

**[ BIR REVENUE MEMORANDUM CIRCULAR NO. 55-  
2007, August 21, 2007 ]**

**PUBLISHING THE FULL TEXT OF DEPARTMENT ORDER NO. 29-07  
DATED AUGUST 15, 2007, "IMPLEMENTING RULES AND  
REGULATIONS (IRR) OF REPUBLIC ACT (RA) NO. 9480,"  
OTHERWISE KNOWN AS "TAX AMNESTY ACT OF 2007"**

For the information and guidance of all internal revenue officers, employees and others concerned, quoted hereunder is the full text of Department Order No. 29-07 dated August 15, 2007 issued by the Secretary of Finance to implement the provision of Republic Act No. 9480, "An Act Enhancing Revenue Administration and Collection By Granting An Amnesty On all Unpaid Internal Revenue Taxes Imposed by the National Government For Taxable Year 2005 and Prior Years"

DEPARTMENT ORDER NO. 29-07  
August 15, 2007

RULES AND REGULATIONS  
TO IMPLEMENT REPUBLIC ACT NO. 9480

Pursuant to Section 15 of Republic Act No. 9480, "An Act Enhancing Revenue Administration and Collection By Granting An Amnesty On all Unpaid Internal Revenue Taxes Imposed by the National Government For Taxable Year 2005 and Prior Years," the following rules and regulations are hereby promulgated to implement the provisions of said Act.

RULE I  
TITLE, PURPOSE AND CONSTRUCTION

*SECTION 1. Title and Purpose.* – These rules and regulations, to be known and cited as the "Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9480," otherwise known as "Tax Amnesty Act of 2007," are hereby promulgated to govern the availment by qualified persons and/or entities of the tax amnesty granted under RA 9480, covering all unpaid internal revenue taxes for the taxable year 2005 and prior years.

*SEC. 2. Construction.* – These Rules shall be construed and applied in accordance with and in furtherance of the policies and objectives of RA 9480. In case of conflict or ambiguity, which may arise in the implementation of these Rules, the Department of Finance (DOF), in coordination with the Bureau of Internal Revenue (BIR), shall issue the necessary clarification.

RULE II  
COVERAGE

*SEC. 3. Taxes Covered.* – The tax amnesty shall cover all national internal revenue taxes imposed by the National Government for the taxable year 2005 and prior years, with or without assessments duly issued therefor, that have remained unpaid as of December 31, 2005.

*SEC. 4. Who May Avail of Tax Amnesty.* – The following may avail of the tax amnesty under RA 9480:

1. Individuals, whether resident or nonresident citizens, or resident or nonresident aliens;
2. Estates and trusts;
3. Corporations;
4. Cooperatives and tax exempt entities that have become taxable as of December 31, 2005; and
5. Other juridical entities including partnerships.

For this purpose, an individual taxpayer in his/her own capacity shall be treated as a different taxpayer when he acts as administrator/executor of the estate of a deceased taxpayer. The pertinent provisions of Sec. 236 of the Tax Code on the registration of the estate of the decedent by the administrator or executor and the issuance of new TIN shall be complied with. Therefore, an individual taxpayer, seeking to avail of the tax amnesty and who at the same time is an executor or administrator of the estate of a deceased taxpayer who would also like to avail of the tax amnesty, shall file two (2) separate amnesty tax returns, one for himself as a taxpayer and the other in his capacity as executor or administrator of the estate of the decedent with respect to the revenue and other income earned or received by the estate.

*SEC. 5. Exceptions.* – The tax amnesty shall not extend to the following persons or cases existing as of the effectivity of RA 9480:

1. Withholding agents with respect to their withholding tax liabilities;
2. Those with pending cases falling under the jurisdiction of the Presidential Commission on Good Government;
3. Those with pending cases involving unexplained or unlawfully acquired wealth, revenue or income under the Anti-Graft and Corrupt Practices Act;
4. Those with pending cases filed in court involving violation of the Anti-Money Laundering Law;
5. Those with pending criminal cases filed in court or in the Department of Justice for tax evasion and other criminal offenses under Chapter II of Title X of the National Internal Revenue Code of 1997, as amended.
6. Those with pending criminal cases filed in court for felonies of frauds, illegal exactions and transactions, and malversation of public funds and property under Chapters III and IV of Title VII of the Revised Penal Code; and

7. Tax cases subject of final and executory judgment by the courts.

RULE III  
AVAILMENT AND PAYMENT OF AMNESTY

*SEC. 6. Method of Availment of Tax Amnesty. –*

*1. Forms/Documents to be filed. –* To avail of the general tax amnesty, concerned taxpayers shall file the following documents/requirements:

- a. Notice of Availment in such form as may be prescribed by the BIR.
- b. Statements of Assets, Liabilities and Networth (SALN) as of December 31, 2005 in such form, as may be prescribed by the BIR.
- c. Tax Amnesty Return in such form as may be prescribed by the BIR.

*2. Place of Filing of Amnesty Tax Return. –* The Tax Amnesty Return, together with the other documents stated in Sec. 6 (1) hereof, shall be filed as follows:

- a. Residents shall file with the Revenue District Officer (RDO)/Large Taxpayer District Office of the BIR which has jurisdiction over the legal residence or principal place of business of the taxpayer, as the case may be.
- b. Non-residents shall file with the office of the Commissioner of the BIR, or with any RDO.
- c. At the option of the taxpayer, the RDO may assist the taxpayer in accomplishing the forms and computing the taxable base and the amnesty tax payable, but may not look into, question or examine the veracity of the entries contained in the Tax Amnesty Return, Statement of Assets, Liabilities and Networth, or such other documents submitted by the taxpayer.

*3. Payment of Amnesty Tax and Full Compliance. –* Upon filing of the Tax Amnesty Return in accordance with Sec. 6(2) hereof, the taxpayer shall pay the amnesty tax to the authorized agent bank or in the absence thereof, the Collection Agent or duly authorized Treasurer of the city or municipality in which such person has his legal residence or principal place of business. The RDO shall issue sufficient Acceptance of Payment Forms, as may be prescribed by the BIR for the use of – or to be accomplished by – the bank, the collection agent or the Treasurer, showing the acceptance of the amnesty tax payment. In case of the authorized agent bank, the branch manager or the assistant branch manager shall sign the acceptance of payment form.

The Acceptance of Payment Form, the Notice of Availment, the SALN, and the Tax

Amnesty Return shall be submitted to the RDO, which shall be received only after

complete payment. The completion of these requirements shall be deemed full compliance with the provisions of RA 9480.

4. *Time for Filing and Payment of Amnesty Tax.* – The filing of the Tax Amnesty Return, together with the SALN, and the payment of the amnesty tax shall be made within six (6) months from the effectivity of these Rules.

*SEC. 7. Tax Amnesty Rates.* – In order to enjoy the benefits of the tax amnesty program, the qualified taxpayers are required to pay an amnesty tax equivalent to five percent (5%) of their total declared networth as of December 31, 2005, as declared in the SALN as of the said period, or resulting increase in networth by amending such previously filed statements for purposes of this tax amnesty, thereby including still undeclared assets and/or liabilities, as the case may be, as of December 31, 2005, or the absolute minimum amnesty payment, whichever is higher, in accordance with the following schedule:

1. Individuals (whether resident or nonresident citizens including resident or non citizens, resident aliens), Estates and Trusts	5% or P50,000, whichever is higher
2. Corporations	
(a) With subscribed capital of above P50 Million	5% or P500,000, whichever higher
(b) With subscribed capital of above P20 Million up to P50 Million	5 % o r P 250 , 000 , whichever is higher
(c) With subscribed capital of P5 Million to P20 Million	5% or P100,000, whichever is higher
(d) With subscribed capital of below P5 Million	5% or P25,000, whichever is higher
3. Other juridical entities, including partnerships, but not limited to, cooperatives and foundations, that have become taxable as of December 31, 2005	5% or P50,000, whichever is higher
4. Taxpayers who filed their balance sheet/SALN, together with their income tax returns for 2005, and who desire to avail of the tax amnesty under this Act by amending such previously filed statements thereby including still undeclared assets and/or liabilities	5% based on the resulting increase in networth or the minimum absolute amounts of amnesty tax prescribed above, whichever is higher

#### RULE IV STATEMENT OF ASSETS, LIABILITIES AND NETWORTH

*SEC. 8. Contents of the SALN.* – The SALN shall contain a true and complete declaration of assets liabilities and networth of the taxpayer as of December 31, 2005 as follows: