

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'16 JUL 21 AM 11:39

SENATE

S. B. No. 788

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BY: 

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
AMENDING SECTION 220, CHAPTER II, TITLE VIII
OF REPUBLIC ACT NO. 8424, OTHERWISE KNOWN AS AN ACT AMENDING
THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED, AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

This bill mandates the Bureau of Internal Revenue (BIR) to acquire and have exclusive jurisdiction over all tax-related cases, thereby doing away with the participation of the Department of Justice (DOJ) in the prosecution of said cases.

This proposed measure is but apt considering the allegations of fraud in the National Prosecution Service of the DOJ. Moreover, it hastens delineation of responsibilities in the tax collections efforts of the government, making accountability solely in the hands of the BIR.

Lastly, it complements Republic Act No. 9282 which expands the jurisdiction of the Court of Tax Appeals, by mandating all civil and criminal actions in tax related cases cognizable by said court.

In view of the foregoing, passage of this bill with dispatch is sought.

FRANCIS G. ESCUDERO

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

1 **SECTION 1.** Section 220, Chapter 11, Title VIII of Republic Act No. 8424 is
2 hereby amended to read as follows:

3 "SEC. 220. [Form and Mode of] Proceedings in Actions Arising
4 under this Code. - Civil and criminal actions and proceedings instituted in
5 behalf of the Government under the authority of this Code or other law
6 enforced by the Bureau of Internal Revenue shall be brought in the name
7 of the Government of the Philippines and shall be [conducted]
8 **INVESTIGATED, PROSECUTED AND HANDLED EXCLUSIVELY** by
9 legal officers of the Bureau of Internal Revenue but not civil or criminal
10 action for the recovery of taxes or the enforcement of any fine, penalty or
11 forfeiture under this Code shall be filed in Court without the approval of
12 the Commissioner. **FOR THIS PURPOSE, NO REFERRAL BY THE**
13 **BUREAU OF INTERNAL REVENUE TO THE OFFICE OF THE**
14 **SOLICITOR GENERAL, THE DEPARTMENT OF JUSTICE OR ANY**
15 **OTHER GOVERNMENT AGENCY SHALL BE ALLOWED IN**
16 **CONNECTION WITH ANY CIVIL OR CRIMINAL ACTION**
17 **HANDLED BY LEGAL OFFICERS OF THE BUREAU OF INTERNAL**
18 **REVENUE.**

19 **THE BUREAU OF INTERNAL REVENUE SHALL HAVE THE**
20 **EXCLUSIVE AUTHORITY TO FILE ANY CIVIL OR CRIMINAL CASE**

1 DIRECTLY IN THE PROPER COURT FOR THE RECOVERY OF
2 TAXES OR ENFORCEMENT OF ANY FINE, PENALTY OR
3 FORFEITURE UNDER THIS CODE PROVIDED THAT, THE
4 DEPARTMENT OF FINANCE SHALL HAVE AUTOMATIC REVIEW
5 OVER, AND CONDUCT PRELIMINARY INVESTIGATION IN
6 EVERY CRIMINAL COMPLAINT BEFORE IT IS FILED IN COURT.

7 **SEC. 2.** *Repealing Clause.* - All laws, orders, issuances, circulars, rules and
8 regulations or parts thereof, which are inconsistent with the provisions of this Act, are
9 hereby repealed or modified accordingly.

10 **SEC. 3.** *Separability Clause.* - If any provisions of this Act is declared
11 unconstitutional or invalid, other parts or provisions hereof not affected shall continue
12 in full force and effect.

13 **SEC.4.** *Effectivity.* - This Act shall take effect fifteen days (15) days following its
14 publication in at least two (2) newspapers of general circulation.

15 *Approved,*