

Republic of the Philippines
Congress of the Philippines
Senate
Pasay City

Nineteenth Congress

Third Regular Session



RESOLUTION No. 139

RESOLUTION CONCURRING IN THE RATIFICATION
OF THE "CONVENTION ON MUTUAL
ADMINISTRATIVE ASSISTANCE IN TAX MATTERS"

WHEREAS, Article VII, Section 21 of the Philippine Constitution states that, "No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate";

WHEREAS, the Convention on Mutual Administrative Assistance in Tax Matters (Convention) was signed by the Philippines on 26 September 2014 in Paris, France;

WHEREAS, the Convention will enhance the treaty network of the Republic of the Philippines;

WHEREAS, the Convention will provide all possible forms of administrative cooperation between the Parties with respect to the assessment and collection of taxes, including service of documents and freezing of assets, with a view to combating tax avoidance and tax evasion;

WHEREAS, the President of the Philippines ratified the Convention on 2 October 2023 and has submitted it to the Senate for concurrence, in accordance with the Constitution of the Philippines;

WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 16 April 2024, the following government agencies endorsed the concurrence to the ratification of the Convention:

- 1) Department of Foreign Affairs;
- 2) Department of Finance;
- 3) Department of Justice;
- 4) Bureau of Internal Revenue;
- 5) Bangko Sentral ng Pilipinas;
- 6) National Privacy Commission:

Now, therefore, be it

Resolved, That the Senate of the Philippines concur in the Philippine ratification of the Convention on Mutual Administrative Assistance in Tax Matters, subject to the following reservations and declarations:

In accordance with Article 30, paragraph 1.a of the Convention, the Republic of the Philippines reserves the right not to provide any form of assistance in relation to the taxes of other Parties in the following categories listed in Article 2, paragraph 1.b of the Convention:

i. Taxes on income, profits, capital gains or net wealth which are imposed on behalf of political subdivisions or local authorities of a Party;

ii. Compulsory social security contributions payable to general government or to social security institutions established under public law;

iii. Taxes in other categories, except customs duties, imposed on behalf of a Party, namely:

a. Taxes on immovable property;

b. Taxes on the use or ownership of motor vehicles;

c. Taxes on the use or ownership of movable property other than motor vehicles; and

d. Any other taxes;

iv. Taxes in categories referred to in subparagraph iii above which are imposed on behalf of political subdivisions or local authorities of a Party.

In accordance with Article 30, paragraph 1.b of the Convention, the right not to provide assistance in the recovery of any tax claim, or in the recovery of an administrative fine, for all taxes listed in Article 2, paragraph 1.

In accordance with Article 30, paragraph 1.c of the Convention, the right not to provide assistance in respect of any tax claim, which is in existence at the date of entry into force of the Convention in respect of the Republic of the Philippines or, where a reservation has previously been made under subparagraph a or b of Article 30, at the date of withdrawal of such a reservation in relation to taxes in the category in question.

In accordance with Article 30, paragraph 1.d of the Convention, the right not to provide assistance

in the service of documents for all taxes described in Article 2, paragraph 1.

In accordance with Article 30, paragraph 1.e of the Convention, the right not to permit the service of documents through the post as provided in Article 17, paragraph 3 for all taxes.

In accordance with Article 30, paragraph 1.f of the Convention, the right to apply paragraph 7 of Article 28 exclusively for administrative assistance related to taxable periods beginning on or after 01 January of the third year preceding the one in which the Convention, as amended by the 2010 Protocol, entered into force in respect of the Republic of the Philippines, or where there is no taxable period, for administrative assistance related to charges to tax arising on or after 01 January of the third year preceding the one in which the Convention, as amended by the 2010 Protocol, entered into force in respect of the Republic of the Philippines.

Notifications:

Annex A – Existing taxes to which the Convention shall apply:

Article 2, paragraph 1.a.i of the Convention

Income Tax (Title II of the National Internal Revenue Code [NIRC] of 1997, as amended)

Article 2, paragraph 1.b.iii.A of the Convention

Estate and Donor's Taxes (Title III of the NIRC)

Article 2, paragraph 1.b.iii.C of the Convention

Valued Added Tax (Title IV of the NIRC)

Article 2, paragraph 1.b.iii.D of the Convention

Excise Taxes (Title VI of the NIRC)

Annex B – Competent Authority:

Pursuant to Article 3, paragraph 1.d of the Convention, the Government of the Republic of the Philippines declares that “competent authority” means the Secretary of Finance or his authorized representative.

Annex C – Definition of National:

In relation to the Republic of the Philippines, the term “national” means any individual possessing the nationality or citizenship of the Republic of the Philippines; and any legal person, company, partnership or association deriving its status as such from the laws in force in the Republic of the Philippines.

Resolved, finally, That the President of the Philippines may, with the concurrence of the Senate, withdraw from the Convention.

Adopted,



FRANCIS “CHIZ” G. ESCUDERO

President of the Senate

This Resolution was adopted by the Senate on September 3, 2024.



RENATO N. BANTUG Jr.

Secretary of the Senate