

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH (16th) CONGRESS
Second Regular Session



House Bill No. 5095

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

In the advent of modernity, every trade or transaction conducted by men has undergone certain changes and developments which all ultimately bring about a safer, easier and more efficient way of conducting business. In this day and age, carrying money in our pockets have more often been regarded as less advantageous, if not totally unnecessary. Other safer means such as the use of credit cards or debit cards has already been considered as acceptable modes of payment.

From its scanty origins tracing back to the 1920s, we have witnessed how the credit card market boomed and thrived over the years. The computerization and digitalization of the global society is in large part the reason for the worldwide acceptance of credit cards or debit cards as an alternative for money. Indeed, credit cards have revolutionized the financial habits of people and have made a significant change in the world of business as well as in every country's economy. Credit cards or debit cards represent an integral part of our lives- from the smallest unit of the society which is a household to the largest conglomeration of global activities.

People all around the world conduct their day to day activities using cards instead of money. For one, cards are safer to carry around as it cannot be stolen or robbed. Secondly, even if one loses it, it is easily replaceable. Also, the credit card system offer a great method for tracing one's expenses. Banks are usually very cautious about credit card transactions and they provide the cardholder a certain degree of safeguard by notifying the latter of transactions beyond his or her normal spending.

In most of the western countries, the use of credit cards by almost all adults especially the professionals for almost all of their transactions is now the mainstream, obviously for good reasons. It is about time that we also revolutionize the outdated method of one important transaction every citizen in our own country makes, or is bound to make- the payment of taxes.

Through this bill, the use of credit cards or debit cards will become an acceptable way to pay taxes. Using credit cards or debit cards provides a convenient way to pay one's taxes due and has several disadvantages such as (1) the flexibility to pay credit card balances over time (2) the possible rewards coming from from card issuers; and lastly, (3) the assurance that the tax payment has been made through a trusted institution. On the other hand, the State will also benefit from the fact that it may now collect from banks issuing such cards which have sufficient funds and a better capacity of paying.

In a way, allowing the use of credit cards or debit cards for the payment of taxes will also encourage more individuals to pay their tax obligations properly. Evasion thereof will be lessened if people will have an alternative, that is - delayed payment secured by the credit card system. In such a scenario, the State will have no problem collecting from every taxable individual what is due of them as it can directly collect from his or her issuing bank or financial institution. The bank on the other hand, will have no trouble collecting the accumulated credit card debt from its individual cardholders because it has been expertly doing this practice for decades now.

Clearly, allowing the use of credit cards or debit cards serves as a win-win situation for all the parties involved. Hence, the approval of this bill is being persistently sought.

A handwritten signature in black ink, appearing to read "Eric L. Olivarez", with a stylized flourish at the end.

ERIC L. OLIVAREZ

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AN ACT ALLOWING THE USE OF CREDIT CARDS OR DEBIT CARDS FOR THE PAYMENT OF TAXES IN THE PHILIPPINES

Section 1. Short Title. This Act shall be known as the Credit or Debit Card Payment for Taxes of 2014.

Section 2. Credit or Debit Cards as Commercially Acceptable Means of Payment of Taxes. The use of credit cards or debit cards shall now be considered commercially acceptable means of paying any kind of taxes imposed upon a person by the State to the extent and under the conditions provided in the implementing rules and regulations prescribed by the Bureau of Internal Revenue.

Section 3. Limitation. The taxpayer may not use or utilize the credit cards or debit cards issued under the name of a person other than himself or herself, for the payment of his or her own taxes due.

Section 4. Authorization by the Bureau. The Bureau of Internal Revenue may authorize select companies to process

credit and debit cards on its behalf, and these companies may charge taxpayers a reasonably and regulated amount of processing fee.

Section 5. Confidentiality. No person may use or disclose any information relating to credit or debit card transactions obtained pursuant to this Act other than for purposes directly related to the processing of such transactions, or the billing or collection of amounts charged or debited pursuant thereto.

Section 6. Exceptions to the Confidentiality Rule. Section 3 of this Act may admit of certain exceptions, to wit:

(A) Debit or credit card issuers or others acting on behalf of such issuers may also use and disclose such information for purposes directly related to servicing an issuer's accounts.

(B) Debit or credit card issuers or others directly involved in the processing of credit or debit card transactions or the billing or collection of amounts charged or debited thereto may also use and disclose such information for purposes directly related to—

- (1) statistical risk and profitability assessment;
- (2) transferring receivables, accounts, or interest therein;
- (3) auditing the account information; and
- (4) complying with the laws of the Philippines or any valid court order pursuant to a criminal investigation.

Provided, that the use and disclosure of information under this paragraph shall be made only to the extent authorized by written procedures, rules and regulations promulgated by the Bureau of Internal Revenue.

Section 7. Ultimate Solidary Liability of Tax Payer and Issuing Bank. When for any reason the use of credit cards or debit cards in the payment of taxes proved to (1) have been done fraudulently or in contravention or circumvention of any law especially to evade tax obligations, the taxpayer shall be solidarily liable with the bank which issued the credit card for the actual and complete payment of taxes due, without prejudice to the filing by the Bureau of Internal Revenue of civil, criminal and/or administrative charges against any person or persons conniving for the purpose of evading taxes due. On this note, an individual's bankruptcy won't discharge credit card debt incurred from taxes.

Section 8. Liability of Guaranteeing Banks. If the credit card and/or debit card which has been guaranteed expressly by a bank or any financial institution, is not duly paid, the State shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the guaranteed amount of the transaction upon all the assets of the institution making such guarantee, and such amount shall be paid out of such assets in preference to any other claims whatsoever against such guaranteeing financial institution.

Section 9. Implementing Rules and Regulations. The Bureau of Internal Revenue shall promulgate the Implementing Rules and Regulations to carry out the provisions of this Act. Such rules and regulations shall take effect upon their publication in three (3) newspapers of general circulation.

Section 10. Repealing Clause. – All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case may be.

Section 11. Separability Clause. – In the event that any provision of this Act or any portion thereof is declared unconstitutional by a competent court, the other provisions shall not be affected thereby and shall remain valid and enforceable.

Section 12. *Effectivity Clause.* – This Act shall take effect after its complete publication in at least three (3) newspapers of general circulation.

APPROVED.