



DEPARTMENT ADMINISTRATIVE ORDER NO. 10-01
SERIES OF 2010

SUBJECT : REVISED IMPLEMENTING RULES AND REGULATIONS OF ACT NO. 3883, AS AMENDED OTHERWISE KNOWN AS THE BUSINESS NAME LAW

Pursuant to *Title X, Book IV of the Administrative Code of 1987* and to more effectively implement the provisions of *Act No. 3883, as amended*, otherwise known as the *Business Name Law*, the following Rules and Regulations are hereby promulgated:

RULE I

GENERAL PROVISIONS

Section 1. Title

These rules shall be referred to as the *"Revised Implementing Rules of the Business Name Law of 2010."*

Section 2. Statement of Policy

The primary purpose of this Order is to provide protection to the public dealing with a business establishment through disclosure of the identity and citizenship of the person owning the business as well as other facts of records in the Department of Trade and Industry.

Secondly, to prevent a business establishment from using a name that is identical or confusingly similar to the name of another registered business establishment.

Section 3. Coverage

These rules shall apply to all natural persons doing business or proposing to do business in the Philippines using a Business Name as defined in this Order.

Juridical persons such as a corporation whether stock or non-stock, and a partnership whether general or limited, doing business or proposing to do business using the same name registered with a government agency mandated to register names, are not covered by this Order.

Section 4 . Definition of Terms

As used in this Order,

- 4.1 *Act* shall refer to Act 3883, as amended (otherwise known as the Business Name Law).
- 4.2 *Applicant* shall refer to a natural person, who is filing or has filed an application for Business Name Registration.
- 4.3 *Bureau* shall refer to the Bureau of Trade Regulation and Consumer Protection (BTRCP).
- 4.4 *Business Name* (BN) shall refer to any full name of an individual person that is different from her/ his own true name, used or signed in connection with her/his business on any written or printed receipts, including receipts for business taxes, duties and fees and withdrawal or delivery receipts; any written or printed evidence of any agreement or business transaction and any sign or billboard conspicuously exhibited in plain view in or at the place of her/his business or elsewhere, announcing her/his business.
- 4.5 *Department* shall refer to the Department of Trade and Industry (DTI).
- 4.6 *Director* shall refer to the BTRCP Director.
- 4.7 *Email Notice of Approval* (ENA) shall refer to the automatic system-generated notification sent to the applicant's email address indicated in the application form submitted online. This will only be triggered by the system once the applicant's proposed BN is approved by the DTI-Field Office.
- 4.8 *Non-traditional mode of payment* shall refer to payment made online using automated teller machine (ATM), credit cards, debit cards, mobile phone, and other similar and identical payment methods.
- 4.9 *Online* shall refer to the condition of being connected to the internet either through a computer or mobile phone.
- 4.10 *Field Office* shall refer to the DTI Provincial or Area office having jurisdiction over the location of the business for which the BN is applied. It may also refer to the proper DTI Regional Office having jurisdiction over the proper DTI provincial office.
- 4.11 *Registrant* shall refer to a natural person, whose application for registration of her/his BN has been approved by the Department.
- 4.12 *Transaction Reference Number (TRN)* shall refer to the automatic system generated tracking number provided to the applicant intended for in-tracking the submission of the application requirements and payment of the required fees.
- 4.13 *True Name* shall refer to a natural person's full name, or her/his family name together with:

- 4.13.1 The person's given name/s;
- 4.13.2 The initial/s of the person's given name/s;
- 4.13.3 Combination of a person's given name/s and the initial/s of her/his middle name;
- 4.13.4 The name by which the person is commonly known.

RULE II

APPLICATION REQUIREMENTS

Section 5. *Qualifications of an Applicant*

- 5.1 A person who is at least twenty one (21) years old, doing business or proposing to do business in the Philippines under a BN as defined in this Order and who is not disqualified by any existing law or regulation to engage in business is required to register under the BN Law.

Section 6. *Registration Requirements*

An applicant who is a natural born Filipino citizen shall comply with the following requirements:

- 6.1 Duly accomplished application form in the prescribed format;
- 6.2 Payment of the prescribed fee and documentary stamp tax;
- 6.3 Original and clear copy of any of the following:
 - 6.3.1 Voter's Identification Document (ID);
 - 6.3.2 Postal ID;
 - 6.3.3 Passport;
 - 6.3.4 Driver's License;
 - 6.3.5 Professional Regulations Commission (PRC) ID;
 - 6.3.6 Government Service and Insurance System (GSIS) e-Card;
 - 6.3.7 Social Security System (SSS) Card;
 - 6.3.8 Senior Citizen ID;
 - 6.3.9 Persons with Disability ID;
 - 6.3.10 Government Office and Government Owned and Controlled Corporation-issued ID;
 - 6.3.11 Integrated Bar of the Philippines ID; and
 - 6.3.12 Such other IDs that the Director may deem fit to establish the identity and citizenship of the applicant.

Section 7. *Additional Documentary Requirements*

The following requirements shall be complied with in addition to the requirements specified in Section 6 (1) and (2), namely:

7.1 *Original Application*

- 7.1.1 If the applicant has acquired Filipino citizenship by naturalization, election, or by any other means as provided by law, she/he must present the original copy and submit a clear certified copy of any of the following proofs of her/his Filipino citizenship:

- a) Naturalization Certificate or Oath of Allegiance or identification card issued by the Bureau of Immigration and Deportation (BID);
- b) Affidavit of Election or valid identification card issued by the BID

7.1.2 An applicant of foreign citizenship must submit a clear certified copy the following:

- a) Alien Certificate of Registration, and
- b) Certificate of Authority to engage in business in the Philippines per *Rep. Act No. 7042* (Foreign Investment Act), *Rep. Act No. 8762* (Retail Trade Liberalization Law) or such other applicable laws, as the case may be.

7.1.3 If an application is filed by an Attorney-in-fact, the original copy of the Special Power of Attorney shall be submitted as part of the supporting documents.

7.2 *Renewal Application.*

7.2.1. All applicable requirements mentioned in Sections 6 and 7.1 hereof.

7.2.2. Proof of valid license/accreditation/authority issued by DTI pursuant, but not limited, to *Presidential Decree No. 1572* (on repair service and technicians), *Act No. 3893, as amended* (on warehouse business), *Presidential Decree No. 721* (on fire extinguisher, supplies and equipment business), *Rep. Act No. 8749* (on private emission testing centers), *Rep. Act No. 4109* (Philippine Standards).

7.3 Submission of such other documents required by subsequent laws and regulations, and those which to the opinion of the Director of are necessary to protect the interest of the government and the public.

Section 8. *Application Form, Contents*

The application form shall contain, among others, the following information in the manner indicated in the form specified by the Bureau.

- 8.1. Proposed BN and two alternative BNs, in the order of preference;
- 8.2. Full name of the applicant;
- 8.3. Applicant's complete residential address, citizenship, sex, civil status, date of Birth;
- 8.4. Tax Identification No. of the applicant;
- 8.5. Email address (mandatory for online applicants);
- 8.6. Complete business address (House/Bldg No., Street, Barangay, Municipality/City and Province) including the unit or room number where applicable. A Post Office box address is not deemed an address under this Order and therefore its use is not allowed for registration purposes.
- 8.7. Business activities, products and/or services or proper classification under Philippine Standard Industry Classification;
- 8.8. Number of male and female employees, and those with disability, when applicable; and
- 8.9. Undertaking.

Section 9. Signatories

Any of the following can be a signatory to an application for BN registration:

- 9.1 The applicant herself/himself;
- 9.2 The applicant's Attorney-in-fact for an application covered by a Special Power of Attorney; or
- 9.3 Any of the heirs of the deceased registrant authorized by the court or court-appointed executor, or appointed by or among the heirs by virtue of an extrajudicial settlement.

Section 10. Fees

- 10.1 The Department shall collect fees and charges for every BN registered (original and renewal), certification issued, change in business information made cancellation, directory, statistical data, listings generated to cover administrative, research, and other miscellaneous expenses.
- 10.2 Payment of such fees and charges maybe made through non-traditional mode of payment, with DTI-accredited bank or with the DTI Field Office.
- 10.3 In case the applicant fails to resubmit proposed names or the required documents within the prescribed period as specified in Section 15.2, the corresponding fee or fees paid therefor shall be forfeited.
- 10.4 There shall be no refund of fees legally collected.

Section 11. Undertaking

The applicant shall undertake to execute in writing that she/he -

- 11.1 Declares that all information supplied in the application filed are true and correct to best of her/his belief and knowledge;
- 11.2 Declares that any false or misleading information supplied, or production of materially false or misleading document to support the application shall be a ground for the appropriate criminal, civil and/or administrative action against the registrant;
- 11.3 Shall voluntarily cancel or change her/his registered BN in the event another person, firm or entity reports to DTI that she/he/it is a prior registrant and lawful user of an identical or confusingly similar BN;
- 11.4 Shall comply with the provision of *Act No. 3883, as amended*, and its implementing rules and regulations and other related laws and rules; and
- 11.5 Recognizes and accepts the authority and power of the Department or any of its duly designated representatives to check and monitor compliance by the business establishment with the various trade and industry laws and its implementing rules and regulations, and violation/s of the same shall be a ground for cancellation of the BN registration.

RULE III
REGISTRATION PROCESS

Section 12. *Filing of Application*

Lodgment of a duly accomplished BN application form together with the required documents, payment of necessary fees, and acceptance thereof by the DTI Field Office or by online BN registration system constitutes the filing of the application for BN registration.

Section 13. *Where to File*

An application may be filed online or with the proper Field Office.

Section 14. *Period to File*

14.1 *Original Application*

The original application must be filed within one (1) month before the commencement of the applicant's business operation.

14.2 *Renewal Application*

14.2.1 Applications for renewal shall be filed within the first six (6) months after expiration of the registration. If the renewal is made during the last three (3) months thereof, a surcharge of Fifty Percent (50%) of the registration fee shall be imposed.

14.2.2 The five (5) year validity of the certificate of registration shall be counted from the date the application for renewal of BN registration is approved.

14.2.3 In case of failure to renew the registration within the above prescribed period, the registered BN shall immediately be cancelled from the records.

14.2.4 Once cancelled, a BN will be made available for original registration to any qualified applicant, including the former registrant.

Section 15. *Procedure*

15.1 *Over-The-Counter Application*

15.1.1 An application for BN registration may be filed with the Field Office by submitting a duly accomplished application form in duplicate and in the prescribed form signed by the proper signatory as provided for in Section 9 hereof, and upon payment of the prescribed fee/s, and submission of supporting documents, when necessary.

- 15.1.2 The Field Office after having been satisfied with the identity and citizenship of the applicant and compliance with the provisions of Act No. 3883 as amended, and these rules, shall approve the application and issue the corresponding certificate of BN registration.

15.2 *Online Application*

- 15.2.1 An online application for the registration of a BN shall be made by accessing the BN Registration System web site, filling up the web-based application form thereat.

- 15.2.2 An applicant can reserve a BN online up to ten (10) calendar days, free of charge. The applicant however, shall comply with all the necessary requirements for registration within the same period in order that the application can prosper.

A business name reserved online is deemed registered for purposes of determining the subsequent registrability of a proposed name whether lodged over-the-counter or online.

- 15.2.3 A Transaction Reference Number (TRN) shall be generated along with the list of documents to be submitted and amount of fees to be paid in a printable page.

- 15.2.4 The applicant can choose to pay through non-traditional mode of payment, with any bank which the Department has a merchant account for BN registration, or personally to the proper Field Office.

- 15.2.5 The applicant may download and print, or secure a copy of the TRN Acknowledgment from the Field Office, or the Email Notice of Approval which is automatically emailed to the applicant once the proposed BN is approved. She/He shall affix her/his complete customary signature thereto, scan and submit it together with the other required documents online.

- 15.2.6 The applicant may submit the required documents through the web, via contracted courier or personally to the proper Field Office within ten (10) days.

- 15.2.7 Upon confirmation of compliance by the applicant with the necessary registration requirements under this Order, a BN Certificate shall be issued. The BN certificate may be released to the applicant or her/his representative, sent through any contracted courier, or may be downloaded electronically.

- 15.2.8 In case any of the proposed names is not approved for registration or when any necessary supporting document is lacking or rejected, the applicant shall be required to submit a new set of proposed names or the required documents, as the case may be, within ten (10) calendar days from notification. Failure to resubmit the same within the prescribed period shall be deemed abandonment of the application filed and the corresponding fee paid shall be forfeited in favor of the government.

RULE IV

CERTIFICATE OF REGISTRATION

Section 16. *Validity*

- 16.1 The Certificate of BN Registration shall be valid for five (5) years from the date of registration unless sooner cancelled or withdrawn, voluntarily or otherwise.
- 16.2 It shall be valid only at the business address indicated thereon. Registrant must apply for a separate registration for each of the branch office so established.

Section 17. *Contents*

The Certificate of BN Registration shall indicate the following information and features:

- 17.1 The approved BN and business address
- 17.2 The effectivity and expiry date of registration
- 17.3 The registration certificate number
- 17.4 Name of the owner
- 17.5 Office, name, position, and signature of the DTI authorized signatory
- 17.6 TRN
- 17.7 Payment of Documentary Stamp Tax
- 17.8 Date and Place of Issuance of the certificate

Section 18. *Non-Transferability*

No Certificate of BN registration shall be transferred, conveyed or assigned to any individual.

Section 19. *Lost or Destroyed Certificate*

In case the Certificate is lost or destroyed, the registrant may request in writing or through online the issuance of an affirmative certification based on the records, upon payment of the prescribed fee/s and submission of supporting document/s, if necessary.

Section 20. *Cancellation*

20.1 *Automatic Cancellation*

Registered BNs that have expired and not renewed within six (6) months from its expiration, shall be automatically cancelled at the end of the sixth month from the BN Registry.

20.2 *Authorized Cancellation*

20.2.1 A registered BN may be cancelled by the registrant who ceases to carry on with the business under the BN prior to its expiry date, subject to surrender of the Certificate so issued or, in case of loss thereof, an Affidavit of Loss executed by the registrant, to the Field Office;

20.2.2 The registrant requesting cancellation of BN registration must declare under oath that the cancellation is not intended to defraud creditors and that she/he has no outstanding and pending financial obligation in connection with her/his business or that she/he has notified all the creditors of such cancellation, as the case may be. Request for cancellation may be filed with the Field Office or online. If request is made online, cancellation shall only be effected once the aforementioned documentary requirements and the prescribed payment are received by the Field Office.

20.2.3 In case of a deceased registrant, a written statement under oath supported by a certified copy of the Death Certificate filed by the heir appointed or designated by the court or by virtue of an extrajudicial settlement.

RULE V

REGISTRATION POLICIES

Section 21. *Branch Office or Place of Business*

Every branch or satellite office so established shall carry the same line/s of business and shall have a separate and distinct registration. Photocopy of the certificate of BN registration of the main office/establishment must be presented for the registration application of a branch office.

Section 22. *Display of Signboard and Certificate*

Every registered BN shall be on public display outside of the place of business. Likewise, the BN registration certificate shall be conspicuously displayed at all times at the place of business.

Section 23. *Change of Business Information*

23.1 In general, change in business information before the Certificate expires shall be effected only upon prior approval by the Department. The approval shall be issued only upon formal notice of such change and payment of the prescribed processing fee by the registrant. Change arising from transfer of a BN however is governed by Section 25 hereof.

- 23.2 The registrant shall advise in writing or through email the appropriate Field Office of change of business address, line of business, capitalization and the like.
- 23.3 In case of additional line of business, the proposed line of business must be allied with the existing line and germane to the approved BN; otherwise, an application for a new registration shall be required.
- 23.4 In case of change or amendment of the registrant's name by virtue of marriage or judicial decree, the advise for change shall be supported by presentment of the original copy of marriage certificate or the appropriate judicial decree, and submission of a duplicate copy or certified copy thereof.
- 23.5 Once change is effected a corresponding certification shall be issued as an addendum to the original Certificate.
- 23.6 The Director may correct any typographical and such other errors in any entry in the Register, or supply any particular information omitted from an application previously registered.

Section 24. Registration of BN under Special Circumstances

24.1 Covered by Franchise Agreement or Similar Contract

An applicant who is a franchisee or licensee authorized to use a particular BN, trade name, trademark, etc. as part of her/his business pursuant to a franchise/licensing or similar agreement shall, in addition to the registration requirements under Sections 6 and 7, submit a Consent Certification under oath executed by the franchisor or licensor in a form prescribed by the Bureau.

In the event that the term of the franchise or licensing agreement is less than the five (5) year validity period of the BN Certificate, it is the duty of the franchisor/licensor to inform DTI, copy furnished the franchisee/licensee, that the term of the agreement has expired. This would be one of the grounds for cancellation of the BN at the instance of the franchisor/licensor.

24.2 Deceased Registrant

In case of death of the registrant, the registered BN shall no longer be renewed under the decedent's name. The heirs, in order to retain the BN of their predecessor shall have the following options:

- 24.2.1 If an executor is named in the deceased's will, she/he may sign the application for BN registration. Otherwise, any of the heirs may go to court and apply for letters of administration. The named executor or the person who obtains the Court's appointment, as the case may be, may apply for BN registration in behalf of the estate.
- 24.2.2 If there are two (2) or more heirs, they may execute an Extrajudicial Settlement of Estate, assigning therein an heir to administer the business and apply for the registration of the predecessor's existing BN.

- 24.2.3 If there is only one (1) heir, she/he may execute an Affidavit of Self-Adjudication of a Sole Heir then apply for the registration of the predecessor's BN attaching thereto a copy of said affidavit.

In all of the immediately preceding instances, the application for registration shall be supported additionally with a clear certified copy of the registrant's Death Certificate.

24.3 *BN Bearing a Natural Person's Full Name*

The following rules shall govern in cases where the BN applied for bears the full name of an individual.

- 24.3.1 Adoption or use of previously registered BN bearing the full name of a deceased person is prohibited except in the following cases:

- a) If the applicant is related either by consanguinity or affinity within the second degree to the deceased, submission of an affidavit declaring the same, and execution of notarized consent and waiver by all the immediate heirs is required.
- b) If applicant is not related to the deceased, and the purpose of registration is to perpetuate the memory of the deceased in her/his expertise or interest, submission of an affidavit to such effect and execution of notarized consent and waiver by all immediate heirs is necessary.

- 24.3.2 In both cases, the notarized waiver must state the fact that all heirs are disinterested and are barred from adopting and using said BN once registered.

Section 25. *Transfer of BN Registration*

Transfer, sale or assignment of the BN which is accompanied with substantially all of the business or substantially all of the fixtures and equipment used in and about the business of the registrant falling under Act No. 3952 (*Bulk Sales Law*) shall be supported by a DTI-issued Certificate of Registration of Bulk Sales. Otherwise, the applicant-transferee shall be required to execute and submit an affidavit stating that the transfer is for the purpose of acquiring the BN only and such transfer is not intended to defraud the creditors of the registrant-transferor. In both cases, the cancellation of the Certificate of BN Registration under the latter's name shall be required prior to such transfer.

Section 26. *Request for Information*

The right to access information by the public in Business Name Registration records is recognized. However, disclosure of such information shall be done in accordance with the existing applicable laws, and rules and regulations.

- 26.1 Reasonable verbal queries from the public pertaining to information on record in the BN registration database may be given at no cost.

- 26.2 Request for affirmative or negative certification from the public is subject to the prescribed certification fee and shall be granted only upon written request. The information indicated in an affirmative certification shall include the business name, business address, certificate number, name and residential address of the registrant, date of registration, capitalization, product and activity.
- 26.3 Request for list of BNs and/or such other information of record in soft or hard copies from the public may be permitted only upon written request and payment of the prescribed fee. The person requesting shall provide the digital storage medium or e-mail address for electronic copy.
- 26.4 Request for electronic access to computerized information from legitimate entities shall be in writing, subject to payment of the prescribed fee/s and upon approval by the Director.
- 26.5 To maintain electronic access to computerized information, the person requesting shall not sell nor duplicate copies of the raw data or portion thereof; however this does not prohibit the subsequent sale by him of a value-added information product which is derived from the raw data.
- 26.6 The Department makes no warranties, express or implied, that the computerized information is free of defects, is intended to fit a particular purpose, or is merchantable.

RULE VI

RULES ON REGISTRABILITY OF BUSINESS NAMES

Section 27. *Essential Requisites of a BN*

In determining whether the BN submitted for registration is registrable the following factors shall be considered:

- 27.1 The dominant word or words of the BN shall be considered; e.g. "Island" versus "Islander".
- 27.2 The BN should describe the nature of business.
- 27.3 BNs cannot be registered under this Order unless it is comprised solely of any or all of the following: letters, numerals, and punctuation that are part of the English and Filipino language, or dialect in a given locality where the business is conducted.

Section 28. *BNs that are not Registrable*

- 28.1 Those which are or whose natures of business are illegal, offensive, scandalous, or contrary to propriety.
- 28.2 Those which are identical or nearly resemble a BN already registered with the Department of Trade and Industry, the Securities and Exchange Commission, Cooperative Development Authority, Intellectual Property Office, Food and Drug Administration, Department of Labor and Employment, or any other government office authorized by law to register names, as likely to cause confusion or mistake in the minds of the public and prejudice the interest of

the owner of the registered BN or firm name taking into consideration the following:

- 28.2.1 nature of the business
 - 28.2.2 product/service handled
 - 28.2.3 location/place of the business
 - 28.2.4 dominant word
 - 28.2.5 use of descriptive words
 - 28.2.6 spelling, sound and/or meaning, and
 - 28.2.7 such other factors as maybe determined by the Director.
- 28.3 Names composed purely of generic or geographic words;
 - 28.4 Name which by law or regulation cannot be appropriated;
 - 28.5 Names, words, terms, or expressions used to designate or distinguish, or suggestive of quality of any class of goods, articles, merchandise, or service;
 - 28.6 Names used by the government in its governmental functions;
 - 28.7 The names or abbreviation of names, of any nation, inter-governmental or international organization unless authorized by the competent authority of that nation, inter-governmental or international organizations;
 - 28.8 Names which are deceptive, misleading or which misrepresent the nature of business; and
 - 28.9 Such other names which in the opinion of the Director are undesirable or analogous to the above.

RULE VII

GROUND FOR REVOCATION OF REGISTRATION

Section 29 *Grounds for Revocation*

In general, after due notice and hearing, the registration of particular BN issued by the Field Office may be revoked on the following grounds:

- 29.1 Registration of any of the BNs mentioned in Section 28 hereof;
- 29.2 Making any false or misleading information in the application for registration or engaging in acts of misrepresentation for the purpose of securing registration or renewal thereof such as production of materially false or misleading document;
- 29.3 Failure to display business name in a signboard and/ or registration certificate upon commencement of and while engaging in business;
- 29.4 Failure to operate business within a period of thirty (30) days from registration of the BN.
- 29.5 Change of address or line of business without prior approval of the Department.
- 29.6 Engaging in a business activity which is not allied with the line of business previously approved by the Department ;
- 29.7 Registration of those which may be used in a manner that will endanger the security of the State;
- 29.8 Use of the BN for an immoral or illegal purpose or in a business found to be involved in immoral or unlawful activity;
- 29.9 Contravention or failure to comply with any provisions of these rules; and
- 29.10 Gross violation of any law implemented by the Department.

However, a Certificate of Business Name Registration may be revoked *moto proprio* upon prior notice to the registrant in case of:

- 29.11 Cancellation or revocation for a cause of any license or permit to engage in business by any authorized government agency;
- 29.12 Cancellation, voluntary or otherwise, or revocation of BN registration of the franchisor or registrant that is subject of a franchise agreement or similar contract allowing the use of the same BN by other person(s).
- 29.13 Expiration or termination of franchise or licensing agreement or similar contract allowing the use of the same BN by other person(s) or juridical entities within the life span of BN certificate so issued;

RULE VIII

ENFORCEMENT AND ADMINISTRATIVE POWERS

Section 30. *Power to Review*

- 30.1 Any applicant aggrieved by the action of the Field Office, denying the registration of her/his proposed BN/s, may request reconsideration in writing to the head of the appropriate Regional Office within ten (10) working days from the disapproval.
- 30.2 An unfavorable decision of the head of the Regional Office may be elevated to the Director within five (5) working days from receipt of the notification of such denial. The applicant shall specifically cite why the denial of the Field Office is erroneous, including all arguments, authorities, and such other matter which the person may deem relevant to support her/his purpose. The decision of the Director shall be final.

Section 31. *Administrative Action*

31.1 *Administrative Procedure and Sanctions*

Administrative actions arising from violation/s of *Act No. 3883, as amended*, and this Order shall be subject to the procedure set forth in *Department Administrative Order No. 7, Series of 2006*, and penalties under *Executive Order No. 913, Series of 1983, as amended*. The filing of an administrative case hereunder shall not bar the filing of the appropriate civil and/or criminal action in the proper court.

31.2 *Prescriptive Period*

Complaint or formal charge for violation/s of *Act No. 3883, as amended*, and this Order shall be filed within three (3) years from the day of the commission of the violation/offense or if such date is unknown at that time, then from the discovery thereof. After the said three (3)-year period, the filing thereof shall be barred.

RULE IX

CRIMINAL ACTION

Section 32. Grounds and Penalties for Criminal Action

Any person violating the provisions of *Act No. 3883, as amended*, and these rules and regulations shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined not less than fifty pesos (P50.00) and not more than two hundred pesos (P200.00), or sentenced to imprisonment of not less than twenty (20) days and not more than three (3) months, or both in the discretion of the Court.

RULE X

RESPONSIBILITIES OF IMPLEMENTING OFFICES

Section 33. Implementing Offices; Functions

33.1 BTRCP

The Bureau shall oversee the implementation of the BN registration and shall have the following functions:

- 33.1.1 Formulate and prescribe policy guidelines for the effective and efficient implementation of BN registration;
- 33.1.2 Keep and maintain the BN Registry;
- 33.1.3 Receive and process requests for list of BNs, statistical reports, directories, etc.;
- 33.1.4 Approve or disapprove requests for electronic access to computer information;
- 33.1.5 May take cognizance of requests for reconsideration from applicants whose application were denied by any Field Office in consonance with Sec. 30 of this Order; and
- 33.1.6 Undertake such other measures as may be deemed necessary to improve the registration process.

33.2 Field Offices

The Field Offices shall exercise delegated adjudicatory function of the Secretary under *Executive Order No. 913, Series of 1983* in accordance with *Department Administrative Order No. 7, Series of 2006 and its future revisions and amendments*. The Provincial and Area Offices, in particular, shall -

- 33.2.1 Accept, review and process applications for registration of BNs whose place of business is located within its area of jurisdiction;
- 33.2.2 Accept payment of fees related to BN registration;
- 33.2.3 Issue certificates of registration of BN and related certifications;
- 33.2.4 Receive and process requests for list of BNs, statistical reports, directories, etc.

33.2.5 Have the visitorial power to determine whether any person has complied with the provisions of *Act No. 3883, as amended*, and these rules.

33.2.6 Exercise such other delegated authority under *E.O. No. 913*, this Order and *DAO No. 7, Series of 2006*.

The Regional Offices, in addition to the foregoing functions, shall likewise act on requests for reconsideration of applicants whose proposed BNs were denied by its respective Provincial/Area Offices pursuant to Sec. 30 hereof.

RULE XI

FINAL PROVISIONS

Section 36. Separability Clause

The provisions of this Order are hereby declared separable. In the event any of such provisions is declared invalid, the other provisions shall remain in force and effect.

Section 37. Repealing Clause

All orders, rules and regulations pertaining to the registration of BNs which are inconsistent herewith are hereby repealed or modified accordingly.

Section 37. Effectivity Clause

This Order shall take effect fifteen (15) days after its publication in two newspapers of general circulation. Three (3) copies of this Order shall be sent to the National Administrative Register at the University of the Philippines Law Center.

Done this 8th day of February 2010 in the City of Makati, Philippines.



PETER B. FAVILA
Secretary

Recommended by:



ZENAIDA CUISON MAGLAYA
Undersecretary
Consumer Welfare and Trade
Regulation Group



VICTORIO MARIO A. DIMAGIBA
Director
Bureau of Trade Regulation and
Consumer Protection



PSB ADMINISTRATIVE ORDER NO. 10-01
Series of 2010

**SUBJECT : REQUIRING ALL INTERNATIONAL SHIPPING
 LINES TO PARTICIPATE IN PUBLIC HEARINGS /
 CONSULTATIONS CONDUCTED BY THE PHILIPPINE
 SHIPPERS' BUREAU (PSB) PRIOR TO IMPOSITION OF
 LOCAL FEES AND CHARGES.**

WHEREAS, Section 3 (b) of Executive Order (E.O.) 514 mandates the Philippine Shippers' Bureau (PSB), an agency under the Department of Trade and Industry (DTI), to conduct continuing consultations and negotiations with shipping companies for the shipment of goods on time, at reasonable rates and acceptable shipping terms and conditions;

WHEREAS, international shipping lines have been unilaterally imposing various local fees and charges on export and import shipments without prior consultations with exporters, importers, freight forwarders and other affected stakeholders to the detriment of Philippine products in the global market and the local economy;

WHEREAS, the PSB supports the policy of the DTI to promulgate rules and regulations necessary to carry out Department objectives, policies, plans, programs and projects for the competitiveness of Philippine products in the global market and the stability of prices in the local economy;

WHEREAS, prompted by the World Bank Report that the Philippines has the highest local costs in shipping containers, there is a need to oversee and supervise the rate-setting policies and mechanisms of international shipping lines;

WHEREAS, competitiveness of Philippine products and services in the global market are greatly affected by the unilateral imposition of fees and charges by international shipping lines;

NOW, THEREFORE, in order to promote and protect the competitiveness of Philippine products in the global market as well as the stability of prices in the local economy, all international shipping lines and agents are hereby required to participate and present basis in the public hearings/consultations with all affected sectors to be conducted by Philippine Shippers' Bureau prior to imposition of all local fees and charges on export and import shipments.

FURTHER, Philippine Shippers' Bureau is hereby directed to promulgate rules and regulations to facilitate the efficient implementation of this Order.

This Order shall take effect immediately after its publication in one (1) newspaper of general circulation.

Done in Makati City this 30th day of December 2010.

APPROVED:



ATTY. PEDRO VICENTE C. MENDOZA
Director
Philippine Shippers' Bureau - DTI

NEWS CLIPPINGS



DEPARTMENT OF
TRADE & INDUSTRY
PHILIPPINES

PSB Administrative Order No. 10-01
Series of 2010

SUBJECT: REQUIRING ALL INTERNATIONAL SHIPPING LINES TO PARTICIPATE IN PUBLIC HEARINGS / CONSULTATIONS CONDUCTED BY THE PHILIPPINE SHIPPERS' BUREAU (PSB) PRIOR TO IMPOSITION OF LOCAL FEES AND CHARGES.

WHEREAS, Section 3 (b) of Executive Order (EO) 514 mandates the Philippine Shippers' Bureau (PSB), an agency under the Department of Trade and Industry (DTI), to conduct continuing consultations and negotiations with shipping companies for the shipment of goods on time, at reasonable rates and acceptable shipping terms and conditions;

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Approved:

Director PEDRO VICENTE C. MENDOZA
DTI-Philippine Shippers' Bureau

Control