

TAX AMNESTY ACT

Presented by:

RHODORA GARCIA-ICARANOM

Tax Advisor/Consultant

Republic Act 11213

“An Act enhancing revenue administration and collection by granting Tax 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**”

REPUBLIC ACT 11213

2017

**HBs No. 4814 and
4815**

(Approved on Third
Reading
on February 13, 2017)

2018

HB No. 8554

(Approved on Third and
Final Reading last
November 20, 2018)

SB No. 2059

(Approved on Third and
Final Reading last
November 19, 2018)

**Bicameral version
Approved last
December 13, 2018**

2019



**Signed
February 14, 2019
RA 11213**

TAX AMNESTY ACT OF 2019



Build, build, build

Strengthening the country's
Infrastructure backbone



Education

Achieving a more conducive
learning environment



Social Services

Providing better healthcare
services and facilities

TARGET COLLECTION:

Php 114.8 Billion

Source: Estrellita Suansing in an interview dated November 20, 2018

OBJECTIVES OF THE TAX AMNESTY ACT

One-time opportunity to settle estate tax obligations; to give reasonable tax relief to estates with deficiency estate taxes.

Enhance revenue collection by providing a tax amnesty on delinquencies that will minimize administrative costs in pursuing tax cases and de-clog the dockets of the BIR and the courts.

Provide a more equitable tax system by adopting comprehensive tax reform program that will simplify the requirements on tax amnesties with the use of simplified forms, and utilization of information technology in broadening the tax base.

VETOED BY THE PRESIDENT:

**GENERAL
TAX
AMNESTY**

**ESTATE TAX
AMNESTY ON
LAST
DECEDENT
POLICY**

**PRESUMPTION
OF CORRECTNESS
OF THE ESTATE
TAX AMNESTY
RETURNS**

AMNESTY TAX as APPROVED

- 1.) Estate Tax Amnesty**
- 2.) Tax Amnesty on Delinquencies**
- 3.) Confidentiality of Tax Amnesty Returns**
- 4.) Penalties on Exchange and Unlawful Divulgence of Info**
- 5.) Creation of Information Management System**
- 6.) Creation of Congressional Oversight Committee**

TAX AMNESTY ON DELINQUENCIES COVERAGE & AVAILMENT

BIR

Income Tax

Withholding Tax

Capital Gains Tax

Donor's Tax

Value Added Tax

Other Percentage Taxes

Excise Tax

Documentary Stamp Tax

TAX AMNESTY ON DELINQUENCIES



COVERAGE

- Delinquencies and assessments, which have become final and executory including delinquent tax account, where the application of compromise has been requested on the basis of:
 - i) doubtful validity of assessment; or
 - ii) financial incapacity of the taxpayer, but the same was denied by the Regional Evaluation Board or the National Evaluation Board on or before the IRRs take effect
- Pending criminal cases with the DOJ or the courts for tax evasion and other criminal offenses under Chapter II of Title X of the NIRC, as amended, with or without assessments duly issued; and
- Tax cases subject of final and executory judgement by the courts on or before the IRR take effect;
- Withholding tax agents who withheld taxes but failed to remit the same to the BIR

BASIC TAX ASSESSED - *Defined*

- shall mean the latest amount of tax assessment issued by the BIR against the taxpayer, exclusive of interest, penalties and surcharge.

ENTITLEMENT & RATES

ec. 18. Any person may enjoy the immunities and privileges of the TAD and pay the following tax amnesty rates:

Nature of Delinquency	Rate
Delinquencies and assessments which have become final and executory	40% of the basic tax assessed
Tax cases subject of final and executory judgement by courts	50% of the basic tax assessed
Pending criminal cases with criminal information filed with the Department of Justice or the courts for tax evasion and other criminal offences under Chapter II of Title X and Section 275 of the National Internal Revenue Code of 1997, as amended, with assessments duly issued and otherwise excluded in Title II and III hereof	60% of the basic tax assessed
Withholding agents who withheld taxes but failed to remit the same to the Bureau of Internal Revenue	100% of the basic tax assessed

RETURNS & FILING OF TAD

WHAT to File?

- Sworn Tax Amnesty on Delinquencies (TADR)
- Certification of Delinquencies

WHEN to File?

Within one (1) year from the effectivity of the IRR

WHERE to File?

RDO which has jurisdiction over the residence or principal place of business of the taxpayer

HOW to File?

RDO shall issue and endorse ACCEPTANCE PAYMENT FORM

TAP (TAX AMNESTY PROCESS)

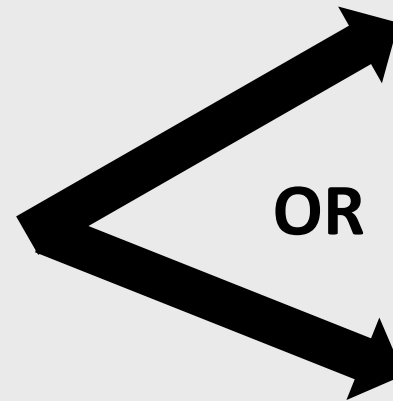
Within 15 days from submission

DO submission

TADR
+
PF "PAID"



STAMP
"RECEIVED"
BY BIR RDO



ATCA

DEEMED
APPROVED

BEYOND 15 days

EFFECT OF TAD Availment

The availment of the Tax Amnesty on Delinquencies and the issuance of the corresponding APF do not imply any admission of criminal, civil or administrative liability on the part of the availing taxpayer.

IMMUNITIES AND PRIVILEGES

The tax delinquency shall be considered settled and the criminal case and its corresponding civil or administrative case, if applicable, be terminated.

The taxpayer shall be immune from all suits or actions, including the payment of said delinquency or assessment, as well as additions thereto, and from all appurtenant civil, criminal, and administrative cases, and penalties.

Any notices of levy, attachments and/or warrants of garnishment issued against the taxpayer shall be set aside pursuant to a lifting of notice of levy/garnishment duly issued by the BIR or its authorized representative.

IMMUNITIES AND PRIVILEGES

Upon full compliance with all the conditions and payment of the corresponding tax on delinquency, the tax amnesty granted shall become final and irrevocable.

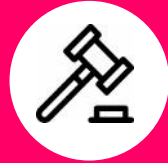
ESTATE TAX AMNESTY



**C
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R
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**Estate of decedents who
died on or before December
31, 2017**

COVERAGE



with or without assessments duly issued therefor



that have remained unpaid or have accrued as of December 31, 2017



shall not cover persons or cases enumerated under *Exceptions*

EXCEPTIONS

Properties involved in cases pending in courts:

calling under the jurisdiction of the Presidential Commission on Good Government (PCGG);

involving unexplained or unlawfully acquired wealth under Republic Act (RA) No. 3019, otherwise known as the “Anti-Graft and Corrupt Practices Act” and Republic Act No. 7078 otherwise known as “An Act Defining and Penalizing the Crime of Plunder”;

involving violations of RA No. 9160 (“Anti-Money Laundering Act”);

involving tax evasion and other criminal offenses under Chapter II of Title X of the NIRC, as amended.

involving felonies of frauds, illegal exactions and transactions, and malversation of public funds and property under Chapter III and IV of Title VII of the Revised Penal Code; and

state tax cases subject of final and executory judgement by the courts.

RESIDENT DECEDENT

WHAT to File?

Estate Tax Amnesty Return

WHEN to File?

Within two (2) years from the effectivity of the IRR

WHERE to File?

RDO which has jurisdiction over the last residence of the decedent

HOW to File?

Submit "Paid" Estate Tax Amnesty Return, with all documentary requirements

NON-RESIDENT DECEDENT

Where to file?

Non-resident decedents

RDO No. 39, or any RDO which shall be indicated in the IRR

TAX AMNESTY RATE AND FILING

6%

Based on the decedent's total net estate at the time of death

If an estate tax return was previously filed, the basis shall be the net undeclared estate

ESTATE TAX AMNESTY

Note

If the estate involved has properties which are still in the name of another decedent or donor, the heirs, executors or administrators thereof shall file **ALL** the Estate Tax Amnesty Returns

TAX AMNESTY RATE AND FILING

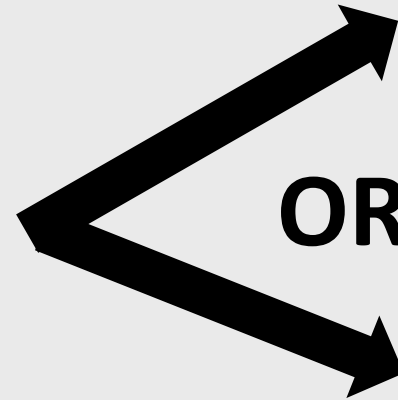
₱ 5,000

Minimum Estate Tax Amnesty

TAP (TAX AMNESTY PROCESS)

Within 15 days from submission

RDO submission



BEYOND 15 days

ESTATE TAX AMNESTY POLICY

Without prejudice to compliance with applicable laws on succession as a mode of transfer, the Bureau of Internal Revenue, in coordination with the applicable regulatory agencies, shall set up a system enabling the transfer of title over properties to heirs and/or beneficiaries and cash withdrawals from the bank accounts of the decedent, when applicable.

EFFECTS OF ESTATE TAX AMNESTY AVAILMENT

taxpayers who avail of the Estate Tax Amnesty shall:

- be immune from the payment of all estate taxes, as well as any increments and additions thereto, arising from the failure to pay any and all estate taxes for taxable year 2017 and prior years, and from all appurtenant civil, criminal, and administrative cases and penalties under the National Internal Revenue Code of 1997, as amended.

**CONFIDENTIALITY
AND NON-USE
OF INFORMATION
AND DATA
~~AND AMENDMENT~~
~~TO THE STA/SALN~~**



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, ~~Statement of Total Assets or Statement of Assets, Liabilities, and Networth, as the case may be~~ 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.

CONFIDENTIALITY AND NON-USE OF INFORMATION AND DATA

Any ~~SALN~~, 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 STA or SALN, as the case may be~~, 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.

THANK YOU!

rgica_1728@yahoo.com

0917-990-5682

0919-909-2951