March 9, 2018

BIR RULING NO. 430-18

Sec. 270, NIRC; BIR Ruling No. 044-12

GMA News and Public Affairs
Edsa cor. Timog Avenue,
Quezon City

Attention: *AAA*

Gentlemen :

This refers to your letter dated October 2, 2013, as indorsed to this Office by the Regional Director, Revenue Region No. 10, Legaspi City, relative to your request for information regarding the IKAW AT AKO FOUNDATION, INC.

As represented, the news organization is producing a report on dubious non-government organizations involved in the priority development assistance fund (PDAF) scam. On information that the Commission on Audit has cited that several NGOs as having suspicious receipts, you request for information on the above-stated taxpayer, particularly:

1. If the above-mentioned NGO has been duly issued an authority to print receipt;

2. If the organization has duly registered invoices;

3. If the above applied for tax exemption; and

4. Tax declarations of the above organization from 2007 to 2012.

In reply, please be informed that Section 270 of the National Internal Revenue Code (NIRC) of 1997, as amended, provides —

> *"**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*

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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."

From the foregoing, this Office hereby partially grants the above request. On the request for information on question (3) whether IKAW AT AKO FOUNDATION, INC. has applied for tax exemption, and question (4) the tax declarations of the above organization from 2007 to 2012, this Office is of the opinion that the information requested falls under the "unlawful divulgence" rule, thus, BIR personnel cannot divulge the said information. (BIR Ruling No. 44-2012 dated February 9, 2012)

However, information on (1) whether or not IKAW AT AKO FOUNDATION, INC. has been issued an authority to print receipt; and (2) whether the organization has duly registered invoices or receipts, do not reveal any information on 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. Moreover, these merely relate to compliance requirements of the taxpayer as set by the NIRC.

Wherefore, this Office hereby directs the District Officer of the Revenue District Office (RDO) having jurisdiction over IKAW AT AKO FOUNDATION, INC. to disclose to the duly authorized representative of GMA News and Public Affairs the information in response to questions 1 and 2, as requested, upon presentation of the original of this ruling. It is, however, understood that herein authority granted to the RDO is limited only to respond to questions (1) and (2) as above-stated and does not grant any authority to disclose any specific detail/data or show any record/document of the subject taxpayer that are or may be related to these questions.

This ruling is being issued on the basis of the foregoing facts as represented. However, if upon investigation, it will be ascertained that the facts are different, then this ruling shall be considered null and void.

Very truly yours,

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

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