

Section 306 of the National Internal Revenue Code: A Novel Concept of Prescription

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The Article provides for a discussion on the concept of prescription in relation to the National Internal Revenue Code (NIRC). In doing so, he begins by providing for the nature and policies behind prescription, stating that such is a matter of personal defense. Thus, its primary purpose is to compel one to exercise his right in order to achieve what is granted to him in law. From this, prescription does not result into giving one a right, but primarily to bar a remedy by action. From the discussion on prescription, the Author then looks into the subject of prescriptive periods under the NIRC, particularly found in Section 306 thereof. Looking into the NIRC, the law lays down 4 elements that are necessary to maintain an action to recover taxes illegally paid. From this, the Author analyses the application of such provision using jurisprudence to highlight points and to serve as a basis for comparison. The Article concludes to say that the remedies are generally not accorded to a person complaining of illegal taxation on the grounds of public policy.