

CONGRESS OF THE PHILIPPINES
SEVENTEENTH CONGRESS
Third Regular Session

}

SENATE

S. No. 2059

(In Substitution of S. Nos. 293, 920, 942, and 1494, and
H. No. 4814)

PREPARED BY THE COMMITTEE ON WAYS AND MEANS WITH
SENATORS PIMENTEL III, BINAY, RECTO, ANGARA,
AQUINO IV, AND EJERCITO AS AUTHORS

AN ACT ENHANCING REVENUE ADMINISTRATION
AND COLLECTION, AND BROADENING THE
TAX BASE BY GRANTING AN AMNESTY ON ALL
UNPAID INTERNAL REVENUE TAXES
IMPOSED BY THE NATIONAL GOVERNMENT
FOR TAXABLE YEAR 2017 AND PRIOR YEARS
WITH RESPECT TO ESTATE TAX, OTHER
INTERNAL REVENUE TAXES, AND TAX ON
DELINQUENCIES AND ADDRESSING CROSS-
BORDER TAX EVASION AND FOR OTHER
PURPOSES

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

1 TITLE I

2 PRELIMINARY PROVISIONS

3 SECTION 1. *Short Title.* – This Act shall be known as
4 the “Tax Amnesty Act of 2018”.

1 SEC. 2. *Declaration of Policy.* – It is hereby declared
2 the policy of the State to protect and enhance revenue
3 administration and collection that will make the country's
4 tax system more equitable, and to simplify the tax
5 compliance requirements. Towards this end, the State
6 shall:

7 (a) Provide a one-time opportunity to settle estate
8 tax obligations through a tax amnesty program that will
9 give reasonable tax relief;

10 (b) Broaden the tax base by offering a general tax
11 amnesty for unpaid internal revenue taxes that would
12 help cleanse, organize, and improve the Bureau of
13 Internal Revenue's (BIR) database;

14 (c) Enhance revenue collection by providing tax
15 amnesty on delinquencies in order to minimize
16 administrative cost in pursuing tax cases and de-clog the
17 tax case dockets pending in various courts;

18 (d) Provide a more equitable tax system by
19 adopting a comprehensive tax reform program that will
20 simplify the tax requirements on tax amnesties with the

1 use of simplified forms, and utilizing information
2 technology in broadening the tax base; and

3 (e) Address and detect cross-border tax evasion by
4 instituting internationally-accepted standards on
5 exchange of information.

6 SEC. 3. *Definition of Terms.* – As used in this Act:

7 (a) *Net Estate* refers to the gross estate less the
8 allowable deductions as provided in the Tax Code
9 applicable at the time of death of the decedent;

10 (b) *Net Undeclared Estate* refers to the difference
11 between the total net estate valued at the time of death
12 and the net estate previously filed with the BIR, if any;

13 (c) *Statement of Assets, Liabilities, and Networth*
14 (SALN) refers to a declaration of the assets, liabilities,
15 and networth as of December 31, 2017, as follows:

16 (1) Assets within or without the Philippines,
17 whether real or personal, tangible or intangible, whether
18 or not used in trade or business: *Provided*, That property
19 other than money shall be valued at the cost at which the
20 property was acquired: *Provided, further*, That foreign

1 currency assets and/or securities shall be valued at the
2 rate of exchange prevailing as of the date of the SALN;

3 (2) All existing liabilities which are legitimate and
4 enforceable, secured or unsecured, whether or not
5 incurred in trade or business; and

6 (3) The networth of the taxpayer, which shall be
7 the difference between the total assets and total
8 liabilities.

9 TITLE II

10 ESTATE TAX AMNESTY

11 SEC. 4. *Coverage.* – There is hereby authorized and
12 granted a tax amnesty, hereinafter called Estate Tax
13 Amnesty, which shall cover the estate of taxpayers who
14 died on or before December 31, 2017, with or without
15 assessments duly issued therefor, whose estate taxes
16 have remained unpaid or have accrued as of December 31,
17 2017: *Provided, however,* That the Estate Tax Amnesty
18 hereby authorized and granted shall not cover instances
19 enumerated under Section 8 hereof.

1 SEC. 5. *Availment of the Estate Tax Amnesty.* – The
2 legal heirs, transferees or beneficiaries, or the authorized
3 executor/s, administrator/s, who wish to avail of the
4 Estate Tax Amnesty granted under Title II of this Act,
5 shall file with the BIR an Estate Tax Amnesty Return, in
6 such form as may be prescribed in the Implementing
7 Rules and Regulations (IRR) as provided in Section 32 of
8 this Act, and pay the applicable estate amnesty tax with
9 the BIR.

10 SEC. 6. *Entitlement Under Estate Tax Amnesty.* –
11 Except for instances covered by Section 8 hereof, the
12 estate, its heirs and beneficiaries may enjoy the
13 immunities and privileges of the Estate Tax Amnesty
14 under this Title and pay an estate amnesty tax at the rate
15 of six percent (6%) based on the decedent's total net estate
16 at the time of death, if no estate tax return was filed, or
17 net undeclared estate if an estate tax return was
18 previously filed with the BIR. The provisions of the
19 National Internal Revenue Code (NIRC), as amended, on
20 valuation, manner of computation, and other related

1 matters shall apply suppletorily, at the time of
2 entitlement.

3 SEC. 7. *When and Where to File and Pay.* – The
4 Estate Tax Amnesty Return shall be filed within two (2)
5 years from the effectivity of the IRR. The Return shall be
6 under oath and shall sufficiently contain the particulars
7 of the properties forming part of the estate. It shall be
8 filed at the Revenue District Office (RDO), which has
9 jurisdiction over the last residence of the decedent:
10 *Provided, That,* for non-residents who have properties in
11 the Philippines, it shall be filed at Revenue District Office
12 No. 39, or any other Revenue District Office which may be
13 indicated in the IRR.

14 The payment of the estate amnesty tax shall be
15 made at the time the return is filed. The Revenue District
16 Officer shall issue an acceptance payment form, in such
17 form as may be prescribed in the IRR of this Act for the
18 authorized agent bank, or in the absence thereof, the
19 collection agent or municipal treasurer concerned, to
20 accept the amnesty tax payment. Proof of settlement of

1 the estate, whether judicial or extrajudicial, should
2 likewise be attached to said Return in order to verify the
3 mode of transfer and the proper recipients.

4 SEC. 8. *Exceptions.* – The Estate Tax Amnesty under
5 Title II of this Act shall not extend to the following
6 persons or cases existing as of the effectivity of this Act:

7 (a) Those involving pending cases under the
8 jurisdiction of the Presidential Commission on Good
9 Government (PCGG);

10 (b) Those involving pending cases on unexplained
11 or unlawfully acquired wealth or under the Anti-Graft
12 and Corrupt Practices Act;

13 (c) Those involving pending cases filed in the
14 appropriate court involving violations of the Anti-Money
15 Laundering Law;

16 (d) Those with pending criminal cases for tax
17 evasion and other criminal offenses under Chapter II of
18 Title X of the NIRC, as amended;

19 (e) Those involving felonies of frauds, illegal
20 exactions and transactions, and malversation of public

1 funds and property under Chapters III and IV of Title VII
2 of the Revised Penal Code; and

3 (f) Tax cases subject of final and executory
4 judgment by the courts.

5 SEC. 9. *Immunities and Privileges.* – Estates covered
6 by the Estate Tax Amnesty, which have fully complied
7 with all the conditions set forth in this Act and upon
8 payment of the estate amnesty tax shall be immune from
9 the payment of estate taxes, as well as increments and
10 additions thereto, arising from the failure to pay any and
11 all estate taxes for taxable year 2017 and prior years, and
12 from all appurtenant civil, criminal, and administrative
13 cases and penalties under the NIRC, as amended.

14 Without prejudice to compliance with applicable
15 laws on succession as a mode of transfer, the BIR, in
16 coordination with the applicable regulatory agencies,
17 shall set up a system enabling the transfer of title over
18 properties to heirs and/or beneficiaries, including cash
19 withdrawals of the heirs on the bank account of the
20 decedent, when applicable.

TITLE III

GENERAL TAX AMNESTY

SEC. 10. *Coverage.* – There is hereby authorized and granted a tax amnesty, hereinafter called General Tax Amnesty, which shall cover all national internal revenue taxes, including value-added tax (VAT) and excise taxes collected by the Bureau of Customs (BOC) for taxable year 2017 and prior years, with or without assessments duly issued therefore, that have remained unpaid: *Provided, however,* That the General Tax Amnesty hereby authorized and granted shall not cover persons or cases enumerated under Section 15 hereof.

SEC. 11. *Availment of the General Tax Amnesty.* – Any person, natural or juridical, who avails of the General Tax Amnesty authorized and granted under Title III of this Act shall file with the BIR a General Tax Amnesty Return accompanied by a notarized SALN as of December 31, 2017.

SEC. 12. *Contents of the SALN.* – The SALN shall contain a true and complete declaration of assets,

1 liabilities and networth of the taxpayer as of December
2 31, 2017, as follows:

3 (a) Assets within or without the Philippines,
4 whether real or personal, tangible or intangible, whether
5 or not used in trade or business:

6 (1) Real properties shall be accompanied by a
7 description of their classification, exact location, and
8 valued at acquisition cost, if acquired by purchase, or the
9 zonal valuation or fair market value as shown in the
10 schedule of values of the provincial, city or municipal
11 assessors, whichever is higher, if acquired through
12 inheritance or donation;

13 (2) Personal properties other than money, shall be
14 accompanied by a specific description of the kind and
15 number of assets (*i.e.* automobiles, shares of stock, etc.) or
16 other investments, indicating the acquisition cost less
17 depreciation or amortization, in proper cases, if acquired
18 by purchase, or the fair market price or value at the time
19 of receipt, if acquired through inheritance or donation;

1 (3) Assets denominated in foreign currency shall be
2 converted into the corresponding Philippine currency
3 equivalent, at the rate of exchange prevailing as of the
4 date of the SALN; and

5 (4) Cash on Hand and in Bank in peso as of the
6 date of the SALN, as well as Cash on Hand and in Bank
7 in foreign currency, converted to Philippine peso as of the
8 date of the SALN.

9 (b) All existing liabilities, which are legitimate and
10 enforceable, secured or unsecured, whether or not
11 incurred in trade or business, disclosing or indicating
12 clearly the name and address of the creditor and the
13 amount of the corresponding liability.

14 (c) The total networth of the taxpayer, which shall
15 be the difference between the total assets and total
16 liabilities.

17 SEC. 13. *Entitlement to Tax Amnesty.* – Except for
18 the instances covered in Section 15 hereof, any person,
19 whether natural or juridical, may avail of the benefits of
20 tax amnesty under Title III of this Act, and pay an

1 amnesty tax based on the taxpayer's total networth as of
2 December 31, 2017 as declared in the SALN filed
3 pursuant to Section 11 hereof and in accordance with the
4 following schedule of amnesty tax rates and minimum
5 amnesty tax payments required:

6 (a) Individual (whether resident or non-resident
7 citizens, including resident or non-resident aliens), Trusts
8 and Estates 5% or P100,000, whichever is higher.

9 (b) Corporations

10 (1) With subscribed capital of above P50 million
11 5% or P1,000,000, whichever is higher.

12 (2) With subscribed capital of above P20 million
13 5% or P500,000, whichever is higher up to P50
14 million.

15 (3) With subscribed capital of P5 million 5%
16 or P250,000, whichever is higher up to P20 million.

17 (4) With subscribed capital of below P5 million
18 5% or P100,000, whichever is higher.

19 (c) Other juridical entities, including, but not
20 limited to, cooperatives and foundations, that have

1 become taxable as of December 31, 2017 5% or
 2 P100,000, whichever is higher.

3 *Provided*, That if the tax amnesty is availed based
 4 on the period indicated hereunder, the corresponding
 5 rates shall apply:

6 (a) If paid on or before the end of the third calendar
 7 month from the effectivity of the IRR 4.00 %.

8 (b) If paid after the end of the third calendar month
 9 until the end of the sixth calendar month from the
 10 effectivity of the IRR 4.25%.

11 (c) If paid after the end of the sixth calendar
 12 month until the end of the ninth calendar month from the
 13 effectivity of the IRR 4.50%.

14 SEC. 14. *When and Where to File and Pay.* – The
 15 filing of the General Tax Amnesty Return shall be made
 16 within one (1) year from the effectivity of the IRR. It shall
 17 be filed at the RDO or the Large Taxpayer District
 18 Offices, which has jurisdiction over the legal residence or
 19 principal place of business of the taxpayer. The Revenue
 20 District Officer shall issue an acceptance of payment

1 form, in such form as may be prescribed in the IRR of this
2 Act for the authorized agent bank or in the absence
3 thereof, the collection agent or municipal treasurer
4 concerned, to accept the amnesty payment.

5 The payment of the general amnesty tax shall be
6 made at the time the return is filed.

7 SEC. 15. *Exceptions.* – The General Tax Amnesty
8 provided in Section 13 hereof shall not extend to the
9 following instances existing as of the effectivity of this
10 Act:

11 (a) Withholding tax agents who withheld taxes but
12 failed to remit the same to the BIR;

13 (b) Those involving pending cases falling under the
14 jurisdiction of the PCGG;

15 (c) Those involving pending cases on unexplained
16 or unlawfully acquired wealth or under the Anti-Graft
17 and Corrupt Practices Act;

18 (d) Those involving pending cases filed in
19 appropriate court involving violation of the Anti-Money
20 Laundering Law;

1 (e) Those involving pending criminal cases with the
2 Department of Justice or the courts for tax evasion and
3 other criminal offenses under Chapter II of Title X of the
4 NIRC, as amended, with or without assessments duly
5 issued;

6 (f) Those involving felonies of frauds, illegal
7 exactions and transactions, and malversation of public
8 funds and property under Chapters III and IV of Title VII
9 of the Revised Penal Code;

10 (g) Tax cases subject of final and executory
11 judgment by the courts; and

12 (h) Delinquencies and assessments that have
13 become final and executory.

14 SEC. 16. *Presumption of Correctness of the SALN.* –
15 The SALN as of December 31, 2017 shall be considered
16 as true and correct.

17 SEC. 17. *Immunities and Privileges.* – Those who
18 avail of the General Tax Amnesty and have fully complied
19 with all the conditions set forth in this Act and upon

1 payment of the amnesty tax shall be entitled to the
2 following immunities and privileges:

3 (a) With respect to the years covered by the tax
4 amnesty, the taxpayer shall be immune from the payment
5 of taxes, as well as additions thereto, and from all
6 appurtenant civil, criminal, and administrative cases and
7 penalties under the NIRC, as amended, arising from the
8 failure to pay any and all internal revenue taxes for
9 taxable year 2017 and prior years and from such other
10 investigations or suits insofar as they relate to the assets,
11 liabilities, networth and internal revenue taxes that are
12 subject of the tax amnesty.

13 (b) Any information or data contained in, derived
14 from or provided by a taxpayer in the tax amnesty return,
15 SALN and appurtenant documents shall be confidential
16 in nature and shall not be used in any investigation or
17 prosecution before any judicial, quasi-judicial and
18 administrative bodies. However, the taxpayer may use
19 this as a defense, whenever appropriate, in cases brought
20 against him.

1 (c) The books of accounts and other records of the
2 taxpayer for the years covered by the tax amnesty availed
3 of shall not be examined by the BIR: *Provided*, That the
4 Commissioner of Internal Revenue may authorize in
5 writing the examination of the said books of accounts and
6 other records to verify the validity or correctness of a
7 claim for any tax refund, tax credit (other than refund or
8 credit of taxes withheld on wages), tax incentives, and/or
9 exemptions under existing laws.

10 All these immunities and privileges shall not apply
11 when the person failed to file a Tax Amnesty Return and
12 a SALN.

13 TITLE IV

14 TAX AMNESTY ON DELINQUENCIES

15 SEC. 18. *Coverage*. – There is hereby authorized and
16 granted a tax amnesty herein called the Tax Amnesty on
17 Delinquencies (TAD), which shall cover all national
18 internal revenue taxes, including VAT and excise taxes

1 collected by the BOC, for taxable year 2017 and prior
2 years.

3 For purposes of this Act, the TAD may be availed on
4 the following instances:

5 (a) Delinquencies and assessments, which have
6 become final and executory, including delinquent tax
7 account, where the application for compromise is
8 requested on the basis of: (1) doubtful validity of the
9 assessment; or (2) financial incapacity of the taxpayer,
10 but the same was denied by the Regional Evaluation
11 Board (REB) or the National Evaluation Board (NEB), as
12 the case may be, on or before the IRR take effect;

13 (b) Pending criminal cases with the Department of
14 Justice or the courts for tax evasion and other criminal
15 offenses under Chapter II of Title X of the NIRC, as
16 amended, with or without assessments duly issued; and

17 (c) Tax cases subject of final and executory
18 judgment by the courts on or before the IRR take effect.

19 SEC. 19. *Availment of the TAD.* – Any person,
20 natural or juridical, who avails of the TAD authorized and

1 granted under Title IV of this Act, shall file with the BIR
2 a TAD Return accompanied by a Certificate of
3 Delinquency in the manner prescribed by the IRR.

4 SEC. 20. *Entitlement to TAD.* – Any person,
5 whether natural or juridical, who avails of the TAD shall
6 pay the following amnesty tax rates:

7 (a) Delinquencies and assessments which have
8 become final and executory 40% of the basic tax
9 assessed.

10 (b) Subject of pending criminal cases with criminal
11 information filed with the Department of Justice or the
12 courts for tax evasion and other criminal offenses under
13 Chapter II of Title X of the NIRC, as amended, with
14 assessments duly issued and otherwise excluded in Titles
15 II and III hereof 50% of the basic tax assessed.

16 (c) Tax cases subject of final and executory
17 judgment by the courts 60% of the basic tax
18 assessed.

19 For purposes of this section, "Basic Tax Assessed"
20 shall mean the latest amount of tax assessment issued by

1 the BIR against the taxpayer, whether it be preliminary,
2 final or final decision on disputed assessment, exclusive of
3 interests, penalties and surcharges.

4 SEC. 21. *When and Where to File and Pay.* – The
5 filing of the TAD Return shall be made within one (1)
6 year from the effectivity of the IRR. It shall be filed at the
7 office of the RDO, which has jurisdiction over the legal
8 residence or principal place of business of the taxpayer.

9 The payment of the delinquency amnesty tax shall
10 be made at the time the return is filed and in the manner
11 prescribed by the IRR. The Revenue District Officer shall
12 issue an acceptance of payment form in such form as may
13 be prescribed in the IRR of this Act for the authorized
14 agent bank or in the absence thereof, the collection agent
15 or municipal treasurer concerned, to accept the amnesty
16 tax payment.

17 SEC. 22. *Immunities and Privileges.* – The tax
18 delinquency of those who avail the TAD and have fully
19 complied with all the conditions set forth in this Act and
20 upon payment of the amnesty tax shall be considered

1 settled and terminated, and the taxpayer shall be
2 immune from all suits or actions, including the payment
3 of said delinquency or assessment, as well as additions
4 thereto, and from all appurtenant civil, criminal, and
5 administrative cases, and penalties under the NIRC, as
6 amended, as such relate to the taxpayer's assets,
7 liabilities, networth and internal revenue taxes that are
8 subject of the tax amnesty, and from such other
9 investigations or suits insofar as they relate to the assets,
10 liabilities, networth and internal revenue taxes that are
11 subject of the tax amnesty: *Provided*, That any notices of
12 levy, attachments and/or warrants of garnishment issued
13 against the taxpayer shall be set aside pursuant to a
14 lifting of notice of levy/garnishment duly issued by the
15 BIR or its authorized representative: *Provided, further*,
16 That the Authority to Cancel Assessment (ATCA) shall be
17 issued in favor of the taxpayer availing of the TAD.

18 TITLE V

19 CONFIDENTIALITY AND NON-USE

20 OF INFORMATION AND DATA

SEC. 23. *Confidentiality and Non-use of Information and Data.* – Any information or data contained in, derived from or provided by a taxpayer in the tax amnesty return, SALN and appurtenant documents shall be confidential in nature and shall not be used in any investigation or prosecution before any judicial, quasi-judicial and administrative bodies.

Any statement of assets, liabilities and networth, financial statements, information sheets, and any such other statements or disclosures that may have been previously submitted by the taxpayer as required by existing laws are deemed to have been amended by the tax amnesty return and/or the SALN filed under this Act and may not be the subject of any investigation or prosecution or be used in any investigation or prosecution before any judicial, quasi-judicial and administrative bodies.

TITLE VI

OFFENSES AND PENALTIES

1 SEC. 24. A new section designated as Section 266-A
2 under Chapter X of the NIRC, as amended, is hereby
3 inserted to read as follows:

4 "SEC. 266-A. *OFFENSES RELATING TO*
5 *EXCHANGES OF INFORMATION.* -
6 VIOLATIONS OF THE PROVISIONS OF
7 SECTION 6(F) SHALL BE PUNISHABLE AS
8 FOLLOWS:

9 "(A) ANY OFFICER, OWNER, AGENT,
10 MANAGER, DIRECTOR OR OFFICER-IN-
11 CHARGE OF ANY REPORTING FINANCIAL
12 INSTITUTION, WHO, BEING REQUIRED IN
13 WRITING BY THE COMMISSIONER,
14 WILLFULLY, REFUSES TO SUPPLY THE
15 REQUIRED INFORMATION SHALL BE
16 PUNISHED BY A FINE OF NOT LESS THAN
17 FIFTY THOUSAND PESOS (P50,000) BUT
18 NOT MORE THAN ONE HUNDRED
19 THOUSAND PESOS (P100,000), OR SUFFER
20 IMPRISONMENT OF NOT LESS THAN TWO

1 (2) YEARS BUT NOT MORE THAN FIVE (5)
2 YEARS, OR BOTH;

3 "(B) ANY OFFICER, OWNER, AGENT,
4 MANAGER, DIRECTOR OR OFFICER-IN-
5 CHARGE OF A REPORTING FINANCIAL
6 INSTITUTION, WHO FAILS TO FILE
7 AND/OR KEEP THE RECORDS REQUIRED
8 WITHIN THE PURVIEW OF THIS ACT,
9 SHALL BE SUBJECT TO A FINE OF NOT
10 LESS THAN ONE HUNDRED THOUSAND
11 PESOS (P100,000), BUT NOT LESS THAN
12 FIVE HUNDRED THOUSAND PESOS
13 (P500,000), OR SUFFER IMPRISONMENT OF
14 NOT LESS THAN SIX (6) MONTHS BUT NOT
15 MORE THAN ONE (1) YEAR, OR BOTH;

16 "(C) ANY OFFICER, OWNER, AGENT,
17 MANAGER, DIRECTOR OR OFFICER-IN-
18 CHARGE OF A REPORTING FINANCIAL
19 INSTITUTION WHO SHALL BE NON-
20 COMPLIANT WITH ANY OF THE DUE

1 DILIGENCE OBLIGATIONS SHALL BE
2 SUBJECT TO A FINE OF NOT LESS THAN
3 FIFTY THOUSAND PESOS (P50,000), BUT
4 NOT MORE THAN ONE HUNDRED
5 THOUSAND PESOS (P100,000), OR SUFFER
6 IMPRISONMENT OF NOT LESS THAN TWO
7 (2) YEARS BUT NOT MORE THAN FIVE (5)
8 YEARS, OR BOTH; AND

9 " (D) ANY OFFICER, OWNER, AGENT,
10 MANAGER, DIRECTOR OR OFFICER-IN-
11 CHARGE OF A REPORTING FINANCIAL
12 INSTITUTION WHO SHALL BE FOUND TO
13 HAVE COMMITTED ANY BREACH OF
14 CONFIDENTIALITY WITHIN THE PURVIEW
15 OF THIS ACT, SHALL BE SUBJECT TO A
16 FINE OF NOT LESS THAN FIVE HUNDRED
17 THOUSAND PESOS (P500,000) BUT NOT
18 MORE THAN ONE MILLION PESOS
19 (P1,000,000), OR SUFFER IMPRISONMENT
20 OF NOT LESS THAN TWO (2) YEARS, BUT

1 NOT MORE THAN FIVE (5) YEARS, OR
2 BOTH."

3 SEC. 25. Section 270 of the NIRC, as amended, is
4 hereby further amended to read as follows:

5 "SEC. 270. *Unlawful Divulgence of*
6 *Information.* - Except as provided in Sections
7 6(F) and 71 of this Code and Section 26 of
8 Republic Act No. 6388, any officer or employee
9 of the Bureau of Internal Revenue who divulges
10 to any person or makes known in any other
11 manner than may be provided by law
12 information regarding the business, income, or
13 estate of any taxpayer, the secrets, operation,
14 style or work, or apparatus of any manufacturer
15 or producer, or confidential information
16 regarding the business of any taxpayer,
17 knowledge of which was acquired by him in the
18 discharge of his official duties, shall, upon
19 conviction for each act or omission, be punished
20 by a fine of not less than Fifty thousand pesos

1 (P50,000) but not more than One hundred
2 thousand pesos (P100,000), or suffer
3 imprisonment of not less than two (2) years but
4 not more than five (5) years, or both.

5 "Any officer or employee of the Bureau of
6 Internal Revenue who divulges or makes known
7 in any other manner to any person other than
8 the [requesting foreign] tax authority OF A
9 TREATY PARTNER information obtained from
10 banks and financial institutions pursuant to
11 Section 6(F), knowledge or information acquired
12 by him in the discharge of his official duties,
13 shall, upon conviction, be punished by a fine of
14 not less than FIVE HUNDRED [Fifty] thousand
15 pesos (P500,000) [P50,000]) but not more than
16 One MILLION [hundred thousand] pesos
17 (P1,000,000) [P100,000]), or suffer
18 imprisonment of not less than two (2) years but
19 not more than five (5) years, or both."

1 SEC. 26. *Unlawful Divulgence of Tax Amnesty*

2 *Return and Appurtenant Documents.* – It shall be

3 unlawful for any person having knowledge of the Tax

4 Amnesty Return and appurtenant documents, to disclose

5 any information relative thereto, and any violation hereof

6 shall be penalized a fine of not less than Fifty thousand

7 pesos (P50,000) but not more than One hundred thousand

8 pesos (P100,000) and imprisonment of not less than two

9 (2) years but not more than five (5) years: *Provided, That*

10 if the offender is an officer or employee of the BIR or any

11 government entity, the penalties under Section 270 of the

12 NIRC, as amended, shall apply. *Provided, further, That*

13 the offender shall likewise suffer an additional penalty or

14 perpetual disqualification to hold public office.

15 SEC. 27. *Penalties.* – The following sanctions and

16 penalties shall apply in case of violations enumerated

17 below:

18 (a) Any person who, having filed a SALN or Tax

19 Amnesty Return under Title III of this Act, willfully

20 understates his total networth to the extent of thirty

1 percent (30%) or more shall, upon conviction, be subject to
2 the penalties of perjury under the Revised Penal Code.

3 (b) The failure to declare any property constituting
4 thirty percent (30%) or more of the declared amount in
5 the SALN and/or in the Tax Amnesty Return shall be
6 deemed a *prima facie* evidence of fraud and shall
7 constitute a ground upon which attachment of such
8 property may be issued in favor of the BIR to answer for
9 the satisfaction of any judgment that may be acquired
10 against the declarant.

11 In addition to the penalties provided in paragraphs
12 (a) and (b) above, immediate tax fraud investigation shall
13 be conducted to collect all taxes due, including
14 increments, and to criminally prosecute those found to
15 have willfully evaded lawful taxes due.

16 In the case of associations, partnerships, or
17 corporations, the penalty shall be imposed on the partner,
18 president, general manager, treasurer, officer-in-charge
19 and employees responsible for the violation.

1 TITLE VII

2 INFORMATION MANAGEMENT SYSTEM

3 AND DISPOSITION OF PROCEEDS

4 SEC. 28. *Information Management System.* – For
5 purposes of enhancing revenue administration, revenue
6 collection and policy formulation, the Department of
7 Finance, in coordination with the BIR, Land Registration
8 Authority, Department of Trade and Industry, Securities
9 and Exchange Commission, Land Transportation Office,
10 and other agencies concerned shall institute an
11 Information Management Program for the effective use of
12 information declared or obtained from the Tax Amnesty
13 Returns and SALNs required to be filed under this Act.

14 If the data requirements consist of information
15 found in the income tax return of taxpayers, the
16 requirements under Section 71 of the NIRC, as amended,
17 shall still be complied with. The Information
18 Management System shall also comply with the
19 provisions of Republic Act No. 10173, otherwise known as

1 the "Data Privacy Act" and such other laws relating to
2 confidentiality of information.

3 SEC. 29. *Disposition of Proceeds.* – All proceeds from
4 this Act shall be allocated to augment the appropriations
5 needed for the social mitigating measures and the BUILD
6 BUILD BUILD infrastructure projects as provided under
7 Section 82 of Republic Act No. 10963 or the Tax Reform
8 for Acceleration and Inclusion (TRAIN) Act.

9 TITLE VIII

10 CONGRESSIONAL OVERSIGHT COMMITTEE

11 AND FINAL PROVISIONS

12 SEC. 30. *Report to Oversight Committee.* – The
13 Commissioner shall submit to the Oversight Committee
14 referred to in Section 290 of the NIRC as amended
15 through the Chairpersons of the Committee on Ways and
16 Means of the Senate of the Philippines and House of
17 Representatives, a detailed report on the implementation
18 of this Act within six (6) months after the one (1) year
19 period of availment of the General Tax Amnesty and TAD

1 and the two-(2) year availment of the Estate Tax Amnesty
2 under this Act.

3 SEC. 31. *Implementing Rules and Regulations.* – The
4 Secretary of Finance shall, in coordination with the
5 Commissioner of Internal Revenue, promulgate and
6 publish the necessary rules and regulations within ninety
7 (90) days from the effectivity of this Act.

8 SEC. 32. *Repealing Clause.* – All other laws, acts,
9 presidential decrees, rules and regulations or parts
10 thereof inconsistent with the provisions of this Act are
11 hereby expressly repealed, amended or modified
12 accordingly.

13 SEC. 33. *Separability Clause.* – If any provision of
14 this Act is subsequently declared invalid or
15 unconstitutional, the remaining provisions or parts which
16 are not affected thereby shall remain in full force and
17 effect.

18 SEC. 34. *Effectivity.* – This Act shall be effective
19 upon its publication in the *Official Gazette* or in any

- 1 two (2) newspapers of general circulation, whichever
- 2 comes earlier.

Approved,