

NINETEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*Third Regular Session*

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SENATE

P.S. Resolution No. 1147

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Prepared by the Committee on Foreign Relations

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

1       **WHEREAS**, Article VII, Section 21 of the 1987 Philippine Constitution states  
2       that, "No treaty or international agreement shall be valid and effective unless  
3       concurred in by at least two-thirds of all the Members of the Senate";

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

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

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

12      **WHEREAS**, the President of the Philippines ratified the Convention on 2  
13      October 2023 and has submitted the Instrument of Ratification to the Senate for  
14      concurrence, in accordance with the Constitution of the Philippines;

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

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, as it hereby concurs, 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;*

1           iv.     *Taxes in categories referred to in sub-paragraph iii above*  
2                     *which are imposed on behalf of political subdivisions or*  
3                     *local authorities of a Party.*

4           *In accordance with Article 30, paragraph 1.b of the Convention,*  
5           *the right not to provide assistance in the recovery of any tax claim, or*  
6           *in the recovery of an administrative fine, for all taxes listed in Article*  
7           *2, paragraph 1.*

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

15          *In accordance with Article 30, paragraph 1.d of the Convention,*  
16          *the right not to provide assistance in the service of documents for all*  
17          *taxes described in Article 2, paragraph 1.*

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

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

1 *Convention, as amended by the 2010 Protocol, entered into force in*  
2 *respect of the Republic of the Philippines.*

3 *"Notifications:*

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

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

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

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

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

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

12 *Valued Added Tax (Title IV of the NIRC)*

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

14 *Excise Taxes (Title VI of the NIRC)*

15 ***Annex B – Competent Authority:***

16 *Pursuant to Article 3, paragraph 1.d of the Convention,*  
17 *the Government of the Republic of the Philippines declares that*  
18 *"competent authority" means the Secretary of Finance or his*  
19 *authorized representative.*

20 ***Annex C – Definition of National:***


21 *In relation to the Republic of the Philippines, the term*  
22 *"national" means any individual possessing the nationality or*  
23 *citizenship of the Republic of the Philippines; and any legal*  
24 *person, company, partnership or association deriving its status*



1                    *as such from the laws in force in the Republic of the*  
2                    *Philippines."*

3                    ***RESOLVED, finally,*** That the President of the Philippines may, with the  
4                    concurrence of the Senate, withdraw from the Convention.

*Adopted,*

  
**IMEE R. MARCOS**