

Republic of the Philippines
Congress of the Philippines
Senate
Pasay City

Nineteenth Congress

Second Regular Session



RESOLUTION No. 100

RESOLUTION CONCURRING IN THE RATIFICATION OF
THE AGREEMENT BETWEEN THE GOVERNMENT
OF THE REPUBLIC OF THE PHILIPPINES AND
THE GOVERNMENT OF HIS MAJESTY THE
SULTAN AND YANG DI-PERTUAN OF BRUNEI
DARUSSALAM FOR THE AVOIDANCE OF DOUBLE
TAXATION AND THE PREVENTION OF FISCAL
EVASION WITH RESPECT TO TAXES ON INCOME

WHEREAS, Article VII, Section 21 of the Constitution states that, "No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate";

WHEREAS, the Agreement between the Government of the Republic of the Philippines and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income was signed on 16 July 2021 in Bandar Seri Begawan, Brunei Darussalam;

WHEREAS, the Agreement shall apply to persons who are residents of one or both of the Contracting States and to taxes on income imposed on behalf of a Contracting State irrespective of the manner in which they are levied;

WHEREAS, in the case of the Philippines, the Agreement shall apply to existing taxes on individuals, corporations, estates and trusts, withholding tax on income, and stock transaction, while for Brunei Darussalam, it shall apply to existing taxes on income imposed under its Income Tax Act and petroleum profits under its Income Tax (Petroleum) Act;

WHEREAS, the Agreement aims to: (a) strengthen the Philippines' commitment to the Association of Southeast Asian Nations (ASEAN) Forum on Taxation; (b) mitigate the adverse effects of double taxation on the profits of business enterprises in cross-border transactions; (c) enhance bilateral trade relations between the Philippines and Brunei Darussalam; (d) generate more employment for Filipinos in Brunei Darussalam; (e) encourage investors to invest in both countries; and (f) promote inbound transfer of technology and skills;

WHEREAS, the Agreement seeks to deepen economic relations between the Philippines and Brunei Darussalam by enhancing cooperation on tax matters. It also seeks to address the adverse effects of double taxation on the free flow of trade and investments and further strengthen enforcement of both countries' domestic laws to reduce tax evasion;

WHEREAS, the President of the Philippines ratified the Agreement on 20 February 2023 and has submitted it to the Senate for concurrence, in accordance with the Constitution;

WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 25 April 2023,

the following government agencies endorsed the concurrence to the ratification of the Agreement:


- (1) Department of Foreign Affairs;
- (2) Department of Finance;
- (3) Department of Justice;
- (4) Bureau of Internal Revenue; and
- (5) Philippine Board of Investments:

Now, therefore, be it

Resolved by the Senate of the Philippines, To concur, as it hereby concurs, in the Philippine ratification of the Agreement between the Government of the Republic of the Philippines and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income.

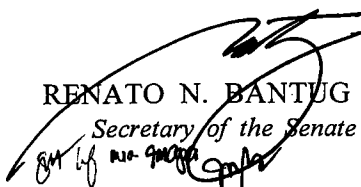
Resolved, finally, That the President of the Philippines may, with the concurrence of the Senate, withdraw from the Agreement.

Adopted,



JUAN MIGUEL F. ZUBIRI
President of the Senate

This Resolution was adopted by the Senate on December 13, 2023.



RENATO N. BANTUG Jr.
Secretary of the Senate