sup>3</sup> Entitled, “An Act Enhancing Revenue Administration and Collection by Granting an Amnesty on All Unpaid Internal Revenue Taxes Imposed by the National Government for Taxable Year 2005 and Prior Years,” lapsed into law on May 27, 2007.

## C. Tax Base

HB 7105 proposes to base the amnesty tax on the (a) net worth in cases where no assessment was issued against the taxpayer; (b) increase in net worth for those who have previously filed their SALNs; and (c) on the amount of basic tax delinquency in cases where assessments were issued against the taxpayer. The draft Senate bill and other HBs adopt the net worth as the base of tax amnesty payments. Other tax bases that are considered include total assets or undeclared assets. Each tax base is described below.

### 1. *Total Net Worth*

Net worth refers to the difference between the total assets and total liabilities of the taxpayer. While the use of net worth is deemed reflective of the financial status of the taxpayer, hence more equitable, it is, however, subject to manipulation as the taxpayer might under-declare his/her assets or overstate the liabilities in order to reduce the amount of net worth. This will therefore pose a challenge to the tax authority in verifying the accuracy of the base of tax amnesty payment.

### 2. *Increase in Net Worth*

For those who have previously filed their SALNs but want to avail of the tax amnesty for undeclared assets, the payment shall be based on the incremental net worth. The use of this base may be inconvenient for both the taxpayers and tax officials as they will need to have records of the previous net worth.

### 3. *Amount of Basic Tax Delinquency*

The tax amnesty payment may be based on the amount of basic tax delinquency, whether in full or a percentage of it. The interest, penalties and surcharges that accrue to the basic tax due may be waived or condoned by the government. The use of this base is equitable and revenue productive since the amnesty payment is based on assessed tax liability of the errant taxpayers based on the notice of assessment. Hence, the presentation of such notice by the taxpayer would facilitate the administration of tax amnesty, and problems such as the determination or computation of basic tax liabilities may only arise in case the necessary data is unavailable or lost.

### 4. *Total Assets*

To avoid the bloating of liabilities thereby reducing the net worth, the use of total assets may also be considered. Although an issue on equity may arise as the value of assets may not actually reflect the financial capacity of the taxpayer, who may have substantial liabilities and therefore, minimal net worth, it is, however,

simpler and easier to determine, thus resulting in better compliance and tax administration.

### 5. *Undeclared Assets*

The tax amnesty may be based on the value of undeclared assets as these are the ones that escaped taxation in the past. It is, however, argued that since the immunities and privileges granted by the tax amnesty cover not just declared properties but also undeclared ones, it is reasonable to include in the base the value of total assets.

## D. Tax Rate

HB7105 proposes differentiated rates for each type of taxpayers who have not been issued assessment: (a) for individual, estates and trust, whichever is higher between 8% of net worth or PhP10,000; (b) partnerships, stock corporations and taxable cooperatives, whichever is higher between 8% of net worth and a minimum amount based on capital or subscribed capital; (c) non stock corporations, government-owned and controlled corporations exercising proprietary functions, whichever is higher between 4% of the net worth and PhP50,000; and (d) taxpayers who have already filed their balance sheet/SALN, together with their income tax returns (ITRs) for 2017, 8% of the resulting increase in net worth or minimum amount of the prescribed amnesty tax. In cases where assessments were issued against a taxpayer, the rate is 50% of the basic tax assessed.

Other HBs have similar amnesty rates and bases for individuals and corporations but at a lower rate of whichever is higher between 5% of net worth and a minimum amount of PhP50,000 for individuals, trusts, and estates; and for corporations, whichever is higher between 5% of net worth and a minimum amount depending on subscribed capital.

The draft Senate bill also differentiates the rate and base between individuals and corporations and uses net worth as the criterion thereof. The rate is whichever is higher between 5% of net worth and a minimum amount depending on net worth. Unlike the HBs, it gives discount depending on the period of amnesty tax payment, higher for earlier payment.

It is pointed out that aside from the immunities and privileges to be granted to taxpayers, in setting the rate of tax amnesty, consideration should also be given to the base that shall be used. If the tax amnesty uses the total net worth of the taxpayer, the rate may be whichever is higher between a certain percentage of the net worth and a minimum amount. If the tax amnesty is based on total assets, the rate should be lower than the one based on net worth.

Below are other factors that may be considered in designing a tax amnesty rate and base structure:

### **1. Period of Tax Amnesty Availment**

The idea of using this in designing the tax amnesty payment schedule is to encourage errant taxpayers to pay promptly and to settle their tax delinquencies earlier. This may be done in two ways: (a) by granting *preferential rate* for early payment of tax amnesty; or (b) by granting *higher discounts* for the early payment of tax amnesty. Table 1 and Table 1.A illustrate these points:

**Table 1. TAX AMNESTY RATE SCHEDULE**

<b>Tax Amnesty Rate</b>	<b>Period of Payment</b>
5%	If paid within three (3) months from the effectivity of the tax amnesty Implementing Rules and Regulations (IRR)
6%	If paid within the fourth (4 <sup>th</sup> ) to sixth (6 <sup>th</sup> ) months from the effectivity of the tax amnesty IRR
7%	If paid within the seventh (7 <sup>th</sup> ) to ninth (9 <sup>th</sup> ) months from the effectivity of the tax amnesty IRR
8%	If paid within the tenth (10 <sup>th</sup> ) to twelfth (12 <sup>th</sup> ) months from the effectivity of the tax amnesty IRR

**Table 1.A. TAX AMNESTY DISCOUNT SCHEDULE**

<b>Rate of Discount</b>	<b>Period of Payment</b>
10%	If paid within three (3) months from the effectivity of the tax amnesty Implementing Rules and Regulations (IRR)
5%	If paid within the fourth (4 <sup>th</sup> ) to sixth (6 <sup>th</sup> ) months from the effectivity of the tax amnesty IRR
No discount	If paid after the sixth (6) month from the effectivity of the tax amnesty IRR

The above amnesty tax rate schedule is conceptually similar to the “Tax Amnesty Law” in Indonesia which took effect last July 1, 2016. Under the said law, taxpayers who declare onshore assets or offshore assets which are repatriated into Indonesia pay at the following rates based on the declared value of the asset<sup>4</sup>:

<sup>4</sup> Article 10 of Ministerial Decree of Finance of the Republic of Indonesia Number: 118/Pmk.03 Year 2016, entitled “The Implementation of Law Number 11 Year 2016 on Tax Amnesty” issued July 15, 2016.

Rate	Period
2%	For applications submitted between July 1, 2016 and September 30, 2016;
3%	For applications submitted between October 1, 2016 and December 31, 2016
5%	For applications submitted between January 1, 2017 and March 31, 2017

Moreover, taxpayers who declare offshore assets but who do not repatriate them into Indonesia pay at the following higher rates:

Rate	Period
4%	For applications submitted between July 1, 2016 and September 30, 2016;
6%	For applications submitted between October 1, 2016 and December 31, 2016
10%	For applications submitted between January 1, 2017 and March 31, 2017

The first phase of the implementation of the Indonesian Tax Amnesty law was said to be successful with last minute availment by thousands of taxpayers to take advantage of the lower rate. Based on statistical data published by the Directorate General of Tax (DGT) of Indonesia, the total penalties paid during the first phase of its implementation amounted to IDR97.2 trillion (PhP345 billion)<sup>5</sup>.

## 2. Period of Tax Delinquency

Under this concept, the longer the taxpayer has been delinquent on his/her tax obligations, the higher tax amnesty payment he/she has to pay. Table 2 illustrates this:

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<sup>5</sup> Hiswara Benjamin T Tandjung Law Legal Flash, “Indonesia Tax Amnesty Update: Further Implementing Regulations Provide More Clarity as Phase One Ends” October 7, 2016.  
Source: <[http://www.hbtlaw.com/assets/files/Indonesia\\_Tax%20\\_Amnesty%20\\_Update.pdf](http://www.hbtlaw.com/assets/files/Indonesia_Tax%20_Amnesty%20_Update.pdf)>, viewed on April 19, 2018.

**Table 2. TAX AMNESTY RATE SCHEDULE**

<b>Rate</b>	<b>Period of Tax Delinquency</b>
2%	If delinquent for a period of not more than five (5) years
3%	If delinquent for a period of more than five (5) years but not more than ten (10) years
4%	If delinquent for a period of more than ten (10) years but not more than fifteen (15) years
5%	If delinquent for a period of more than fifteen (15) years

The computation of tax amnesty based on the period of delinquency takes into consideration the time value of money for the entire period the availer was delinquent. Certainly, the value of a peso of tax delinquency, say 20 years ago is different from the value of the peso of tax delinquency five (5) years ago. The higher rate for a longer period compensates for the effects of inflation and the amount of interest, surcharges and penalties that accrued to the tax due. In this sense, the use of the period of tax delinquency in designing a tax amnesty payment schedule might be deemed equitable. However, the determination of the period of delinquency might also be difficult to establish or cross-check because of the tendency of the taxpayer to shorten it to avail of the lower rate. This difficulty, especially in determining the reckoning date of delinquency, is compounded if the taxpayer is delinquent for different types of taxes for different taxable years.

#### **E. Requirement for a Certification by Certified Public Accountants**

The Senate draft version of the proposed tax amnesty provides that a SALN with net worth exceeding PhP5 million shall be duly certified by a Certified Public Accountant (CPA). Some sectors noted that this requirement is unnecessary because the SALN is by law required to be made under oath and notarized. They argued that the certification by the CPA of the SALN may be a futile requirement, because the CPA has no way of knowing the true amount of the taxpayer's assets and liabilities as declared therein. The CPA will simply rely on the taxpayer's declaration. This requirement might be unfair to the CPAs because the extent of their liability by reason of their certification is not clear.

#### **F. Valuation of Assets**

Whether the tax amnesty is based on the net worth or total assets, the determination of the asset's value is important. HBs 7105, 3655, and 4011 propose that the value of properties other than the asset contained in the SALN be based on acquisition cost of property. This is actually lifted from RA 9480 which used the same for amnesty purposes. The valuation rules under the said amnesty was later clarified in

DOF Administrative Order (AO) No. 29 series of 2007<sup>6</sup> and Revenue Memorandum Circular (RMC) 69-2007<sup>7</sup>. Various stakeholders opined that the valuations used in the above issuances should be adopted to obviate any issue or questions on valuation. Others contend however, that the use of acquisition cost in determining the value will tend to underestimate the net worth since it will not consider the increase in value especially if the asset has been acquired a long time ago.

### **G. Presumption of the Correctness of SALN**

Under the 2007 amnesty, the SALN is considered as *prima facie* true and correct except where the amount of declared net worth is understated to the extent of 30% or more, as may be established in a proceeding initiated by, or at the instance of, parties other than the BIR. Such proceeding shall be initiated within one (1) year following the filing of the SALN and the tax amnesty return. This period is adopted under the House bills. In the draft Senate bill, however, the period is extended to three (3) years.

On the period to initiate the proceedings, the proponents of HBs believe that one (1) year is sufficient for the BIR to initiate the proceedings. On the other hand, a three (3)-year period is proposed to have uniformity of rules by aligning it with the period of prescription provided in the NIRC of 1997, as amended, for the assessment of taxes. This will give the BIR ample time to verify the veracity of the declarations made in the SALN. This will also serve as preventive measure to forestall any attempt to make fraudulent declarations in the SALN for purposes of lowering the net worth. However, the proposal faces various oppositions because it is deemed too long considering that it only pertains to the ‘institution’ of the proceeding. It defeats the very purpose for the grant of an amnesty which is to give the delinquent taxpayers “peace of mind” after having applied for tax amnesty. A longer period will hold the availers hostage under the threat of prosecution for perjury or other appurtenant civil, criminal or administrative liabilities attendant to non-payment of taxes. This may also serve as a deterrent in the availment of the amnesty.

### **H. Immunities and Privileges**

Some stakeholders assert that there should be a provision in the bill stating to the effect that after the lapse of the period provided for the initiation of the proceeding to verify the correctness of the declarations in the SALN, such SALN shall be incontestable and the application is deemed accepted for purposes of availing of the tax amnesty. Thus, effectively, the taxpayer shall be automatically entitled to the immunities and privileges granted under the tax amnesty. The insertion of this period will expedite the grant of the amnesty, considering that in the past amnesty, there were availers who waited for a longer period because of a controversy in their SALNs. Providing for a

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<sup>6</sup> Entitled, “Rules and Regulations to Implement Republic Act 9480”, issued on August 15, 2007.

<sup>7</sup> Entitled, “Clarification of Issues Concerning the Tax Amnesty Program Under Republic Act. No. 9480 as Implemented by Department Order No. 29-07”, issued on November 5, 2007.

contestability clause may, however, deny concerned authority like the BIR the opportunity to exercise its discretion to withhold the grant of the immunities by reason of technicality such as the lapse of period, even if there is reasonable ground to delay the same.

## I. Exceptions

All bills exclude withholding agents with respect to withholding tax liabilities to avail of the tax amnesty. This is justified in the sense that the government needs to convey its seriousness on the strict implementation of withholding of taxes.

There are two (2) instances in which the withholding agents may fail on their obligations such as: (a) failure to withhold the tax, and therefore, no remittance was made; and (b) failure to remit the withheld tax. Some parties argued that the withholding agents under the first instance should be qualified to avail of the tax amnesty because their failure to withhold the tax did not result in a revenue loss on the part of the government. In this case, the payee of the income will receive the income in its totality and the government will later tax that income when it is declared in the payee's financial statement or tax return. It is argued that the exception should apply only to those who failed to remit the withheld tax as it is tantamount to a theft of government money. In a counter-argument, the ineligibility of both cases is justified since both of them did not fulfill their obligations. Failure to remit involves only one violation, that is, non-remittance of withheld taxes; failure to withhold and remit consists of two (2) violations.

In the draft Senate bill, taxpayers whose assessments have become final and executory should not be allowed to avail of the tax amnesty. These include those who have not paid their taxes or who have slept on their rights and have not availed of the remedies under the NIRC, as amended. This proposal gave rise to various oppositions arguing that even the NIRC, as amended, authorizes the Commissioner of Internal Revenue (CIR) to compromise or abate tax liabilities even if the deficiency tax assessment has been rendered final. Section 204 of the NIRC, as amended provides that paying any internal revenue tax may be compromised when there is reasonable doubt on the validity of the claim against the taxpayer, or the financial incapacity of the taxpayer demonstrates a clear inability to pay the assessed tax. On the other hand, the same provision states that the abatement or cancellation of tax liability may be made when the tax or any portion thereof appears to be unjustly or excessively assessed or the administration and collection costs involved do not justify the collection of the amount due. Compromise or abatement of tax liability has the same effect as the grant of amnesty. Hence, it is argued that there is no cogent reason why for purposes of the tax amnesty, said taxpayers are disqualified.

## J. Unlawful divulgence

In every amnesty, it is essential that there should be a provision prohibiting and penalizing unlawful disclosure of any information relative to the declarations and statements made in the SALN and tax amnesty returns. This will guarantee that the

availers declaration will be protected and will be used only in confidence for purposes of tax amnesty availment. This will also ensure that the availer will not be subject to possible harassment by reason of the declarations made. Every tax amnesty bill has a provision on unlawful divulgence, however, each differs on the penalty imposable for committing such. The proposed penalty includes:

- a. A fine of not less than PhP250,000 and imprisonment of not less than one (1) year but not more than six (6) years (HB 7105);
- b. A fine of not less than PhP50,000 and imprisonment of not less than six (6) years but not more than ten (10) years (HBs 3655, 4011, 3832, and 4133); and
- c. A fine of not less than PhP50,000 but not more than PhP100,000 and imprisonment of not less than two (2) years but not more than five (5) years (draft Senate bill).

The proposal under HB 7105 increases the fine under RA 9480 but reduces the period of imprisonment. On the other hand, the proposed penalty under other HBs is similar to the penalty under RA 9480. The proposal under the draft Senate bill is aligned with the provision in Sec. 270 of the NIRC of 1997, as amended on unlawful divulgence of information regarding the business, income, or estate of any taxpayer, the secrets, operation, style or work or apparatus of any manufacturer or producer, or confidential information regarding the business of any taxpayer.

## **K. Publication of a List of Availers.**

The proposal to publish a list containing the names of all taxpayers, their gross income, and the amount of income taxes paid is made for transparency purposes. However, it is deemed prejudicial to the reputation of the availers and may deter them from availing of the tax amnesty.

## **L. Authority of the CIR to Access Bank Information.**

In HB 7105, there is a provision which is very similar to Section 6 of the NIRC of 1997, as amended, pertaining to the authority of the CIR to inquire into and receive information on bank accounts and other related data held by financial institutions. The provision is unclear on whether it is intended as an amendment to Section 6 of the NIRC of 1997, as amended, to institutionalize automatic exchange of information (AEOI) or provided to support the tax amnesty program.

There is also a proposal to relax the bank secrecy laws in cases of availment of tax amnesty. This is essential to establish the correctness of declared assets and net worth. In the course of validating the declarations made by the taxpayers in their tax amnesty returns and SALNs, the examination of their bank records may be necessary in establishing whether the net worth or total assets of said taxpayers are substantially understated or not.

## M. Other Considerations

It is pointed out that in designing an effective tax amnesty program, there must be a credible “threat” to the taxpayers that the tax amnesty is their last chance to come forward and start with a clean slate, so to speak; otherwise, they will be prosecuted to the full extent of the law. There must be a sense of urgency on the part of the taxpayers, and their procrastination and reluctance to avail is risky on their part as their delinquency will be sooner detected or discovered. The credible “threat” could be in the form of the government’s readiness to adopt and implement Automatic Exchange of Information (AEOI), relaxation of bank secrecy law, and strict implementation of the Tax Code.

## III. CONCLUSION

The tax amnesty programs in the bills have their own advantages and disadvantages, and the justifications advanced by the proponents for their preferences appear to be reasonable and logical. In the final design of a tax amnesty program, the features that are deemed meritorious and responsive to the over-all goal of the government but at the same time enticing for the taxpayers, should be the one considered.

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**Annex A. COMPARATIVE FEATURES OF REPUBLIC ACT (RA) NO. 9480, HOUSE BILL (HB) NOS. 3655, 3832, 4011, 4133, 7105 AND UNNUMBERED SENATE BILL (USB) IN SUBSTITUTION OF SB NOS. 293, 920, 942, AND 1494, TAKING INTO CONSIDERATION HB NO. 4814 GRANTING TAX AMNESTY ON ALL UNPAID INTERNAL REVENUE TAXES**

PARTICULARS	RA 9480	HB 7105 (Hon. Rep. Alvarez, et. al.)	HB 3655 (Hon. Romero) & 4011 (Rep. Limkaichong, et. al.)	HB 3832 (Rep. Suarez) & 4133 (Rep. Singson)	Draft Senate Bill
Taxes and Period Covered	All national internal revenue taxes for the taxable year 2005 and prior years, with or without assessments duly issued therefor, that have remained unpaid as of December 31, 2005.	All national internal revenue taxes for the taxable year 2015 and prior years, with or without assessments duly issued therefor, that have remained unpaid as of December 31, 2017.	All national internal revenue taxes for the taxable year 2015 and prior years, with or without assessments duly issued therefor, that have remained unpaid as of December 31, 2015.	All national internal revenue taxes for period January 1, 2006 to June 30, 2016 with or without assessments duly issued therefor, that have remained unpaid as of June 30, 2016.	All national internal revenue taxes, including value added taxes and excise taxes collected by the Bureau of Customs (BOC), for the taxable year 2017 and prior years, with or without assessments duly issued therefor, that have remained unpaid as of December 31, 2017
What to File	(a) Notice (b) Tax Amnesty Return (c) SALN	Same as RA 9480	Same as RA 9480	Same as RA 9480	(a) Tax Amnesty Return (b) SALN
When to Avail of the Amnesty	Within six (6) months from the effectiveness of the implementing rules and regulations (IRR).	Within two (2) years from the effectiveness of the IRR.	Within six (6) months from the effectiveness of the IRR.	Within six (6) months from the effectiveness of the law.	Within one (1) year from the effectiveness of the IRR.
What to Declare in the SALN	The SALN shall contain a declaration of the assets, liabilities and net worth as of December 31, 2005, as follows:	The SALN shall contain a declaration of the assets, liabilities and net worth as of December 31, 2017, as follows:	The SALN shall contain a declaration of the assets, liabilities, and net worth as of December 31, 2017, as follows:	The SALN shall contain a declaration of the assets, liabilities, and net worth as of December 31, 2016, as follows:	The SALN shall contain a declaration of the assets, liabilities, and net worth as of December 31, 2016, as follows:

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	Draft Senate Bill
1. Assets within or without the Philippines, whether real or personal, tangible or intangible, whether capital or ordinary, whether or not used in trade or business:	1. Assets within or without the Philippines, whether real or personal, tangible or intangible, whether capital or ordinary: Provided, That property other than money shall be valued at the cost at which the property was acquired, or its current Fair Market Value, whichever is higher: Provided, further, That foreign currency assets and/or securities shall be valued at the rate of exchange prevailing as of the date of the SALN;	1. Assets within or without the Philippines, whether real or personal, tangible or intangible, whether capital or ordinary: Provided, That property other than money shall be valued at the cost at which the property was acquired, or its current Fair Market Value, whichever is higher: Provided, further, That foreign currency assets and/or securities shall be valued at the rate of exchange prevailing as of the date of the SALN;	1. Assets within or without the Philippines, whether real or personal, tangible or intangible, whether capital or ordinary: Provided, That property other than money shall be valued at the cost at which the property was acquired, or its current Fair Market Value, whichever is higher: Provided, further, That foreign currency assets and/or securities shall be valued at the rate of exchange prevailing as of the date of the SALN;	1. Assets within or without the Philippines, whether real or personal, tangible or intangible, whether capital or ordinary: Provided, That property other than money shall be valued at the cost at which the property was acquired, or its current Fair Market Value, whichever is higher: Provided, further, That foreign currency assets and/or securities shall be valued at the rate of exchange prevailing as of the date of the SALN;	<p>a. For corporations – All assets, liabilities and net worth shall be valued and reflected in the SALN/Balance Sheet following/ observing prevailing Philippine Financial Reporting Standards (PFRS) unless a different rule is mandated or allowed by the concerned regulatory agency.</p> <p>b. For individuals –</p> <ul style="list-style-type: none"> <li>i. For business-related assets and/or liabilities and net worth, valuation</li> </ul>

PARTICULARS	<b>RA 9480</b>  <b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
	be the difference between the total assets and total liabilities.			<p>should follow the PFRS.</p> <p>ii. For non-business-related assets and/or liabilities and net worth, valuation should be at cost, if acquired through purchase or at Fair Market Value, if acquired through inheritance or donation. Valuation shall be at Fair Market Value/ Zonal Value at the time of death or the date of donation, whichever is applicable.</p> <p>c. For cooperatives, foundations, and partnerships – The valuation of the assets and liabilities and net worth shall follow the mandated rules of the concerned regulatory agency.</p>

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
			d. For estate – For estate under administration, the valuation of assets and liabilities and net worth shall follow GAAP, whereas for estate not under administration, the valuation of assets, liabilities and net worth shall follow GAAP, for business-related assets, and valued at cost if assets/liabilities are acquired by purchase or at fair market value, if assets/liabilities are acquired through donation or inheritance, for non-business related assets/liabilities.	e. For trust – The valuation of assets and liabilities and net worth shall follow GAAP.	2. All existing liabilities which are legitimate and enforceable, secured or unsecured, whether or

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
<b>Presumption of Correctness of the SALN</b>	Considered as true and correct except where the amount of declared net worth is understated to the extent of thirty percent (30%) or more as may be established in proceedings initiated by, or at the instance of, parties other than the BIR of its agents: Provided, That such proceedings must be initiated within one (1) year following the date of the filing of the TAR and the SALN. Findings of or admission in	Shall be presumed true and correct. This presumption may only be discredited by substantial evidence showing that the amount of declared net worth is understated: Provided that, within one (1) year following the date of filing of the TAR and the SALN, the BIR or its agents shall initiate the appropriate administrative proceeding as prescribed in the IRR to question the veracity of the SALN. ( <i>Sec. 4</i> )	not incurred in trade or business; and  3. The net worth of the taxpayer, which shall be the difference between the total assets and total liabilities.	<i>Provided</i> , That a SALN with a net worth exceeding PHP5 million shall be duly certified by a Certified Public Accountant (CPA).	Considered as true and correct except where the amount of declared net worth is understated to the extent of thirty percent (30%) or more as may be established in proceedings initiated by, or at the instance of, parties other than the BIR or its agents: <i>Provided</i> , That such proceedings must be initiated within three (3) years following the date of the filing of the tax amnesty return and the SALN. Findings of or admission in
					No provision

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
	congressional hearings, other administrative agencies of government, and/or courts shall be admissible to prove a thirty percent (30%) under-declaration. ( <i>Sec. 4</i> )			congressional hearings, other administrative agencies of government, and or courts shall be admissible to prove a thirty percent (30%) under-declaration. ( <i>Sec. 4</i> )	
Tax Rate and Base		A. In cases where no assessment were issued against the taxpayer	1. Individuals 5% of net worth or PhP50,000, whichever is higher	1. Individuals (whether resident or nonresident citizens, including resident or nonresident aliens), Trusts and Estates and Estates, and other juridical entities, including, but not limited to, cooperatives and foundations, that have become taxable as of December 31, 2017 –	Net worth of: Whichever is higher:  Not over P1,000,000.00 5% or P40,000.00  Over P1,000,000.00 but not over P3,000,000.00 5% or P120,000.00

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
					Over P3,000,000.00 but not over P5,000,000.00
					Over P5,000,000.00
					Over P200,000.00
2. Corporations	With subscribed capital of:	Whichever is higher:	With capital, or subscribed capital of:  a. Up to PhP10 Million;	With subscribed capital of:  a. Up to net worth or PhP10,000	Whichever is higher:
Above PhP50 Million	5% of net worth or PhP500,000		b. Above PhP10 Million, but not exceeding PhP50 Million;	Above PhP50 Million up to PhP50 Million	5% of net worth or PhP500,000
Above PhP20 Million up to PhP50 Million	5% of net worth or PhP250,000		c. Above PhP50,000, but not exceeding PhP100 Million;	Above PhP20 Million up to PhP50 Million PhP5 Million to PhP20 Million	5% of net worth or PhP250,000
PhP5 Million to PhP20 Million	5% of net worth or PhP100,000			Below PhP5 Million	5% of net worth or PhP25,000
Below PhP5 Million	5% of net worth or PhP25,000			Other juridical entities, including, but not limited to cooperatives and foundations, that have become taxable as of December 31, 2015 (HBs 3655 and	5% of net worth or P10,000,000.00

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
Other juridical entities, including, but not limited to, cooperatives and foundations, that have become taxable as of December 31, 2005 whenever is higher.	5% of net worth or PhP50,000	<p>d. Above PhP100 Million</p> <p>3. Non-stock Corporations, Government Owned and Controlled Corporations Exercising Proprietary Functions</p> <p>4. Taxpayers who have already filed their balance sheet/SALN, together with their ITRs for 2015, and who desire to avail of the tax amnesty<sup>2</sup></p>	<p>8% of net worth or PhP10,000,000</p> <p>4% of the net worth or PhP50,000, whichever is higher</p> <p>8% of the resulting increase in net worth (from undeclared assets and/or liabilities)</p>	<p>5% of the resulting increase in net worth (from undeclared assets and/or liabilities)</p> <p>5% of the resulting increase in net worth (from undeclared assets and/or liabilities) or minimum amount of the prescribed amnesty tax</p> <p>50% of the basic tax assessed</p>	<p>Taxpayers availing of the tax amnesty under this Act, shall be entitled to the following discount:</p> <p>If paid within the first to third month from the effectiveness of the IRR</p> <p>If paid within the fourth to sixth month from the effectiveness of the IRR</p> <p>If paid within the seventh to ninth month from the effectiveness of the IRR</p>

<sup>1</sup> The bill provides that these taxpayers shall likewise be categorized accordingly (individuals, corporations or juridical entities) and be subjected to the minimum amounts of amnesty tax.

<sup>2</sup> The bill provides that these taxpayers shall likewise be categorized accordingly (individuals, corporations or juridical entities) and be subjected to the minimum amounts of amnesty tax.

PARTICULARS	<b>RA 9480</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 7105</b> (Hon. Rep. Alvareze, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	Draft Senate Bill
<b>Immunities and Privileges</b>	<p>1. Immunity from the payment of taxes, and the appurtenant civil, criminal or administrative penalties under the NIRC of 1997, as amended, arising from the failure to pay any and all internal revenue taxes for TY 2005 and prior years.</p> <p>2. Tax Amnesty Return (TAR) and Statement of Assets, Liabilities and Networth (SALN) as of December 31, 2005 shall not be admissible as evidence in all proceedings that pertain to TY 2005 and prior years, and except for the purpose of ascertaining the net worth beginning January 1, 2006, the same shall not be examined, inquired or looked into by any person or government office. However, the taxpayer may use this as a defense, whenever appropriate, in cases brought against him.</p>	<p>Same as RA 9480</p>	<p>Same as RA 9480</p>	<p>Same as RA 9480</p>	<p>1. With respect to the years covered by the tax amnesty as provided in Section 1 of this Act, the taxpayer shall be immune from the payment of taxes, as well as additions thereto, and from all appurtenant civil, criminal, and administrative cases and penalties under the NIRC of 1997, as amended, as such suits relate to the assets, liabilities, net worth and internal revenue taxes that are all subject of the amnesty.</p> <p>2. TAR and the SALN as of December 31, 2017 shall not be admissible as evidence in all proceedings that pertain to taxable year 2017 and prior years, insofar as such proceedings relate to the taxpayer's assets, liabilities, net worth, and internal revenue taxes, that are subject of the amnesty, before judicial, quasi-judicial or administrative bodies in which the taxpayer is a defendant or respondent.</p>

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
	3. Books of accounts and other records of the taxpayer for the years covered by the tax amnesty availed of shall not be examined: Provided, That the Commissioner of Internal Revenue may authorize in writing the examination of the said books of accounts and other records to verify the validity or correctness of a claim for any tax refund, tax credit (other than refund or credit of taxes withheld on wages), tax incentives, and/or exemptions under existing laws.			and except for the purpose of ascertaining the net worth beginning January 1, 2018, the same shall not be examined, inquired or looked into by any person or government office. However, the taxpayer may use this as a defense, whenever appropriate, in cases brought against him. 3. The books of accounts and other records of the taxpayer for the years covered by the tax amnesty availed of shall not be examined: <i>Provided</i> , That the CIR may authorize in writing the examination of the said books of accounts and other records to verify the validity or correctness of a claim for any tax refund, tax credit (other than refund or credit of taxes withheld on wages), tax incentives, and/or exemptions under existing laws.	All these immunities and privileges shall not apply where the person failed to file a SALN and the TAR, or where the amount of net worth as of December 31, 2005 is proven to be understated to the extent of thirty percent (30%) or more, in accordance with the All these immunities and privileges shall not apply when the person failed to file a SALN and the Tax Amnesty

PARTICULARS	<b>RA 9480</b> <b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	Draft Senate Bill
provisions of Section 3 hereof. (Sec. 6)				Return, or when the amount of net worth as of December 31, 2017 is proven to be understated to the extent of thirty percent (30%) or more, in accordance with the provisions of Section 3 hereof. (Sec. 6)
<b>Where to File and Pay</b>	Revenue District Office (RDO) which has jurisdiction over the legal residence or principal place of business of the filer.	Same as RA 9480	Same as RA 9480	The filing of the Tax Amnesty Return shall be made within one (1) year from the effectiveness of the IRR. It shall be filed at the office of the RDO which has jurisdiction over the legal residence or principal place of business of the filer. The RDO shall issue an acceptance of payment form authorizing an authorized agent bank, or in the absence thereof, the collection agent or municipal treasurer concerned, to accept the amnesty tax payment. The total amount of tax amnesty shall be paid by the person at the time the return is filed. (Sec. 7)

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
<b>Persons Not Eligible to Avail of the Tax Amnesty</b>	<p>1. Withholding agents with respects to their withholding tax liabilities;</p> <p>2. Those with pending cases falling under the jurisdiction of the Presidential Commission on Good Government (PCGG);</p> <p>3. Those with pending cases involving unexplained or unlawfully acquired wealth or under the Anti-Graft and Corrupt Practices Act;</p> <p>4. Those with pending cases involving unexplained or unlawfully acquired wealth or under the Anti-Graft and Corrupt Practices Act;</p> <p>5. Those with pending criminal cases for tax evasion and other criminal offenses under Chapter II of Title X of the NIRC of 1997, as amended, and the felonies of frauds, illegal exactions and transactions, and malversation of public funds and property under</p>	<p>Same as RA 9480</p>	<p>Same as RA 9480</p>	<p>Same as RA 9480</p>	<p>1. Withholding agents with respect to their withholding tax liabilities;</p> <p>2. Those with pending cases falling under the jurisdiction of the PCGG;</p> <p>3. Those with pending cases before the Sandiganbayan involving unexplained or unlawfully acquired wealth or under the Anti-Graft and Corrupt Practices Act;</p> <p>4. Those with pending cases filed in appropriate court involving violation of the Anti-Money Laundering Law;</p> <p>5. Those with pending criminal cases for tax evasion and other criminal offenses under Chapter II of Title X of the NIRC of 1997, as amended, and the felonies of frauds, illegal exactions and transactions, and malversation of public funds and property under</p>

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
	malversation of public funds and property under Chapters III and IV of Title VII of the Revised Penal Code (RPC); and  6. Tax cases subject of final and executory judgment by the courts. (Sec. 8)			Chapters III and IV of Title VII of the RPC;  6. Tax cases subject of final and executory judgment by the courts; and  7. Assessments that have become final and executory. (Sec. 8)	
<b>Unlawful Divulgence of Tax Amnesty Returns and SALNs;</b>		Unlawful for any person having knowledge of the TAR and SALN filed pursuant hereto, to disclose any information relative to such declaration and statement, and any violation hereof shall subject the offender to the penalties under Sec. 10 (c) of this Act: Provided, however, That the CIR may disclose the content of the TAR and the SALN upon the request of Congress pursuant to and in accordance with Sec. 20(A) or Sec. 290 of the NIRC of 1997, as amended. (Sec. 9)	Same as RA 9480	Same as RA 9480	Same as RA 9480

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
<b>Penalties</b>	<p>1. Any person who, having filed a statement or Tax Amnesty Return under this Act, willfully understates his net worth to the extent of thirty percent (30%) or more shall, upon conviction, be subject to the penalties of perjury under the RPC.</p> <p>2. Willful failure to declare any property in the statement and/or in the TAR shall be deemed in <i>prima facie</i> evidence of fraud and shall constitute a ground upon which attachment of such property may be issued in favor of the BIR to answer for the satisfaction of any judgment that may be acquired against the declarant.</p>	<p>Same as RA 9480 except that the fine is increased from not less than Fifty thousand pesos (P50,000.00) to not less than PhP250,000 and imprisonment from not less than six years but not more than ten (10) years to not less than one (1) year but not more than six (6) years.</p>	<p>Same as RA 9480</p>	<p>Same as RA 9480</p> <p>1. Any person who, having filed a SALN or Tax Amnesty Return under this Act, willfully understates his net worth to the extent of thirty percent (30%) or more shall, upon conviction, be subject to the penalties of perjury under the Revised Penal Code.</p> <p>2. The willful failure to declare any property in the SALN and/or in the Tax Amnesty Return shall be deemed <i>a prima facie</i> evidence of fraud and shall constitute a ground upon which attachment of such property may be issued in favor of the BIR to answer for the satisfaction of any judgment that may be acquired against the declarant.</p>	<p>In addition to the penalties provided in paragraphs (a) and (b) above, immediate tax fraud investigation shall be conducted to collect all taxes due, including increments, and to criminally prosecute those</p>

PARTICULARS	<b>RA 9480</b> <b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
	those found to have willfully evaded lawful taxes due.	In the case of associations, partnerships, or corporations, the penalty shall be imposed on the partner, president, general manager, branch manager, treasurer, officer-in-charge and employees responsible for the violation.	<p>In the case of associations, partnerships, or corporations, the penalty shall be imposed on the partner, president, general manager, treasurer, officer-in-charge and employees responsible for the violation.</p> <p>3. Any person who makes an unlawful divulgence of the Tax Amnesty Return or the SALN shall be penalized by a fine of not less than Fifty Thousand pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00) and imprisonment of not less than two (2) years but not more than five (5) years.</p> <p>If the offender is an officer or employee of the BIR or any government entity, he/she shall likewise suffer an additional penalty of perpetual disqualification to hold public office to vote and</p>	<p>In the case of associations, partnerships, or corporations, the penalty shall be imposed on the partner, president, general manager, treasurer, officer-in-charge and employees responsible for the violation.</p> <p>3. Any person who makes an unlawful divulgence of the Tax Amnesty Return or the SALN shall be penalized by a fine of not less than Fifty Thousand pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00) and imprisonment of not less than two (2) years but not more than five (5) years.</p> <p>If the offender is an officer or employee of the BIR or any government entity, he/she shall likewise suffer an additional penalty of perpetual disqualification to hold public office to vote and</p>

PARTICULARS	<b>RA 9480</b> <b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	Draft Senate Bill
	to participate in any public election. ( <i>Sec. 10</i> )			penalty of perpetual disqualification to hold public office. ( <i>Sec. 10</i> )
<b>Moratorium on the Grant of Amnesty</b>	In order to encourage and improve tax compliance by taxpayers, it is hereby declared the policy of this Congress that the grant of tax amnesty, in whatever manner and form, shall not henceforth be allowed: Provided, That this moratorium shall likewise apply to any administrative tax amnesty by the BIR. ( <i>Sec. 11</i> )	No provision	Same as RA 9480	No provision
<b>Information Management Program</b>	For purposes of enhancing revenue administration, revenue collection and policy formulation, the Department of Finance (DOF), in coordination with the BIR, Land Registration Authority (LRA), Department of Trade and Industry (DTI), Securities and Exchange Commission (SEC), Land Transportation Office (LTO), and other concerned agencies shall institute an Information Management Program for the	Same as RA 9480	HB 4011- Same as RA 9480 ( <i>Sec. 12</i> ) HB 3655 - No provision	The BIR and other national government agencies, local government units (LGU), and government agencies and instrumentalities, including government financial institutions (GFI), and government-owned or - controlled corporations (GOCC), shall establish an information management system that will allow exchange of information relevant to tax assessment,

PARTICULARS	<b>RA 9480</b>  <b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
	effective use of information declared or obtainable from the TARs and the SALNs required to be filed under this Act. ( <i>Sec. 12</i> )			verification, audit and enforcement purposes.  If the data requirements consist of information found in the income tax return of taxpayers, the requirements under Section 71 of the National Internal Revenue Code (NIRC), as amended, shall still be complied with.
<b>Disposition of Proceeds from the Tax Amnesty</b>		Same as RA 9480  An amount equivalent to PHP400 million of the collection from the tax amnesty herein granted shall accrue to the DOF and shall be used exclusively for purposes of instituting a Management Information System as mandated under Sec. 12 of this Act. ( <i>Sec. 13</i> )	HB 4011- Same as RA 9480 ( <i>Sec. 13</i> )  HB 3655 - No provision.	No provision  An amount equivalent to PHP500 million of the collection from the tax amnesty herein granted shall accrue to the DOF and shall be used exclusively for purposes of instituting a Management Information System as mandated under Section 11 of this Act. All proceeds in excess of this initial allocation for the Management Information System shall be allocated to fund flagship infrastructure projects under the Government's BUILD BUILD Program. ( <i>Sec. 12</i> )

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al. )	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	Draft Senate Bill
<b>Publication of List of Taxpayers and Filers</b>	The provisions of Secs. 71 and 270 of the NIRC of 1997, as amended, and Sec. 26 of RA 6388, to the contrary notwithstanding, the CIR shall, on or before May 31 following the close of each calendar year, prepare a list containing the names of all taxpayers, their gross income and amount of income taxes paid for the immediately preceding taxable year, and allow the publication of the same in at least two (2) newspapers of general circulation or the BIR website. ( <i>Sec. 14</i> )	Same as RA 9480	Same as RA 9480	No provision	No provision

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
<b>Authority of the CIR to Inquire Into and Receive Information on Bank Accounts and Other Related Data Held by Financial Institutions</b>	No provision	Notwithstanding any contrary provision of RA 1405, otherwise known as the "Bank Secrecy Law", RA 6426, otherwise known as the 'Foreign Currency Deposit Act of the Philippines', and other general and special laws, the Commissioner is hereby authorized to inquire into and receive information on the bank deposits and other related data held by FIs: Provided, that the Commissioner is authorized to inquire and receive information on bank accounts and other related data held by FIs of a specific taxpayer or taxpayers upon an obligation to exchange tax information with a foreign tax authority, whether on request or automatic, pursuant to an international convention or agreement on tax matters to which the Philippines is a signatory or a party of: Provided, further, that the information obtained from the banks and other FIs may be used by the BIR for tax assessment, verification, audit and enforcement purposes.	No provision	<p><i>Section 6 of the NIRC as amended is hereby further amended to read as follows:</i></p> <p><i>"Sec. 6 Power of the Commissioner to make Assessments and Prescribe Additional Requirements for Tax Administration and Enforcement. –</i></p> <p>A. <i>Examination of Returns and Determination of Tax Due.</i> – x x x</p> <p>x x x</p>	<p><i>F. Authority of the Commissioner to Inquire into and Receive Information on Bank Accounts and Other Related Data Held by Financial Institutions. –</i></p> <p>Notwithstanding any contrary provision of Republic Act No 1405, OTHERWISE KNOWN AS THE 'BANK SECRECY LAW', Republic Act No. 6426, otherwise known as the 'Foreign Currency Deposit Act of the Philippines', and other general or special laws, the</p>

PARTICULARS	RA 9480	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	Draft Senate Bill
		<p>shall be done in a secure manner to ensure confidentiality thereof under such rules and regulations as may be promulgated by the Secretary of Finance, upon recommendation of the Commissioner and in accordance with International Common Reporting Standards.</p> <p>In case the exchange of information is upon request from a foreign tax authority, the Commissioner shall provide the tax information obtained from banks and FIs pursuant to a convention or agreement upon request of the foreign tax authority when such requesting foreign tax authority has provided the information as specified in Sec. 6(F) of the NIRC, as amended, to demonstrate the foreseeable relevance of the information to the request.</p> <p>The term “foreign tax authority” as used herein shall refer to the tax authority or tax administration of the requesting State under the tax treaty or convention to which the Philippines is a signatory or party of.</p>	<p>Commissioner is hereby authorized to inquire into AND RECEIVE INFORMATION ON the bank deposits and other related [information] DATA held by financial institutions of:</p> <p>(1) A decedent to determine his gross estate; and</p> <p>(2) Any taxpayer who has filed an application for compromise of his tax liability under Section 204(A)(2) of this Code by reason of financial incapacity to pay his tax liability.</p> <p>In case a taxpayer files an application to compromise the payment of his tax liabilities on his claim that his financial position demonstrates a clear inability to pay the tax assessed, his application shall not be considered unless and until he waives in writing his privilege under Republic Act No.</p>		

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
		Likewise, the Commissioner is authorized to inquire and receive information on bank accounts and other related data held by FIs of any taxpayer upon order of any court of competent jurisdiction in cases involving offenses covered under Secs. 254 and 255 of the NIRC, as amended, subject to rules and regulation prescribed by the Secretary of Finance upon recommendation of the CIR. <i>(Sec. 14)</i>		1405, Republic Act No. 6426 [otherwise known as the 'Foreign Currency Deposit Act of the Philippines'], or under other general or special laws, and such waiver shall constitute the authority of the Commissioner to inquire into the bank deposits of the taxpayer.	(3) A specific taxpayer or taxpayers, UPON AN OBLIGATION TO EXCHANGE TAX INFORMATION WITH A FOREIGN TAX AUTHORITY, WHETHER ON REQUEST OR AUTOMATIC, [subject of a request for the supply of tax information from a foreign tax authority] pursuant to an international convention [or], agreement, OR TREATY on tax matters to which the Philippines is a signatory or a party of, DULY RATIFIED

PARTICULARS	<b>RA 9480</b> <b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	Draft Senate Bill
			<p>AND CONCURRED IN BY THE SENATE OF THE PHILIPPINES:</p> <p><i>Provided</i>, That the information obtained from the banks and other financial institutions may be used by the Bureau of Internal Revenue (BIR) for tax assessment, verification, audit, and enforcement purposes.</p> <p>[In case of a request from a foreign tax authority for tax information held by banks and financial institutions, the] The exchange of information WITH A FOREIGN TAX AUTHORITY, WHETHER ON REQUEST OR AUTOMATIC, shall be done IN ACCORDANCE WITH INTERNATIONAL COMMON REPORTING STANDARDS AND in a secure manner to ensure confidentiality</p>	

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
				thereof under such rules and regulations as may be promulgated by the Secretary of Finance, upon recommendation of the Commissioner	IN CASE THE EXCHANGE OF INFORMATION IS UPON REQUEST OF A FOREIGN TAX AUTHORITY PURSUANT TO A CONVENTION, AGREEMENT, OR TREATY DULY RATIFIED AND CONCURRED IN BY THE SENATE OF THE PHILIPPINES, [The] THE Commissioner shall provide the tax information obtained from banks and financial institutions ONLY when such requesting foreign tax authority has provided the following information to demonstrate the foreseeable relevance of the information to the request.

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
				<p>a. The identity of the person under examination or investigation;</p> <p>b. A statement of the information being sought, including its nature and the form in which the said foreign tax authority prefers to receive the information from the Commissioner;</p> <p>c. The tax purpose for which the information is being sought;</p> <p>d. Grounds for believing that the information requested is held in the Philippines or is in the possession or control of a person within the jurisdiction of the Philippines;</p> <p>e. To the extent known, the name and address of any person believed to be in possession of the requested information;</p>	

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	Draft Senate Bill
				<p>f. A statement that the request is in conformity with the law and administrative practices of the said foreign tax authority, such that if the requested information was within the jurisdiction of the said foreign tax authority then it would be able to obtain the information under its laws or in the normal course of administrative practice and that it is in conformity with a convention or international agreement; and</p> <p>g. A statement that the requesting foreign tax authority has exhausted all means available in its own territory to obtain the information, except those that would give rise to</p>	

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
			<p>The Commissioner shall forward the information as promptly as possible to the requesting foreign tax authority. To ensure a prompt response, the Commissioner shall confirm receipt of a request in writing to the requesting tax authority and shall notify the latter of deficiencies in the request, if any, within sixty (60) days from receipt of the request.</p> <p>If the Commissioner is unable to obtain and provide the information within ninety (90) days from receipt of the request, due to obstacles encountered in furnishing the information or when the bank or financial institution refuses to furnish the information, he shall immediately inform the requesting tax authority of the same, explaining the</p>		<p>disproportionate difficulties.</p>

PARTICULARS	RA 9480	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	Draft Senate Bill
				The term " <i>foreign tax authority</i> ," as used herein, shall refer to the tax authority or tax administration of the requesting state under the tax treaty or convention to which the Philippines is a signatory or a party of. x x x."	nature of the obstacles encountered or the reasons for refusal.
Interconnectivity	No provision	In ascertaining the correctness of any return, or in making a return when none has been made, or in determining the liability of any person for any internal revenue tax, or in collecting any such liability, or in evaluating tax compliance, the Commissioner is authorized to obtain on a regular basis from any person other than the person whose internal revenue tax liability is subject to audit or investigation, or from any office or officer of the national and local governments, government agencies and instrumentalities, including government financial institutions and government-	No provision	No provision	In ascertaining the correctness of any return, or in making a return when none has been made, or in determining the liability of any person for any internal revenue tax, or in collecting any such liability, or in evaluating tax compliance, the Commissioner is authorized to obtain on a regular basis from any person other than the person whose internal revenue tax liability is subject to audit or investigation, or from any office or officer of the national and local governments, government agencies and instrumentalities, including government financial

PARTICULARS	<b>RA 9480</b> <b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
	owned or -controlled corporations, any relevant information such as, but not limited to, costs and volume of production, receipts or sales and gross incomes of taxpayers, and the names, addresses, and financial statements of corporations, mutual fund companies, insurance companies, regional operating headquarters of multinational companies, joint accounts, associations, joint ventures or consortia and registered partnerships, and their members: Provided, That the BIR and other national government agencies, local government units (LGU), and government agencies and instrumentalities, including government financial institutions (GFI), and government-owned or - controlled corporations (GOCC), shall establish electronic interconnectivity that will allow exchange of information relevant to the needs of each agency as determined under joint rules issued by the heads of the said offices and the Secretary of Finance: Provided, further, That if the data requirements consist of information found in the	institutions and government-owned or -controlled corporations, any relevant information such as, but not limited to, costs and volume of production, receipts or sales and gross incomes of taxpayers, and the names, addresses, and financial statements of corporations, mutual fund companies, insurance companies, regional operating headquarters of multinational companies, joint accounts, associations, joint ventures or consortia and registered partnerships, and their members:	The BIR and other national government agencies, local government units (LGU), and government agencies and instrumentalities, including government financial institutions (GFI), and government-owned or - controlled corporations (GOCC), shall establish electronic interconnectivity that will allow exchange of information relevant to tax assessment, verification, audit and enforcement purposes.	

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
		income tax return of taxpayers, the requirements under Section 71 of the NIRC, as amended, shall still be complied with. (Sec. 15)		If the data requirements consist of information found in the income tax return of taxpayers, the requirements under Section 71 of the NIRC, as amended, shall still be complied with. (Sec. 15)	The Commissioner shall submit to the Oversight Committee referred to in Section 290 of the NIRC as amended through the Chairmen of the Committee on Ways and Means of the Senate and House of Representatives, a detailed report on the implementation of this Act within six (6) months after the one (1) –year period of availment of the amnesty. (Sec. 14)
	No provision	No provision	No provision	No provision	The Secretary of Finance shall, in coordination with the CIR, promulgate and publish the necessary rules and regulations within sixty (60) days from the effectivity of this Act.
<b>Implementing Rules and Regulations</b>		Same as RA 9480	Same as RA 9480	Same as RA 9480	The failure of the Secretary of Finance to promulgate the said rules and regulations shall not prevent the implementation of this Act upon its effectivity. (Sec. 15)

PARTICULARS	<b>RA 9480</b>	<b>HB 7105</b> (Hon. Rep. Alvarez, et. al.)	<b>HB 3655</b> (Hon. Romero) & <b>4011</b> (Rep. Limkaichong, et. al.)	<b>HB 3832</b> (Rep. Suarez) & <b>4133</b> (Rep. Singson)	<b>Draft Senate Bill</b>
<b>Repeal of RA 1405,</b> otherwise known as the “Bank Secrecy Law”	No provision	No provision	No provision	This Act shall not, in any way, amend, alter or repeal the provisions of RA 1405, otherwise known as the “Bank Secrecy Law” (Sec. 10)	No provision
<b>Repealing Clause</b>	No provision	No provision	No provision	All laws, decrees executive orders, Rules and regulations and issuances or part thereof which are inconsistent with this Act are hereby repealed or amended accordingly. (Sec. 12)	No provision
<b>Separability Clause</b>	No provision	No provision	No provision	No provision	If any provision of this Act is subsequently declared invalid or unconstitutional, the other provisions hereof which are not affected thereby shall remain in full force and effect. (Sec. 16)
<b>Effectivity</b>	This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation, whichever comes earlier.	Same as RA 9480	Same as RA 9480	Same as RA 9480	This Act shall be effective upon its publication in the <i>Official Gazette</i> or in any two (2) newspapers of general circulation, whichever comes earlier. (Sec. 17)