REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE

BUREAU OF INTERNAL REVENUE
RECORDS MGT. DIVISION
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22 April 2016

REVENUE MEMORANDUM CIRCULAR NO. 50-2016

SUBJECT : Unauthorized Divulgence of Information and Its Corresponding Penalties

TO : All Revenue Officials, Employees and Others Concerned.

There have been reports that certain confidential information acquired from tax informants are being divulged by some officers and employees of the BIR to third parties, and even to the taxpayer subject of such confidential information. This does not only erode the confidence of the taxpaying public in the reliability and ability of this Bureau to safeguard the secrecy of the information it acquired but also put the life and safety of the tax informant in danger.

Relative hereto, all BIR officials and employees are hereby strongly reminded that unauthorized disclosure or divulgence of official or confidential information is criminally and administratively punishable by law and existing revenue issuances. Section 270 of the National Internal Revenue Code (NIRC) of 1997, as amended, provides that:

> **"SEC. 270. Unlawful Divulgence of Trade Secrets.** - Except as provided in Section 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.**
>
> Any officer or employee of the Bureau of Internal Revenue who divulges or makes known in any other manner to any person other than the requesting foreign tax authority information obtained from banks and financial institutions pursuant to Section 6(F), knowledge or information acquired by him in the discharge of his official duties, shall upon conviction, 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." (emphasis supplied)

Also, Section 19 (A) of the Revised Code of Conduct for BIR Officials and Employees mandates that:

> **"A. Illegal or Unauthorized Disclosure/Divulgence of Official or Confidential Information**
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> No Revenue Official or Employee shall disclose or divulge any official information or document obtained in the discharge of his / her official functions, other than those allowed by law or by the proper authority. The unauthorized discussion of revenue service operations is likewise strictly prohibited.
>
> It is similarly unlawful to divulge to any person or to make known, in any other manner than as 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/her in the discharge of official duties, unless otherwise authorized by law or the competent authority.
>
> **Non-compliance therewith shall be considered as Unauthorized Disclosure/Divulgence of Confidential Information and shall constitute a Grave Offense."** (emphasis supplied)

Accordingly, any revenue official and employee found violating the provisions of this Circular shall be held criminally and administratively liable in accordance with law and existing revenue issuances.

All revenue officials and employees are enjoined to give this Circular as wide a publicity as possible.

KIM S. JACINTO-HENARES
Commissioner of Internal Revenue

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