REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE
Quezon City

AUG 18 2020

REVENUE REGULATIONS NO. 21-2020

SUBJECT : Voluntary Assessment and Payment Program for Taxable Year 2018 Under Certain Conditions

TO : All Internal Revenue Officials, Employees, and Others Concerned

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SECTION 1. ***Purpose.*** Pursuant to Section 244, in relation to Sections 6 and 204, and other pertinent provisions of the National Internal Revenue Code (NIRC) of 1997, as amended, these Regulations are hereby promulgated to provide for the policies, procedures, and guidelines in the implementation of Voluntary Assessment and Payment Program (VAPP) for the collection of additional tax revenues, which could otherwise be collected through audit and enforcement effort.

SECTION 2. ***Policy.*** It is recognized that the country is currently battling against the Coronavirus disease 2019 (COVID-19), which has caused global health emergency and resulted in severe economic and social ramifications. It has led the Government to implement various programs to help alleviate the suffering of our fellow countrymen and to respond to the needs of critically impacted industries heavily affected by the pandemic. In order to sustain these programs, extraordinary measures are necessary to fulfill the Government's funding requirements during these unprecedented times.

Moreover, to limit taxpayer contact considering existing COVID-19 related protocols and social distancing measures while, at the same time, maximizing revenue collection with the least administrative costs, the Bureau of Internal Revenue (BIR) is reducing the number of audit investigations by encouraging an increase in voluntary tax compliance.

Therefore, the taxpaying public is hereby granted the opportunity to help defray the increased expenditures of the Government during this pandemic through voluntary payment of additional tax under the VAPP for the covered period, with or without an audit investigation, and be entitled to the privilege under these Regulations.

SECTION 3. ***Coverage.*** – These Regulations shall apply to all internal revenue taxes covering the taxable year ending December 31, 2018, and fiscal year 2018 ending on the last day of the months of July 2018 to June 2019, including taxes on one-time transactions (ONETT) such as estate tax, donor's tax, capital gains tax (CGT), as well

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as ONETT-related creditable withholding tax (CWT) expanded withholding tax and documentary stamp tax (DST).

Any person, natural or juridical, including estates and trusts, liable to pay internal revenue taxes for the above specified period/s who, due to inadvertence or otherwise, erroneously paid his/its internal revenue tax liabilities or failed to file tax returns pay taxes, may avail of the benefits under these Regulations, except those falling under any of the following instances:

a. Those taxpayers who have already been issued a Final Assessment Notice (FAN) that have become final and executory, on or before the effectivity of these Regulations;

b. Persons under investigation as a result of verified information filed by a Tax Informer under Section 282 of the NIRC of 1997, as amended, with respect to the deficiency taxes that may be due out of such verified information;

c. Those with cases involving tax fraud filed and pending in the Department of Justice or in the courts; and

d. Those with pending cases involving tax evasion and other criminal offenses under Chapter II of Title X of the NIRC of 1997, as amended.

SECTION 4. ***Period of Availment.*** – Qualified persons can avail of the benefits of the VAPP until December 31, 2020, unless extended by the Secretary of Finance.

SECTION 5. ***Conditions for the availment requirements and processing of applications.*** The taxpayer-applicant shall signify his/its intention to avail the benefits under these Regulations by applying through submission of the following requirements:

Mandatory Requirements:

a. Duly accomplished Application Form [BIR Form No. 2119 (Annex A)] [original for the Large Taxpayers (LT) Office/Revenue District Office (RDO) and duplicate for the taxpayer]; and

b. Payment Form [BIR Form No. 0622 (Annex B)] with proof of payment (original for the LT Office/RDO, duplicate for the taxpayer, and triplicate for the collecting agent).

Additional Requirements:

c. Filed tax returns, proof of payment of taxes paid in 2017 and 2018 and audited Financial Statements for the covered taxable year for those availing of the program under Section 9.a;

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d. Copy of remittance returns and proof of payment of final and creditable withholding taxes for taxpayers availing of the program under Section 9.b;

e. Copy of duly paid BIR Form 0605 stamped either by the Authorized Agent Banks (AABs) or Revenue Collection Officers (RCOs) duly signed by the LT Office RDO where the taxpayer is registered and proof of payment representing settlement of previous deficiency tax, with or without an assessment notice, if any, covering the taxable period under Section 3;

f. Duly accomplished ONE TT tax return(s) (BIR Form Nos. 1800, 1801, 1706, 1707, 2000 – OT, 0619-E) and corresponding documentary requirements for the transaction of taxpayers availing of the program under Section 9.c

The voluntary payment, as indicated in the BIR Form No. 0622 (Payment Form), should be in cash as a condition to avail of the privilege under these Regulations. Hence, non-cash modes of payment, such as Tax Debit Memo and the like, will not qualify as a valid payment. The duly accomplished BIR Form No. 0622 shall be presented for payment to any BIR Authorized Agent Bank (AAB) or Revenue Collection Officer (RCO) under the LT Office RDO having jurisdiction over the taxpayer, except for ONE TT involving the sale of property which must be filed-paid with AABs RCOs under the RDO covering the location of the property. Hence, separate applications must be filed in case the availment is under non-ONE TT (Sections 9.a and 9.b) and ONE TT wherein the same taxpayer is registered in an RDO different from the RDO having jurisdiction over the place where the decedent is domiciled at the time of death; or where the donor is domiciled at the time of donation; or where the property is located. Likewise, separate applications must be filed for availment under Section 9.c for transactions involving the sale of real properties under the jurisdiction of different RDOs.

The requirements from items a to f above can be filed personally or through courier service with the LT Office RDO having jurisdiction over the taxpayer. Within thirty (30) working days from receipt, the Revenue Officer will evaluate the Application, Payment Form and other documents submitted, and will endorse the same to the Assistant Chief, LT Office-Assistant Revenue District Officer (ARDO) for review, and to the Chief, LT Office Revenue District Officer, as the case may be, for approval, who shall affix his signature on the BIR Form No 2119.

On the other hand, if the review reveals deficiencies or defects in the availment, the approving official shall notify the concerned taxpayer through the email address provided in BIR Form No. 2119 and shall require the taxpayer to rectify the defects and or comply with pay the deficiencies within ten (10) working days from receipt of the notification-email.

Failure to act and/or pay the required amount on the part of the taxpayer within such period shall result in the denial of the application.

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SECTION 6. ***Issuance of the Certificate of Availment.*** – A Certificate of Availment (Annex C) shall be issued by the concerned LT Office/RDO within three (3) working days from approval of the application. Such Certificate shall serve as proof of the taxpayer's availment of the VAPP, compliance with the requirements, and entitlement to the privilege granted under these Regulations.

The LT Office/RDO shall transmit all dockets on approved VAPP applications to the concerned reviewing office not later than the 5th day following the month of issuance of the Certificate of Availment for post review.

SECTION 7. ***Consequence of non-submission of the documentary requirements and/or the submission of erroneous/incomplete/falsified information.*** Non-submission or submission of erroneous incomplete/falsified information concerning the VAPP shall not entitle the taxpayer to avail of the privilege under these Regulations. Still, the voluntary payment may be applied against any deficiency tax liability for the taxable year 2018, in case of audit investigation.

SECTION 8. ***Treatment of Invalid Availment/Deficient or Defective Availment.*** Taxpayers whose availment is found to be invalid, deficient or defective are not entitled to the privilege under these Regulations. However, they may apply the voluntary payments made against any deficiency tax liability for the taxable year 2018, in case of audit investigation.

SECTION 9. ***Amounts to be paid for availment.*** The amount of taxes to be paid as a condition to avail the privilege under these Regulations shall be determined in accordance with the following schedule:

a. For Income Tax (IT), Value-Added Tax (VAT), Percentage Tax (PT), Excise Tax (ET), and DST other than DST on ONETI

Increase/Decrease in the Total Taxes Due from 2017 to 2018 (A)	**Amount of Voluntary Tax Payment Whichever is the higher of – (B)**	**Minimum Amount (C)**
Net increase of not more than 10%	3% of 2018 gross sales or 7% of 2018 taxable net income	Individuals, estates and trusts – P75,000 Corporations –
Net increase of more than 10% up to 30%	2% of 2018 gross sales or 6% of 2018 taxable net income	a. With subscribed capital of more than P50 million – P1,000,000
Net increase of more than 30%	1% of 2018 gross sales or 5% of 2018 taxable net income	b. With subscribed capital of more than P20 million

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Increase/Decrease in the Total Taxes Due from 2017 to 2018 (A)	Amount of Voluntary Tax Payment Whichever is the higher of – (B)	Minimum Amount (C)
Net decrease of not more than 10%	4% of 2018 gross sales or 8% of 2018 taxable net income	up to P 50 million - P500,000 c. With subscribed capital of more than P5 million up to P20 million P250,000
Net decrease of more than 10%	5% of 2018 gross sales or 9% of 2018 taxable net income	d. With subscribed capital of P5 million and less P100,000 Other juridical entities, including but not limited to cooperatives, foundations, general professional partnerships P75,000

The amount to be paid must be the higher amount in column B, but in no case should be less than the amount in column C. Total taxes due in 2017 and 2018, for purposes of the above schedule refer to the sum of all tax due per tax return (IT, PT, ET, and DST) and net VAT payable (VAT) before deducting any creditable withholding tax, quarterly payment or advance payment. Gross sales and taxable net income shall be based on the Annual Income Tax Return for the taxable year ending December 31, 2018, and fiscal year 2018, ending on the last day of July 2018 to June 2019.

Illustration 1: *Corporation A, a VAT-registered entity engaged in the manufacture of cigarettes, with a subscribed capital of P15,000,000, had the following taxes due per tax returns filed pertaining to the fiscal year ending April 30, 2018 and April 30, 2019*

Tax Type	*FY ending April 30, 2018*	*FY ending April 30, 2019*
Income Tax	*300,000*	*405,000*
Value-Added Tax	*200,000*	*220,000*
Excise Tax	*300,000*	*250,000*
Total Taxes Due	*800,000*	*875,000*

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Its gross sales and taxable net income for FY ending April 30, 2019, amounted to P 22,000,000 and P1,350,000, respectively. If Corporation A will avail of the benefits of the VAPP, it has to pay the amount of P 660,000, computed as follows:

1. *Compute for the percentage increase in the total taxes due from FY ending April 30, 2018 to FY ending April 30, 2019 — (875,000-800,000) 800,000 = 9.375%*
2. *Since the increase is not more than 10%, determine the higher between 3% of gross sales and 7% of taxable net income*
   a. *3% of P 22,000,000 — 660,000*
   b. *7% of P 1,350,000 — 94,500*
   c. *Higher amount is P 660,000*
3. *The minimum amount for a corporation with a subscribed capital of more than P5 Million but not more than P 20 Million — P 250,000*
4. *Compare the amount per item 2 c against the minimum amount required*
5. *The amount to be paid to avail of the VAPP for the taxes above is P 660,000*

In cases where any non-ONETT tax deficiency covering the taxable period under Section 3 has already been paid, the basic deficiency tax paid shall be added to the tax due of the applicable tax returns for 2018 in computing the amount of voluntary payment required under Section 9.a, provided, that, such payment did not arise from the cases excluded from the coverage of the VAPP under Section 3.

Illustration 2: *In addition to the facts provided under Illustration 1, assume that Corporation A was issued an electronic Letter of Authority (eLA) for VAT covering the two taxable quarters ending July 31, 2018, and October 31, 2018. In June 2020, before the effectivity of these Regulations, Corporation A was issued a Final Assessment Notice (FAN) covering said eLA with the following amounts payable:*

Details	*Amount Due*
Basic VAT due	*300,000*
Surcharge	*75,000*
Interest	*115,000*
Compromise Penalty	*25,000*
Total Taxes Due	*515,000*

If Corporation A settled said FAN, its settlement can be considered as an additional payment of taxes pertaining to the fiscal year ending April 30, 2019 as follows (see Illustration 1 for facts):

Tax Type	*FY ending April 30, 2018*	*FY ending April 30, 2019*
Income Tax	*300,000*	*405,000*
Value-Added Tax	*200,000*	*520,000*
Excise Tax	*300,000*	*250,000*
Total Taxes Due	*800,000*	*1,175,000*

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Increase/Decrease in the Total Taxes Due from 2017 to 2018 (A)	Amount of Voluntary Tax Payment Whichever is the higher of - (B)	Minimum Amount (C)
Net decrease of not more than 10%	4% of 2018 gross sales or 8% of 2018 taxable net income	up to P 50 million P500,000 c. With subscribed capital of more than P5 million up to P20 million - P250,000
Net decrease of more than 10%	5% of 2018 gross sales or 9% of 2018 taxable net income	d. With subscribed capital of P5 million and less P100,000 Other juridical entities, including but not limited to: cooperatives, foundations, general professional partnerships P75,000

The amount to be paid must be the higher amount in column B, but in no case should be less than the amount in column C. Total taxes due in 2017 and 2018, for purposes of the above schedule refer to the sum of all tax due per tax return (IT, PT, ET, and DST) and net VAT payable (VAT) before deducting any creditable withholding tax, quarterly payment or advance payment. Gross sales and taxable net income shall be based on the Annual Income Tax Return for the taxable year ending December 31, 2018, and fiscal year 2018, ending on the last day of July 2018 to June 2019.

Illustration 1: *Corporation A, a VAT-registered entity engaged in the manufacture of cigarettes, with a subscribed capital of P15,000,000, had the following taxes due per tax returns filed pertaining to the fiscal year ending April 30, 2018 and April 30, 2019*

Tax Type	*FY ending April 30, 2018*	*FY ending April 30, 2019*
Income Tax	*500,000*	*405,000*
Value-Added Tax	*200,000*	*220,000*
Excise Tax	*300,000*	*250,000*
Total Taxes Due	*800,000*	*875,000*

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** Computed as P220,000 VAT paid per return + P300,000 basic VAT due per settled FAN*

If Corporation A will avail of the benefits of the VAPP, it has to pay the amount of P 250,000, computed as follows

1. *Compute for the percentage increase in the total taxes due from FY ending April 30, 2018 to FY ending April 30, 2019 = (1,175,000-800,000) 800,000 = 46.875%*

2. *Since the increase is more than 30%, determine the higher between 1% of gross sales and 5% of taxable net income*

   a. *1% of P 22,000,000 = 220,000*
   b. *5% of P 1,350,000 = 67,500*
   c. *Higher amount is P 220,000*

3. *The minimum amount for a corporation with a subscribed capital of more than P5 Million but not more than P 20 Million = P 250,000*

4. *Compare the amount per item 2 c against the minimum amount required*

5. *The amount to be paid to avail of the VAPP for the taxes above is P 250,000.00*

b. For Final Withholding Taxes (on Compensation, Fringe Benefits, etc.) and Creditable Withholding Taxes (CWT) other than CWT on ONLTT, the amount to be paid shall be five percent (5%) of the total basic withholding tax remittance for the taxable year 2018.

Illustration 3: *Company B has remitted final and creditable withheld taxes for the calendar year 2018 in the amounts of P 45,000 and P 200,000, respectively. If Company B will avail of the benefits of the VAPP, it shall pay the amount of P 12,250, computed as follows*

Final withheld taxes remitted	*P 45,000*
Creditable withheld taxes remitted	*200,000*
Total amount remitted	*P 245,000*
Multiply by	*5%*
Total voluntary tax payment required	*P 12,250*

For purposes of VAPP availment under Sections 9.a and 9.b, taxpayers must apply for all registered taxes indicated therein in order to avail of the privilege set forth under Section 10. For taxpayers with claims for tax credit/refund, this shall constitute a waiver of such claims under Section 12 hereof, unless they exclude in their availment the specific tax type for which they are pursuing the claim for tax credit/refund.

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c. For taxes on ONETT, such as Estate Tax, Donor's Tax, CGT, ONETT-related CWT Expanded Withholding Tax, and DST, the amount to be paid shall be the basic tax due of the unfiled tax return/unpaid tax due plus 5%.

> ***Illustration No. 4:*** *Mrs. Cruz sold her lot located at Cavite in August 2018. The area sold contains 350 square meters with applicable zonal value at the time of sale of P 3,000 per square meter and Fair Market Value per Tax Declaration in the amount of 800,000. The CGT and corresponding DST were not paid in 2018. If Mrs. Cruz will avail of the VAPP, she will pay the amount of P 82,687.50, computed as follows:*
>
> *CGT:*
>
> | | |
> |---|---|
> | *P3,000 X 350 square meters P1,050,000 X 6%* | *P 63,000.00* |
> | *Add: 5% (P 63,000.00 x 5%)* | *3,150.00* |
> | *Total* | *P 66,150.00* |
>
> *DST*
>
> | | |
> |---|---|
> | *P1,050,000 P1000 X P15* | *P 15,750.00* |
> | *Add: 5% (P 15,750.00 x 5%)* | *787.50* |
> | *Total* | *P 16,537.50* |
>
> | | |
> |---|---|
> | *Total voluntary tax payment required* | *P 82,687.50* |

SECTION 10. ***Privilege.*** **–**

No Audit – A taxpayer with a duly issued Certificate of Availment shall not be audited for 2018 for the tax types covered by the availment.

In case the taxpayer's tax returns for the covered taxable period are currently being audited, the conduct of the audit shall be suspended upon the availment of the VAPP while the availment is under evaluation. It shall resume if the availment has been found invalid. If the taxpayer's availment has been determined to be valid, a Certificate of the Availment shall be issued and consequently, the issued Letter of Authority, Tax Verification Notice, Discrepancy Notice, Notice for Informal Conference, Preliminary Assessment Notice, Final Assessment Notice for pending cases shall be withdrawn and canceled.

However, despite the issuance of a Certificate of Availment, the taxpayer's availment shall be rendered invalid and shall be subject to audit or investigation following the prescribed procedures under existing rules and regulations, upon prior authorization and approval of the Commissioner of Internal Revenue, in the following instances:

a. When there is strong evidence or findings of under-declaration of sales, receipts or income or overstatement of deductions by more than 30% based on a written report of the appropriate revenue official stating the facts with supporting documents; and/or

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b. When there is verifiable information that the taxpayer has withheld but failed to remit withholding taxes.

Any voluntary payment may be applied against the deficiency tax due, if any, that may be assessed against the taxpayer after the audit/investigation.

SECTION 11. ***Failure to file and pay tax returns.*** – Taxpayers who failed to file tax returns and or pay their taxes for the taxable year 2018 under Section 9.a hereof can apply for VAPP, provided that the unfiled tax returns shall first be filed and or unpaid taxes plus corresponding penalties for late filing and payment shall first be paid by the taxpayer.

SECTION 12. ***Non-availability of cash refund or credit.*** Any payment made under these Regulations is construed as a waiver of the taxpayer's right to claim for refund or credit, notwithstanding the collection thereof from an erroneous payment.

SECTION 13. ***Non-admission of fraud or erroneous payment.*** The act of voluntary payment under this program shall not be deemed as an admission on the part of the taxpayer that there was fraud in the declaration of its taxes and/or there was an intention to pay the tax erroneously.

SECTION 14. ***Effectivity.*** – These Regulations shall take effect after fifteen (15) days immediately following its publication in any newspaper of general circulation.

CARLOS G. DOMINGUEZ III
Secretary of Finance

SEP 03 2020

Recommending Approval:

CAESAR R. DULAY
Commissioner of Internal Revenue

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