REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE

Quezon City

Section 270 of the Tax Code of 1997, as amended
BIR Ruling No. 010-11
#540-2017
11-21-2017

ARTURO S. ABESAMIS
539-E San Andres St., Malate, Manila

Sir:

This refers to your letter dated January 26, 2015, requesting for copy of proof of payment of the Capital Gains Tax (CGT) or Value-added Tax (VAT) in order that you could furnish the Office of the Building Official, City of Manila from which you have a pending conference.

In reply, please be informed that information about a taxpayer's tax return is afforded the highest degree of confidentiality. No official or employee of the BIR may divulge information regarding a tax return without violating Section 270 of the National Internal Revenue Code, as amended ("Tax Code"), which states that:

> *SEC. 270. Unlawful Divulgence of Information. - Except as provided in Sections 6(F) and 71 of this Code and Section 26 of Republic Act No. 6388, any officer or employee of the Bureau of Internal Revenue who divulges to any person or makes known in any other manner than may be provided by law information regarding the business, income, or estate of any taxpayer, the secrets, operation, style or work, or apparatus of any manufacturer or producer, or confidential information regarding the business of any taxpayer, knowledge of which was acquired by him in the discharge of his official duties, shall, upon conviction for each act or omission, be punished by a fine of not less than Fifty thousand pesos (P50,000) but not more than One hundred thousand pesos (P100,000), or suffer imprisonment of not less than two (2) years but not more than five (5) years, or both.*
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> *"Any officer or employee of the Bureau of Internal Revenue who divulges or makes known in any other manner to any person other than the requesting foreign tax authority information obtained from banks and financial institutions pursuant to Section 6(F), knowledge or information acquired by him in the discharge of his official duties, shall, upon conviction, be punished by a fine of not less than Fifty thousand pesos (P50,000) but not more than One hundred thousand pesos (P100,000), or suffer imprisonment of not less than two (2) years but not more than five (5) years, or both."*

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It is evident from the above provision that BIR personnel cannot divulge information gained from taxpayers concerning the latter's business, income, or estate as well as the secrets, operation, style or work, or apparatus of any manufacturer or producer, or confidential information regarding the business of any taxpayer. Any documents containing these types of information in the BIR's possession are not considered as public documents but are in fact treated as confidential, in accordance with Section 270 of the same Tax Code.

There are two kinds of information that are protected by Section 270 of the Tax Code: information regarding the business, income, or estate of any taxpayer, the secrets, operation, style or work, or apparatus of any manufacturer or producer, or confidential information regarding the business of any taxpayer, knowledge of which was acquired by a BIR officer or employee in the discharge of his/her official duties. Thus, information does not need to be ostensibly confidential for the same to come under the protection of Section 270. As long as such information in the BIR's possession is relevant to a taxpayer's business, income, or estate, it will certainly be subject to the unlawful divulgence rule under Section 270 and this includes the Capital Gains Tax Return.

Accordingly, we regret to inform you that under the strict mandate of the law, we cannot accede to your request for such information. (BIR Ruling No. 010-11 dated January 19, 2011)

Very truly yours,

CAESAR R. DULAY
Commissioner of Internal Revenue
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