October 22, 2018

BIR RULING NO. 1285-18

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

Cobena Business Analytics and Strategy, Inc.
Unit 1001, One World Place, 32nd St. BGC,
Taguig City 1634

Attention: *AAA*

Gentlemen :

This refers to your letters dated December 09, 2016 and December 19, 2016, requesting for the following data for the past five (5) years in BIR San Fernando Pampanga, Lipa Batangas, and Dasmariñas Cavite:

1. Number of developers in the area and type of developmental projects (horizontal or vertical);

2. Commercial, residential or mixed, with resort ambience or club amenities;

3. Profile of buyers, individuals or corporate; local residents or OFW;

4. Number of units purchased and purpose either for occupancy or investment; and

5. E-CAR print outs.

It is represented that Cobena Business Analytics and Strategy, Inc. is a technology and consulting start-up engaged in providing an array of outsourced services in the data analytics environment; that it presently has a client base of internationally recognized leaders with operations in the Philippines; that its founders are senior executives from a diverse field of FMCG, Healthcare, Telecommunications, Banking, and academia, each one having

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decades of international experience working with the world's leading multinational corporations; that you are currently doing a research study in the growth and development of real estate business in San Fernando Pampanga, Lipa Batangas, and Dasmariñas Cavite in tandem with the Mayors' Vision in the said provinces; and that the data being requested shall enable you to optimize the study and generate buyers/investors for the said provinces.

In reply, please be informed that the subject matter of your request falls under Section 270 of the National Internal Revenue Code of 1997, as amended, which provides that:

> *"SEC. 270. Unlawful Divulgence of Trade Secrets. — 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 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 the above enumerated data 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

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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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