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

DEC 17 2020

REVENUE REGULATIONS NO. 33-2020

SUBJECT : Amendments to Revenue Regulations No. 21-2020 on the 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, 204, and other pertinent provisions of the National Internal Revenue Code (NIRC) of 1997, as amended, these Regulations are hereby promulgated to amend certain provisions of the Voluntary Assessment and Payment Program (VAPP) under Revenue Regulations (RR) No. 21-2020.

SECTION 2. ***Amendments.*** The period of Availment and Privilege under Sections 4 and 10 of RR No. 21-2020 is hereby amended as follows:

> ***"SECTION 4. Period of Availment. – Qualified persons can avail of the benefits of the VAPP until June 30, 2021, unless extended further by the Secretary of Finance."***
>
> *xxx* *xxx* *xxx* *xxx*
>
> ***"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. Consequently, taxpayers who avail of the VAPP on withholding taxes shall be allowed to claim deduction on the corresponding income payment pursuant to RR No. 6-2018.***
>
> ***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 Availment shall be issued and the Letter of Authority, Tax Verification Notice, Discrepancy Notice, Notice of Discrepancy, Preliminary Assessment Notice, Final Assessment Notice previously issued for pending cases shall be consequently withdrawn and canceled.***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***

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investigation following the prescribed procedures under existing rules and regulations, upon prior authorization and approval of the Commissioner of Internal Revenue, in the ensuing 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, such as Discrepancy Notice and other third party information (TPI) documents; and/or
b. When there is verifiable information that the taxpayer has withheld tax but failed to remit the same.

No denial of application or invalidation of a previously issued Certificate of Availment shall be valid unless the taxpayer is formally notified by the Division Chief (LT Office) or the Revenue District Officer where the taxpayer is registered, stating the factual reasons therefor.

The taxpayer can appeal the said denial or invalidation to the Assistant Commissioner-Large Taxpayer Service (ACIT-LTS) or Regional Director (RD) within thirty (30) days from receipt of such notice.

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 3. ***Repealing Clause.*** – All existing rules and regulations, issuances or parts thereof, which are inconsistent with the provisions of these Regulations, are hereby repealed, amended, or modified accordingly.

SECTION 4. ***Separability Clause.*** – If any clause, sentence, provision or section of these Regulations shall be held invalid or unconstitutional, the remaining parts thereof shall not be affected thereby.

SECTION 5. ***Effectivity.*** – These Regulations shall take effect immediately.

CARLOS G. DOMINGUEZ III
Secretary of Finance
DEC 18 2020

Recommending Approval:

CAESAR R. DULAY
Commissioner of Internal Revenue
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