

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 328



Introduced by HONORABLE ALETA C.. SUAREZ

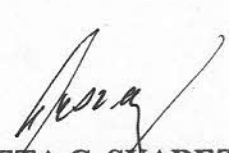
EXPLANATORY NOTE

Despite the passage of Republic Act No. 9282, which expanded the jurisdiction of the Court of Tax Appeals and mandated the civil and criminal actions in tax related cases shall be heard by the Court of Tax Appeals, there have been impediments in the resolution of tax cases. These impediments have proved to be a stumbling block in the Bureau of Internal Revenue's (BIR) effort to collect taxes by effectively prosecuting various tax-related cases.

One such impediment pertains to the time-honored practice of the BIR to refer to the Department of Justice, though its prosecutors, various collection assessment cases before the courts. This is quite understandable considering the limited staff in the legal department of the Bureau who will handle tax-related cases. This set-up, however, has become a breeding ground for corruption as concerned taxpayers would turn out conniving with the prosecutors of the DOJ to delay resolution of cases or in some instances, decide in their favor.

This bill thus seeks to remedy the situation by making it mandatory for the BIR to take exclusive jurisdiction in handling tax cases and by discouraging referral of the cases to the DOJ. In this manner, the people from BIR, armed with expertise on the field, would solely handle tax cases to the exclusion of others. Aside from hastening prosecution of cases, it will encourage the BIR itself to broaden and expand its legal department and provide the necessary assistance in relation thereto.

Approval of this bill is earnestly requested.


ALETA C. SUAREZ
Representative
Third District, Province of Quezon

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**AN ACT AMENDING SECTION 220 CHAPTER II TITLE VIII OF
REPUBLIC ACT NO. 8424**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SEC. 1. Section 220. Chapter II. Title VIII of Republic Act No. 8424 is hereby amended to read as follows:

“Sec 220. Form and (Mode of) Proceedings in Actions Arising Under this Code- Civil and criminal actions and proceedings instituted in behalf of the Government under this authority of this Code or other law enforced by the Bureau of Internal revenue shall be brought in the name of the Government of the Philippines and shall be (conducted) **INVESTIGATED, PROSECUTED AND HANDLE EXCLUSIVELY** by all legal officers of the Bureau of internal revenue but no civil or criminal action for the recovery of taxes or the enforcement of any fine, penalty or forfeiture under this Codes shall be filed in Court without the approval of the Commissioner. **FOR THIS PURPOSE, NO REFFERRAL BY THE BUREAU OF INTERNAL REVENUE TO THE OFFICE OF THE SOLICITOR GENERAL, THE DEPARTMENT OF JUSTICE OR ANY GOVERNMENT AGENCY SHALL BE ALLOWED IN CONNECTION WITH A CIVIL OR CRIMINAL ACTION HANDLED BY THE LEGAL OFFICERS OF THE BUREAU OF INTERNAL REVENUE. THE BIR SHALL HAVE EXCLUSIVE AUTHORITY TO FILE ANY CIVIL OR CRIMINAL CASE DIRECTLY WITH THE PROPER COURT FOR THE RECOVERY OF TAXES OR ENFORCEMENT OF ANY FINE, PENALTY OR FORFEITURE UNDER THIS CODE PROVIDED THAT, THE DEPARTMENT OF FINANCE SHALL HAVE AUTOMATIC REVIEW OVER, AND CONDUCT PRELIMINARY INVESTIGATION IN EVERY CRIMINAL COMPLAINT BEFORE IT IS FILED IN COURT.**”

SEC. 2. Repealing Clause - All laws, orders, issuances, circulars, rules and regulations or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC 3. Separability Clause.- If any provisions of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected shall continue in full force and effect.

SEC. 4. Effectivity – This Act shall take effect fifteen days (15) following its publication in at least (2) newspapers of general circulation.

Approved,