June 13, 2018

BIR RULING NO. 1003-18

Sec. 270 of the National Internal Revenue Code of 1997, as amended; BIR Ruling No. 211-2015; BIR Ruling No. 188-2014; BIR Ruling No. 120-2013

Pingkian Homeowners Association, Inc.
145 Orchid St., Pingkian Village 3,
Brgy. Pasong Tamo, Quezon City

Attention: *AAA*

Gentlemen :

This refers to your letter dated August 04, 2016 requesting for a copy of proof of payment of BIR Capital Gains Tax (CGT) and Certificate of Authority to Register (CAR) in relation to the sale of certain properties covered by Transfer Certificates of Title (TCT) Nos. 186442, 186443, 186444, and 186445 for the Registry of Deeds of Quezon City, then registered under the name of BBB (vendor).

As stated in your letter, you desire to have a copy of proof of payment of the BIR CGT and CAR in connection with the aforementioned sale for purposes of verifying whether such sale went thru the proper procedure of transfer and conveyance because you have been receiving information that the sale was made anomalously or done fraudulently.

In reply, please be informed that Section 270 of the National Internal Revenue Code of 1997, as amended, provides that:

> *"SEC. 270. Unlawful Divulgence of Information. — Except as provided in Sections 6(F) and 71 of this Code and Section 26 of Republic Act No. 6388, any officer or employee of the Bureau of Internal Revenue who divulges to any person or makes known in any other manner than may be provided by law 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, knowledge of which was acquired by him in the discharge of*

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his official duties, shall, upon conviction for each act or omission, be punished by a fine of not less than Fifty thousand pesos (P50,000) but not more than One hundred thousand pesos (P100,000), or suffer imprisonment of not less than two (2) years but not more than five (5) years, or both."

Based on the above provision, personnel of the Bureau of Internal Revenue (BIR) cannot divulge information gained from taxpayers concerning the latter's business, income, or estate, as well as the secrets, operation, style or work, or apparatus of any manufacturer or producer, or confidential information regarding the business of any taxpayer. Any documents containing these types of information in the BIR's possession are not considered as public documents but are in fact treated as confidential, in accordance with Section 270 of the National Internal Revenue Code of 1997, as amended. ***(BIR Ruling No. 211-2015 dated June 19, 2015 and BIR Ruling No. 188-2014 dated June 16, 2014)***

It is to be noted that there are exceptions to the aforementioned provision: (1) disposition of income tax returns under Section 71 of the National Internal Revenue Code of 1997, as amended; (2) disclosure of income tax returns under Section 26 of Republic Act No. 6388 in case of an individual who files a certificate of candidacy and executes a waiver for the examination of his returns; and (3) information given by the BIR pursuant to a request by a foreign tax authority under an existing tax treaty under Section 4 of Revenue Regulations No. 10-2010. ***(BIR Ruling No. 120-2013 dated March 22, 2013)*** However, the subject request for a copy of proof of payment of the BIR CGT and CAR does not fall under any of the above exceptions.

In view of the foregoing, we regret to inform you that this Office is constrained to withhold such information pursuant to the prohibition under Section 270 of the National Internal Revenue Code of 1997, as amended.

Please be guided accordingly.

Very truly yours,

(SGD.) CAESAR R. DULAY
Commissioner of Internal Revenue

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