REVENUE MEMORANDUM CIRCULAR NO. 11-2020 issued on February 6, 2020 further clarifies certain issues on Tax Amnesty on Delinquencies thereby amending and supplementing Revenue Memorandum Circular No. 57-2019.

The tax liabilities covered by the Final Assessment Notice (FAN)/Formal Letter of Demand (FLD) or Final Decision on Disputed Assessment (FDDA), which was timely protested or disputed, but such protest to the FAN/FLD or appeal to the FDDA, as the case may be, was withdrawn at any time on or before April 23, 2020 are considered delinquent account qualified for Tax Amnesty, provided that the delinquent account pertains to taxable year 2017 and prior years.

The effect of the withdrawal of the protest or appeal to the FAN/FLD or FDDA, respectively, is that as if no protest or appeal was filed, and therefore, the assessment contained therein becomes final and executory thereby delinquent, upon the lapse of the thirty (30)-day period, reckoned from receipt of such FAN/FLD or FDDA, within which to file a protest or appeal, as the case may be. In such case, the FAN/FLD or FDDA, whose protest or appeal was subsequently withdrawn, should have been received at the latest, on March 25, 2019, to be considered delinquent on or before April 24, 2019.

The availment of Tax Amnesty on Delinquencies shall be considered fully complied with upon the completion of the enumerated steps, which includes the filing/submission of the Tax Amnesty Return (TAR) with complete documentary requirements to the concerned office within the one-year availment period. However, to give every opportunity to delinquent taxpayers who have secured the Certificate of Tax Delinquencies/Tax Liabilities and endorsement of the Acceptance Payment Form but have paid the amnesty tax due on April 23, 2020, the last day of the availment period, an extended period of 30 days shall be given for the submission of the complete documentary requirements.

The following are the instances wherein the protest to the FAN/FLD or appeal to the FDDA are considered invalid, making the assessment final and executory and therefore, delinquent:

a. The protest to FAN/FLD was filed beyond 30 days from receipt of the FAN/FLD;
b. The appeal to FDDA was filed beyond 30 days from receipt of the FDDA;
c. The protest to FAN/FLD was not filed with the duly authorized representative of the Commissioner of Internal Revenue (CIR) who signed the FAN/FLD;
d. The appeal to the FDDA was not filed with the Office of CIR;
e. The protest/appeal failed to state the applicable law, rules and regulations or jurisprudence on which it is based;
f. The request for reinvestigation did not specify the newly discovered or additional evidence which the taxpayer intends to present as required in a valid protest.

An invalid protest or appeal does not toll the running of the 30-day prescriptive period to file such protest or appeal. Accordingly, the assessment becomes final and executory after the lapse of such 30-day prescriptive period, reckoned from receipt of the FAN/FLD or FDDA.