

**DEPARTMENT ADMINISTRATIVE ORDER NO. 20-09**

*Series of 2020*

**SUBJECT: THE NEW TECHNICAL REGULATION CONCERNING THE MANDATORY PRODUCT CERTIFICATION OF CERAMIC TILES**

**WHEREAS**, the Department of Trade and Industry (DTI) is the primary coordinative, promotive, facilitative and regulatory arm of government in the area of trade, industry and investments;

**WHEREAS**, the Bureau of Philippine Standards (BPS) [formerly known as Bureau of Product Standards] is mandated to establish standards for all products of the Philippines and to ensure the manufacture, production, and distribution of quality products for the protection of the consumer;

**WHEREAS**, the same mandate is reiterated in R.A. 7394 or the Consumer Act of the Philippines declared that it is the duty of the State to develop and provide safety and quality standards for consumer products, including performance or use-oriented standards, codes of practice and methods of tests;

**WHEREAS**, to implement the above-cited laws and by virtue of the rule-making power of the DTI Secretary under Executive Order (E.O.) 292 or the Administrative Code of 1987, Department Administrative Order (DAO) No. 04, the Rules and Regulations Concerning the Philippine Standard (PS) Quality and/or Safety Certification Mark Scheme of the BPS, and DAO No. 05, entitled the New Rules and Regulations Concerning the Issuance of the Import Commodity Clearance Under the Product Certification Scheme of the BPS were issued in 2008;

**WHEREAS**, under Section 9, Article XVI of the 1987 Constitution provides that “the State shall protect consumers from trade malpractices and from substandard or hazardous products”. Thus, the continuous updating of all existing standards and policies and procedures regarding the mandatory implementation;

**NOW, THEREFORE**, pursuant to Section 9, Article XVI of the 1987 Philippine Constitution; R.A. 4109; R.A. 7394; E.O.101, Series of 1967; E.O. 913, Series of 1983; and E.O. 292, Series of 1987, Sec 10 (4), Chapter 3, Title X, Book IV, the following Technical Regulation governing the BPS Mandatory Product Certification Schemes for ceramic tiles is hereby prescribed and promulgated for the compliance, information, and guidance of all concerned.

## Rule 1. OBJECTIVE

This DAO aims to strictly ensure that ceramic tiles meet the specified quality requirements as prescribed by this Technical Regulation.

## Rule 2. SCOPE

This Technical Regulation covers the mandatory certification of ceramic tiles manufactured through normal processes of extrusion and dry pressing, whether locally manufactured or imported.

## Rule 3. DEFINITION OF TERMS

For purposes of this Order, the following definitions shall apply:

- 3.1 **Audit** – a systematic, independent and documented process for obtaining audit evidence, and evaluating it objectively to determine the extent to which the audit criteria are fulfilled. <sup>1</sup>
- 3.2 **Audit criteria** – set of policies, procedures or requirements used as a reference against which audit evidence is compared. <sup>2</sup>
- 3.3 **Attestation** – issuance of a statement of conformity based on a decision following review of an audit report, that fulfillment of specified requirements has been demonstrated. <sup>3</sup>
- 3.4 **Accredited Conformity Assessment Body (CAB)** – inspection body, testing laboratory or certification body accredited under PNS ISO/IEC 17020, PNS ISO/IEC 17021, PNS ISO/IEC 17025 or PNS ISO/IEC 17065, respectively, in its relevant updated version/edition by the Philippine Accreditation Bureau (PAB) or by an accreditation body that is a signatory to regional/international agreements entered into by the Government of the Republic of the Philippines through DTI [(i.e. Asia-Pacific Accreditation Cooperation (APAC), International Laboratory Accreditation Cooperation (ILAC), International Accreditation Forum (IAF)]
- 3.5 **BPS** – Bureau of Philippine Standards of the DTI.
- 3.6 **BPS Recognized Conformity Assessment Body (CAB)** – the CAB (inspection body, testing laboratory, or certification body) duly recognized by BPS to have the scope and competence to conduct activities relevant to the requirements set forth by BPS, to include but not limited to, CABs accredited by the PAB, CABs recognized by BPS under the Association of South East Asian Nations Mutual Recognition Arrangement (ASEAN MRA), Asia-Pacific Economic Cooperation (APEC) MRA and other regional and bilateral MRAs entered into by the Government of the Philippines through the DTI.
- 3.7 **Ceramic Tiles** – thin slabs made from clays and/or other inorganic raw materials, generally used as covering for floors and walls, usually shaped by extruding or

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<sup>1</sup> *PNS ISO 19011:2011*

<sup>2</sup> *Ibid.*

<sup>3</sup> *PNS ISO/IEC 17000*

pressing at room temperature, but may be formed by other processes, then dried and subsequently fired at temperatures sufficient to develop the required properties.

- 3.8 **Certification Body** – third party conformity assessment body operating a certification scheme.
- 3.9 **Certificate of Conditional Release** – a document issued to an importer allowing the temporary release of goods from Custom's custody, upon compliance with the BOC and BPS requirements, while awaiting BPS decision on the issuance of SOC/ICC Certificate.
- 3.10 **Claim** – information declared by client.
- 3.11 **Confirmation** – an action, declaration, document, or statement that corroborates, ratifies, verifies, gives formal approval, or assures the validity of something.<sup>4</sup>
- 3.12 **Conformity** – fulfillment of a requirement.<sup>5</sup>
- 3.13 **Conformity Assessment** – activity to determine whether specified requirements relating to a product, process, system, person or body are fulfilled.<sup>5</sup>
- 3.14 **Conformity Assessment Body (CAB)** – a third party inspection body, testing laboratory and certification body operating within its scope of competence.
- 3.15 **DTI** – Department of Trade and Industry
- 3.16 **Determination** – include assessment activities such as testing, measuring, inspection, design appraisal, assessment of services, and auditing to provide information regarding the product requirements as input to the review and attestation functions.
- 3.17 **Evaluation** – systematic examination of the extent to which a product, process, or service fulfills specified requirements.<sup>6</sup>
- 3.18 **Import Commodity Clearance (ICC)** – a document stating that the imported ceramic tiles comply with the specified requirements after undergoing inspection and testing.
- 3.19 **International Standard** – a standard developed under the WTO principles for international standards development such as those developed by international bodies like the International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), International Telecommunication Union (ITU) and those developed by foreign standards bodies under these principles.
- 3.20 **Inspection** – examination of a product, process, service, or installation or their design and determination of its conformity with specific requirements, or, on the basis of professional judgment, with general requirements.<sup>7</sup> This includes inventory and sampling.

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<sup>4</sup> Webster's New World Law Dictionary

<sup>5</sup> PNS ISO/IEC 17000

<sup>6</sup> Ibid.

<sup>7</sup> PNS ISO/IEC 17020

- 3.21 **Inspection body** – a body that performs inspection.<sup>8</sup>
- 3.22 **PNS ISO 9000** – Quality Management System - Fundamentals and Vocabulary
- 3.23 **PNS ISO 9001** – Quality Management Systems – Requirements
- 3.24 **PNS ISO/IEC 17020** – Conformity assessment – Requirements for the operation of various types of bodies performing inspection.
- 3.25 **PNS ISO/IEC 17021** – Conformity assessment – Requirements for bodies providing audits and certification of management systems.
- 3.26 **PNS ISO/IEC 17025** – General requirements for the competence of testing and calibration laboratories.
- 3.27 **PNS ISO/IEC 17029** – Conformity assessment – General principles and requirements for validation and verification bodies.
- 3.28 **PNS ISO/IEC 17065** – Conformity assessment – Requirements for bodies certifying products, processes and services.
- 3.29 **PNS ISO 19011** – Guidelines for auditing management systems.
- 3.30 **Lot No./Batch No.** – an identification number permanently marked on the box/package of the ceramic tiles. This is used to identify production batch/lot of the products for quality control and traceability purposes.
- 3.31 **PAB** – Philippine Accreditation Bureau of the DTI.
- 3.32 **Philippine National Standards (PNS)** – Standards promulgated by the BPS.
- 3.33 **Product Certification** – the provision of impartial third-party attestation that fulfillment of specified requirements has been demonstrated.<sup>9</sup>
- 3.34 **PS License** – authority given by BPS to a local/foreign manufacturer, authorizing the use of the PS Certification Mark on its product.
- 3.35 **Review** – verification of the suitability, adequacy and effectiveness of selection and determination activities, and the results of these activities, with regard to fulfillment of specified requirements.<sup>10</sup>
- 3.36 **Sampling** – a method of getting a representative sample of a product shipment according to a specified procedure.
- 3.37 **Standard** – a document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory
- 3.38 **Statement of Confirmation (SOC)** – a document stating that the imported ceramic tiles were sourced from a manufacturer with a valid PS License and that the imported ceramic tiles from said manufacturer comply with specified requirements

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<sup>8</sup> *Ibid.*

<sup>9</sup> *PNS ISO/IEC 17065*

<sup>10</sup> *PNS ISO/IEC 17000*



after undergoing inspection and verification and should contain the batch number and manufacturing date of the imported ceramic tiles.

- 3.39 **Surveillance** – a systematic iteration of conformity assessment activities as a basis for maintaining the validity of the statement of conformity.<sup>11</sup>
- 3.40 **Technical Regulation** – a document which lays down product characteristics for their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory.
- 3.41 **Test Report** – a document that presents test results and other information relevant to a test.
- 3.42 **Testing Laboratory** – a laboratory which measures, examines, or determines the characteristics of performance of material or products.
- 3.43 **Third Party** – a body that is independent of the organization that provides the product/service and is not the user of the product/service (testing, inspection, and sampling).<sup>12</sup>
- 3.44 **Trade name** – any registered name or designation identifying or distinguishing an enterprise
- 3.45 **Verification** – confirmation of a claim, through the provision of objective evidence, that specified requirements have been fulfilled.<sup>13</sup> This may include product testing.
- 3.46 **Warehouse** – secured premises built purposely for storage of products and to preserve the quality and integrity of the same.

#### **Rule 4. THE PHILIPPINE STANDARD (PS) QUALITY CERTIFICATION MARK LICENSING SCHEME**

The PS Quality Certification Mark Licensing Scheme (PS Licensing Scheme for brevity) shall be available to both local and foreign manufacturers selling or distributing ceramic tiles in the Philippine market. The License to use the PS Certification Mark shall be granted to a company found to be compliant with the requirements. To ensure compliance of the certified products, regular surveillance activities as per existing DTI rules shall be conducted as follows, as may be applicable:

- 4.1 Local companies holding a valid PS license:
- 4.1.1 Annual system and product audit at the factory; and
  - 4.1.2 Random inspection/verification at the factory/warehouse/market, and product testing (if necessary);
- 4.2 Foreign companies holding a valid PS license:
- 4.2.1 Annual system and product audit at the factory; and
  - 4.2.2 Regular inspection/verification per shipment, and product testing (if necessary);

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<sup>11</sup> *PNS ISO/IEC 17000*

<sup>12</sup> *Ibid.*

<sup>13</sup> *PNS ISO 9000*

## **Rule 5. DOCUMENTARY REQUIREMENTS AND PROCEDURES FOR THE PS LICENSING SCHEME**

### **5.1 Application for PS Licensing Scheme shall be supported by the following:**

- 5.1.1 Duly accomplished application form, subscribed and sworn to by the applicant, or his duly authorized management representative. In case of an overseas applicant, the application form shall be duly authenticated by the Philippine Consulate in the country where the manufacturing plant to be audited is located. The requirement of authentication may be waived subject to reciprocity arrangements between the Philippines and the exporting country;
- 5.1.2 For a sole proprietorship: DTI Certificate of Business Name Registration and permit issued by the local government unit having jurisdiction over it; or  
  
For a corporation or partnership: SEC Certificate of Registration and Articles of Incorporation/Partnership and By-Laws, submitted once, unless an amendment has been made;
- 5.1.3 Latest Income Tax Return or latest audited financial statement, and certification of an accountant on the net worth of the business, submitted once unless an amendment has been made within the current year;
- 5.1.4 Quality Management System (QMS) Manual covering the product being applied for PS License, including the product/s' production process;
- 5.1.5 Description of the product's production/manufacturing process;
- 5.1.6 Product Identification Traceability Procedure including process flow, materials and process control and drawings, among others;
- 5.1.7 List of test and measuring equipment with their respective test capabilities, measuring ranges, and serial numbers at each inspection point and final product testing together with the evidence of ownership, such as but not limited to Official Receipts;
- 5.1.8 Brief description of equipment maintenance and calibration program for all testing and measuring equipment with their corresponding calibration certificates;
- 5.1.9 Copies of labels, markings, and logos as per requirements of specific standard;
- 5.1.10 Vicinity map of the factory; and
- 5.1.11 Oath of undertaking to abide by the Terms and Conditions of the License, respectively signed by the manufacturer and local office/agent.

## **5.2 PS License Application Process**

- 5.2.1 Processing of applications under this scheme replaces the PS Licensing Scheme under DAO 4:2008, subject to the requirements and transitory provisions stated herein.
- 5.2.2 Each PS License application shall be product-specific, factory, plant or site-specific, and importer, local office or agent-specific. For foreign manufacturers, only one local importer per license shall be allowed. However, a specific factory or plant may apply for multiple licenses. As such, a separate PS License application shall be filed by importer, local office or agent.
- 5.2.3 Conduct of Factory and Product Audit
  - 5.2.3.1 Upon submission and confirmation of the completeness and compliance of the documentary requirements, an assessment of the Quality Management System's conformity to PNS ISO 9001 and product specifications' conformity to specific applicable version of PNS shall be conducted;
  - 5.2.3.2 Audit shall be undertaken by either the BPS, DTI Regional/Provincial Office (RO/PO), or BPS-recognized auditing bodies based on established audit procedure.
  - 5.2.3.3 During the audit, samples shall be drawn per brand per type per size of the product to be certified for the purpose of in-plant and independent testing. Independent testing shall be conducted only by the BPS Testing Laboratory or BPS-recognized testing laboratories.
  - 5.2.3.4 If there are non-conformities noted during the audit, the auditors shall inform the company and require them to undertake corrective actions. The auditors shall accomplish the non-conformity report for the non-conformities observed which shall be acknowledged by the company's authorized representative.
  - 5.2.3.5 The company shall implement and complete the corrective actions within three (3) months for initial audit and one (1) month for surveillance and product inclusion audit. If the company fails to implement the corrective actions within the specified period, it should be a cause for denial of PS application or suspension of the PS License.
- 5.2.4 If the applicant is a foreign-based manufacturer, the application shall, for purposes of accountability, be made and filed by its local branch or representative office or representative agency who must be duly registered in accordance with Philippine laws;
- 5.2.5 The PS License shall only be issued upon satisfactory evaluation of the factory audit and determination of product conformance to the specific PNS based on pertinent test reports;
- 5.2.6 If the evaluation of the factory audit report showed unsatisfactory results, the PS License shall not be issued. Only after the re-assessment and subsequent product compliance shall the BPS issue the PS License;

- 5.2.7 The PS License shall be effective from the date of issuance and with full force and effect for a period of three (3) years, subject to the surveillance audits prescribed herein. PS License can be suspended, withdrawn or cancelled at any time for cause and after due process;
- 5.2.8 For renewals, the PS License holder must, through written notice, coordinate with BPS or the DTI RO/PO for a schedule of the re-certification audit at least six (6) months before the expiration date. Otherwise, the PS License shall be considered expired immediately after the end period of its validity.
- 5.2.9 In case of changes materially affecting the PS License and/or license holder's ability to comply with BPS product certification requirements, the license holder shall inform BPS in writing at least one (1) month prior to the date the changes will take effect. The notice must include a request for audit.
- 5.2.9.1 Changes may include, but shall not be limited to, change in management or business name; transfer of plant site; modification of product design and/or specifications.
- 5.2.10 All importers of ceramic tiles covered by a valid PS License issued to a foreign manufacturer shall apply for a Statement of Confirmation (SOC) on a per shipment, per Bill of Lading/Airway Bill basis to ensure that the imported products came from a valid PS License holder company.

**Rule 6. FILING / PROCESSING OF APPLICATION FOR STATEMENT OF CONFIRMATION (SOC) OR IMPORT COMMODITY CLEARANCE (ICC) FOR IMPORTED CERAMIC TILES**

- 6.1. The importer shall apply for either Statement of Confirmation (SOC) for PS certified ceramic tiles or Import Commodity Clearance (ICC) for non-PS certified ceramic tiles on a per product per shipment per Bill of Lading/Airway Bill basis. The duly accomplished and subscribed application form shall be supported by the following:
- 6.1.1 For sole proprietorship registered with DTI, the application shall be accomplished and signed by the owner and filed by the owner or by a duly authorized representative by virtue of a notarized Special Power of Attorney (SPA); or
- For Corporation/Partnership registered with SEC, the application shall be accomplished and signed, and filed by any officer or organic employee, duly authorized by virtue of a notarized board/partnership resolution or Secretary's Certificate;
- 6.1.2 Packing List;
- 6.1.3 Commercial Invoice;
- 6.1.4 Bill of Lading;
- 6.1.5 Summary of the production batch/lot/serial numbers;



6.1.6 DTI Certificate of Business Name Registration for sole proprietorship or Latest SEC Certificate of Registration and Articles of Incorporation/Partnership for corporation/partnership;

6.1.7 List of distributors/retailers with their complete addresses and contact details;

6.1.8 Proof of ownership or contract of lease of warehouse;

6.1.9 Import Entry (may be submitted later prior to release of the certificate);

6.1.10 Surety Bond; and

6.1.11 Copy of PS License for SOC applications

6.2. The application for SOC/ICC shall be processed as follows:

**6.2.1 Application for Statement of Confirmation (SOC)**

6.2.1.1 The applicant shall submit the duly accomplished and subscribed application form and requirements to the BPS or to the nearest DTI RO/PO.

6.2.1.2 Upon receipt of the application and complete requirements, a Certificate of Conditional Release shall be issued, subject to the conditions stated therein.

6.2.1.3 Product inspection shall be conducted by the BPS, DTI RO/PO or the BPS-recognized inspection body at the declared warehouse in accordance with the applicable provisions hereof. The original inspection report shall be sent directly to the BPS by the BPS-recognized inspection body within two (2) working days from the date of inspection.

6.2.1.4 If inspection shows that the product shipped is consistent with the importation documents (e.g. quantity, product description, markings, etc.), SOC shall be issued by the BPS Bureau Director or his duly designated representative. Otherwise, a Show Cause Order shall be issued and the provisions hereto shall apply.

6.2.1.5 The BPS shall have the prerogative to require sampling and testing to verify the consistent conformance of the product to the standard as amended/updated as well as the compliance of the manufacturer to the provisions of this Order and other applicable rules and regulations.

**6.2.2 Application for Import Commodity Clearance (ICC)**

6.2.2.1 Processing of applications under this scheme replaces the ICC Scheme under DAO 5:2008, subject to the requirements and transitory provisions stated herein.

6.2.2.2 The applicant shall submit the duly accomplished and subscribed application form and requirements to the BPS or to the nearest DTI RO/PO.

6.2.2.3 Upon receipt of the application and complete requirements, a Certificate of Conditional Release shall be issued, subject to the conditions stated therein.

6.2.2.4 Product inspection and drawing of samples shall be conducted by the BPS, DTI RO/PO or the BPS-recognized inspection body at the declared warehouse in accordance with the applicable provisions hereof. The original inspection report shall be sent directly to the BPS by the BPS-recognized inspection body within two (2) working days from the date of inspection.

6.2.2.5 If inspection shows that the product shipped is consistent with the importation documents, the issuance of ICC shall be recommended subject to the satisfactory result of product testing. Otherwise, a Show Cause Order shall be issued and the provisions hereto shall apply.

6.2.2.6 The drawn samples shall be submitted by the applicant to the BPS Testing Laboratory or BPS-recognized testing laboratories within three (3) working days from the date of inspection and sampling for the conduct of product testing.

6.2.2.7 If the result of the test shows conformance, the ICC shall be issued by the BPS Bureau Director or his duly designated representative. Otherwise, the provisions under Clause 9.2 of Rule 9 of this Order shall apply.

6.3. The importer shall inform BPS in writing if there are any revisions in the information provided in the application and seek approval of such prior to the conduct of inspection / verification. Otherwise, appropriate action shall be undertaken by BPS.

## **Rule 7. INSPECTION AND SAMPLING**

7.1 Inspection and sampling shall be conducted by the BPS, DTI RO/PO or the BPS-recognized inspection body within the prescribed time and in accordance with existing BPS Inspection and Sampling Procedure.

7.2 If inspection and sampling cannot be conducted within the prescribed period, the concerned DTI RO/PO or the BPS-recognized inspection body shall inform the BPS in writing of the reason/s thereof within sixteen (16) working hours upon receipt of the notice to conduct inspection. Under justifiable reasons, inspection and sampling may be re-scheduled, otherwise, appropriate action shall be undertaken.

### **7.3 Sampling Procedure**

7.3.1 The BPS, DTI RO/PO, BPS-recognized auditing/inspection body, the PS applicant/license holder, and SOC/ICC applicant's authorized representative shall ensure that the drawn samples are traceable to the particular serial / lot / batch or shipment where they were drawn.

7.3.2 The BPS, DTI RO/PO, BPS-recognized auditing/inspection body shall facilitate the preparation of two (2) sets of samples of ceramic tiles per brand per type per size properly labeled as first set and second set as follows:

7.3.2.1 Thirty (30) samples per set shall be drawn for ceramic tiles with an individual area of greater than or equal to ( $\geq$ ) 33,333.33 mm<sup>2</sup>.

7.3.2.2 For ceramic tiles with an individual area of less than ( $<$ ) 33,333.33 mm<sup>2</sup>, the number of samples per set shall be equal to the number of ceramic tiles that can fit into a one (1) square meter area rounded up to the nearest ten (10) tiles above.

7.3.2.3 For glazed ceramic floor tiles, additional samples sufficient to prepare eleven (11) cut squares with dimensions of 100 mm x 100 mm shall be drawn.

7.3.3 For initial audits – all brands, types, and sizes of the ceramic tiles that will be covered by the license shall be sampled.

7.3.4 For surveillance audits – at least one-third (1/3) of the brands, types, and sizes covered by the scope of the current license shall be sampled per surveillance audit. Any brands, types, and sizes that did not undergo sampling and testing during the validity of the license shall be dropped from the scope of the license upon recertification.

7.3.5 Test samples drawn shall be packed / sealed and signed in the presence of authorized representatives from BPS, DTI RO/PO or BPS-recognized auditing/inspection body who shall ensure that the Request for Test form is properly filled-up and signed by the manufacturer or importer.

7.3.6 The applicant shall ensure that the Request for Test form together with the drawn samples is directly submitted to the BPS Testing Laboratory or BPS-recognized testing laboratories within three (3) working days from the date of audit/inspection. For foreign-based PS License holders/applicants, they shall ensure that the samples drawn shall be shipped to the BPS Testing Laboratory or BPS-recognized testing laboratories within three (3) working days from the date of audit or inspection.

7.3.7 The BPS Testing Laboratory or BPS-recognized testing laboratories shall document properly the receipt of the product samples to include but not limited to taking pictures of the following:

7.3.7.1 Request for Test;

7.3.7.2 Packaging of the samples as submitted and received; and

7.3.7.3 Full product markings of the samples

## **Rule 8. PRODUCT TESTING**

8.1 Product testing shall be conducted by the BPS Testing Laboratory or BPS-recognized testing laboratories.

8.2 Product testing shall be conducted as follows:

8.2.1 Dimensions and Surface Quality

8.2.1.1 Length and width

8.2.1.2 Thickness

- 8.2.1.3 Straightness of sides
- 8.2.1.4 Rectangularity
- 8.2.1.5 Surface flatness
- 8.2.1.6 Surface Quality
- 8.2.1.7 Back feet (if specified), if applicable

#### 8.2.2 Physical Property

- 8.2.2.1 Water absorption
- 8.2.2.2 Breaking strength
- 8.2.2.3 Modulus of rupture
- 8.2.2.4 Resistance to deep abrasion, for unglazed floor tiles
- 8.2.2.5 Resistance to surface abrasion, for glazed floor tiles
- 8.2.2.6 Resistance to crazing, for glazed tiles

#### 8.2.3 Chemical Property

- 8.2.3.1 Resistance to staining (for glazed tiles)
- 8.2.3.2 Resistance to low concentrations of acids and alkalis
- 8.2.3.3 Resistance to household cleaners
- 8.2.3.4 Resistance to swimming pool salts, if applicable

8.3 To verify conformance to the aforementioned testing requirements, the test methods prescribed by the PNS ISO 13006:2019 shall be used. Considering the regular updating of standards, the latest edition of the PNS shall be used as reference. It is understood that future amendments of the PNS used in this Order shall be effective one (1) year after its promulgation to provide ample time to all stakeholders to adjust and conform to the new requirements, if any.

8.4 For initial, surveillance or recertification audits, samples drawn shall be tested in-plant. The manufacturer shall have testing capability to conduct the minimum testing requirement for ceramic tiles as stated in Clause 8.2.

Only after the result of in-plant tests showed conformance to the requirements of the standard shall the auditor prepare the Request for Test of the first and second sets of samples for independent testing by the BPS Testing Laboratory or BPS-recognized testing laboratory.

8.5 The first set of samples shall be tested by the BPS Testing Laboratory or BPS-recognized testing laboratory while the second set of samples shall be kept by the testing laboratory for re-testing or future reference.

8.6 The original test reports shall be sent directly to the BPS by the BPS Testing Laboratory or BPS-recognized testing laboratory together with the pictures of samples as received, pictures of samples showing the required markings, and copy of the Request for Test.

The BPS reserves the right to be present at any point of the certification process.

## **Rule 9. EVALUATION OF RESULTS**

Results of tests shall be evaluated to determine conformance of the product to the relevant standard in accordance with the following:

### **9.1 For PS applications:**



9.1.1. For initial audit, if the test results showed conformance, the PS License shall be issued. Otherwise, the applicant shall be advised accordingly and PS License shall not be issued. Only after re-assessment and subsequent product conformance shall BPS issue the PS License.

9.1.2. For surveillance audit, if the test results showed conformance, the PS License shall be continued or renewed. Otherwise, re-testing shall be conducted on the second set of samples.

If the re-testing results showed conformance, the PS License shall be continued or renewed. Otherwise, the PS License shall be suspended immediately upon written notice. The non-conforming batch shall be recalled and destroyed under the supervision of the BPS. Only after re-assessment and subsequent product conformance shall the BPS allow the continued use or renewal of the PS License.

9.1.3. Samples drawn from shipments of importers holding a valid PS License shall constitute as an unannounced surveillance audit and Clause 9.1.2 shall apply.

## **9.2 For ICC applications:**

9.2.1. If the result of product testing showed conformance, the ICC Certificate and stickers shall be issued. Otherwise, re-testing shall be conducted on the second set of samples at the expense of the applicant.

If the result of re-testing showed conformance, the shipment/batch will be declared as conforming and the ICC Certificate and stickers shall be issued. Otherwise, the ICC application shall be denied and exportation or destruction of the non-conforming product, at the option of the importer, shall be undertaken under the supervision of the BPS.

9.2.2. If the ICC application is denied, the BPS shall inform the importer of such denial. If the applicant fails to communicate with BPS within the period stated in the notice, a Show Cause Order shall be issued.

## **Rule 10. MARKING REQUIREMENTS**

For traceability and verification purposes, the required markings for imported or manufactured ceramic tiles shall be legible at all times for verification by the BPS and DTI RO/PO, their authorized representatives, and by the duly authorized enforcement teams either at the manufacturer's/importer's warehouse or traders'/distributors'/retailers' warehouse, if applicable.

The required markings on the box or packaging shall be as follows:

- 10.1 Correct and registered trade name or brand name;
- 10.2 Duly registered trademark;
- 10.3 Duly registered Business Name and address of importer and manufacturer (if imported) or duly registered Business Name and address of manufacturer (if locally manufactured);

- 10.4 Country of Origin;
- 10.5 Nominal and Work Sizes, and "M" if modular;
- 10.6 Water Absorption Range (shall be percentage values);
- 10.7 Method of Shaping (e.g. Extruded (A) or Dry-pressed (B));
- 10.8 Group and subgroup based on absorption range (e.g. Ia, Ib, IIa, IIb, or III)
- 10.9 Nature of Surface (e.g. glazed (GL) or unglazed (UGL));
- 10.10 Intended Use (e.g. floor tiles, wall tiles, or pool tiles);
- 10.11 Reference to the appropriate annex of the applicable standard (e.g. PNS ISO 13006:2019 Annex C);
- 10.12 Total Number of Tiles in the Package/Box;
- 10.13 Lot / Batch Number; and
- 10.13 PS Mark with License Number, if applicable

In the absence of any of the required markings or submission of incomplete markings, the application for PS License, SOC, and ICC shall not be processed until such time that the required markings are submitted or corrected.

## **Rule 11. RECOGNITION OF CONFORMITY ASSESSMENT BODY**

- 11.1. Only recognized Conformity Assessment Bodies (CABs) shall be allowed to participate in this mandatory product certification scheme.
- 11.2. Any CAB that intends to be recognized shall accomplish the BPS Recognition Application Form together with the following:
  - 11.2.1. Certificate of Accreditation from an Accreditation Body signatory to the ILAC/APAC MRA, to include the Scope of Accreditation;
  - 11.2.2. Certified True Copy of the Articles of Incorporation. For foreign CAB, all incorporation documents shall be authenticated by the Philippine Consulate Office. The authentication requirement may be waived subject to reciprocity agreement;
  - 11.2.3. List of authorized signatories indicating their company position and the corresponding specimen signature;
  - 11.2.4. An undertaking to abide by the terms and conditions of the recognition.
- 11.3. For foreign CABs, the application shall be submitted by the local office/representative agency to ensure accountability. Applications of foreign CABs with no local office/representative agency shall be denied.
- 11.4. The requirement on local office/representative agency may be waived subject to the provisions of any Mutual Recognition Agreement entered into by the Philippine Government through the DTI.
- 11.5. The BPS may, at any time, conduct full verification of the competence of the CAB to perform the conformity assessment activities.

## **Rule 12. TERMS AND CONDITIONS OF THE PS LICENSE**

The PS License holders and importers shall abide by the following terms and conditions:

- 12.1. Consistently abide by R.A. 4109, E.O. 133: 1987, E.O. 913: 1983 and R.A. 7394 and their implementing rules and regulations, and orders which the BPS issues in pursuance with its authority under the law.
- 12.2. Ensure that the certified product conforms at all times to a specific standard as amended/updated and its implementing rules and regulations.
- 12.3. Warrant that it has the authority to use the brand name, trade name and trademarks indicated in the application form.
- 12.4. Be held liable for any damages that its product might cause to their consumers.
- 12.5. The Product Certification Mark shall not be affixed on any products not covered by the license issued by BPS.
- 12.6. Establish and maintain systems of product recall and of addressing complaints filed by its clients or customers concerning its certified products, and shall maintain records thereof.
- 12.7. Give duly-authorized representatives of the BPS or DTI RO/PO or, in the case of foreign companies, BPS or BPS-recognized CABs, full access to the premises where the certified product is manufactured/assembled/stored; to relevant equipment, records, personnel and subcontractors for purposes of investigating complaints or evaluating consistency of compliance with the requirements of this technical regulation;
- 12.8. Maintain a record of all complaints made known to it, relating to compliance with certification requirements and make these records available to BPS or its authorized representative/s when requested; take appropriate action with respect to such complaints and any deficiencies found affecting such product's conformance to the requirements for certification; and, document the action taken, subject to verification by the BPS or its authorized representative/s.
- 12.9. Submit itself to surveillance activities to ensure consistent compliance with the BPS requirements of the Product Certification Scheme.
- 12.10. In case of subcontracts, shall assume full responsibility for its sub-assemblies', semi-finished and finished products' conformance to the specific requirements.
- 12.11. Inform BPS in writing of any changes that will materially affect its PS License and its ability to comply with BPS product certification requirements at least one (1) month prior to the date the change will be made, such as, but not limited to change in management, business name, addition of brand name, modification of product's designs and specifications and/or transfer of plant site.
  - 12.11.1 If the change involves addition of brand name and modification in the product's design or specifications, BPS shall facilitate the conduct of appropriate product certification activity;
  - 12.11.2 In case of transfer of plant site, BPS, DTI RO/PO, or BPS-recognized auditing bodies shall conduct factory and product audit at the new site.

- 12.12. Pay the applicable fees and other charges as billed or stipulated by BPS, its duly recognized inspection and/or certification bodies.
- 12.13. Any incorrect references to the certification scheme; misleading use of PS License, SOC, marks or any other mechanisms indicating that a product is certified found in documentation or publicity materials or any breach hereof, shall be a ground for the issuance of Show Cause Order.
- 12.14. Traders or retailers in possession of covered products whose PS Licenses have expired or have been suspended, recalled, withdrawn, revoked or cancelled shall be notified in writing of such suspension, recall, withdrawal, revocation or cancellation.
- 12.15. Upon suspension, recall, withdrawal, cancellation or revocation of the PS License, the holder shall discontinue the manufacture and/or use of covered products including advertising materials relevant thereto and shall take action as may be required by the BPS.
- 12.16. The PS License is non-transferable.

Any infractions of the foregoing shall be a ground for the suspension, withdrawal or cancellation of the license and/or certificate, and/or filling of appropriate legal charges.

### **Rule 13. TERMS AND CONDITIONS OF THE SOC/ICC APPLICATION/CERTIFICATE**

The SOC/ICC applicants and holders shall abide by the following terms and conditions:

- 13. 1. Consistently abide by R.A. 4109, E.O. 133: 1987, E.O. 913: 1983 and R.A. 7394 and their implementing rules and regulations, and orders which the BPS issues in pursuance with its authority under law.
- 13. 2. Give duly-authorized representatives of the BPS or DTI RO/PO or BPS-recognized inspection bodies full access during working hours to the declared warehouse for the purpose of inspection, sampling and inventory.
- 13. 3. SOC/ICC Applicant shall abide by the conditions stipulated in the Certificate of Conditional Release issued by BPS.
- 13. 4. Ensure that the certified product conforms at all times to applicable standard as amended/updated and its implementing rules and regulations.
- 13. 5. Be held liable for any damages that its product might cause to their consumers.
- 13. 6. The ICC Mark shall not be affixed on any products not covered by the ICC Certificate issued by BPS.
- 13. 7. The SOC/ICC Certificate/Mark shall not be used in any misleading manner.
- 13. 8. Establish and maintain a system of product recall and of addressing complaints filed by its clients or customers concerning its certified products, and shall maintain records thereof.



13. 9. Pay the applicable fees and charges as billed or stipulated by BPS, DTI RO/PO, and/or BPS-recognized inspection bodies.

Any infractions of the foregoing shall constitute sufficient grounds for the institution of administrative sanctions/fines against the SOC/ICC applicant/holder.

#### **Rule 14. REQUIREMENTS IN CASE OF NON-CONFORMANCE**

For covered products that do not conform to the requirements of BPS rules and regulations/guidelines, the following provisions, on a per shipment basis, shall apply:

- 14.1. A SHOW CAUSE ORDER shall be issued by BPS or DTI RO/PO giving the PS License holder or the importer opportunity to explain within fifteen (15) calendar days from receipt thereof why its Surety Bond shall not be forfeited in favor of DTI and/or why a formal charge shall not be filed. This may include a CEASE AND DESIST ORDER addressed to the owner/manager or the authorized representative of the company concerned, to refrain from supplying, distributing, selling or displaying for sale the products subject thereof until such time that the Show Cause Order is lifted.
- 14.2. If the explanation to the Show Cause Order is not acceptable, the BPS or DTI RO/PO shall direct the manufacturer and/or importer concerned to submit a sworn affidavit undertaking to do the following as directed whichever is applicable:
  - 14.2.1 Permanently cease and desist from manufacturing, supplying, distributing, selling or displaying for sale the non-conforming products subject thereof;
  - 14.2.2 Effect a full product recall to account such products that are already in circulation through publication in a newspaper of national circulation, giving the public a minimum of thirty (30) calendar days from the second publication within which to return subject products. The product recall shall specify the basis or ground therefor. The manufacturer/importer/distributor shall keep BPS informed in writing on the progress of the recall. Such publication shall include a NOTICE warning the public that the product subject thereof is not compliant with the safety and/or quality requirement; and
  - 14.2.3 Recognize BPS authority to forfeit the Surety Bond in such amount as prescribed herein.

#### **Rule 15. PROCEDURES AND REQUIREMENTS FOR PRODUCT RECALL**

After the product is declared by the BPS to be non-conforming, the BPS shall immediately notify the manufacturer and/or importer. The manufacturer and/or importer shall within fifteen (15) days from receipt of notice implement product recall in accordance with the following:

- 15.1. The recall order shall be published in a newspaper of general circulation for at least two (2) consecutive Saturdays/Sundays;
- 15.2. The layout, content, font and size of the recall order shall be prescribed by the BPS;

- 15.3. The recall period shall be for a minimum of thirty (30) days from date of the second publication;
- 15.4. Proof of publication of the recall orders shall be submitted to the BPS or the DTI RO/PO;
- 15.5. Inventory of the recalled products shall be submitted to BPS or DTI RO/PO;
- 15.6. Recalled products shall be condemned, destroyed, or otherwise disposed of in accordance with applicable rules on disposal issued by the DTI, Department of Budget and Management, and Commission on Audit.
- 15.7. The manufacturer and/or importer shall compensate parties availing of the recall order.

#### **Rule 16. FEES, CHARGES, BOND REQUIREMENT, AND OTHER EXPENSES**

- 16.1. All corresponding fees, charges, costs, and other related expenses shall be for the account of manufacturer/importer.
- 16.2. Fees and charges to be paid by the applicant in accordance with Annex A shall be as follows:
  - 16.2.1. Application Fee;
  - 16.2.2. Audit/inspection fees;
  - 16.2.3. Transportation/travelling expenses, and board and lodging costs of auditor/s and inspector/s during audit/inspection, subject to existing rules and regulations or third-party provision;
  - 16.2.4. Processing Fee of Statement of Confirmation/Import Commodity Clearance on imported products (non-refundable, payable upon filing of the application on per product, per shipment, per Bill of Lading/Airway Bill basis, assessed by the BPS based on the amount declared in the Invoice);
  - 16.2.5. PS License fee for manufactured products;
- 16.3. For imported ceramic tiles, a Surety Bond amounting to One Hundred Fifty Thousand Pesos (PhP 150,000.00) or ten percent (10%) of the declared value/dutiable value in Philippine Peso, whichever is higher, shall be posted on a per shipment, per Bill of Lading/Airway Bill basis.
- 16.4. Any violation of the terms and conditions of the Product Certification Scheme shall, upon notice, result in the *motu proprio* forfeiture of the bond based on the non-conformity or non-compliance stated herein.

#### **Rule 17. SHOW CAUSE ORDER AND BOND FORFEITURE**

- 17.1 A Show Cause Order shall be issued against a manufacturer or importer who fails to comply with legal and technical requirements or whose product/s failed to

conform to such requirements, unless the manufacturer or importer can justify under oath that the non-conformity is correctible and/or the non-compliance is negligible.

17.2 A Cease and Desist Order may be issued simultaneously with the Show Cause Order directing the manufacturer and/or importer to refrain from manufacturing, selling, distributing or disposing the products in any manner.

17.3 The surety bond may be forfeited partially or in full, depending on the degree of the non-conformity or non-compliance as follows:

17.3.1 Minor

- 17.3.1.1 Inconsistencies in the markings is up to five percent (5%) of the total number of boxes;
- 17.3.1.2 Transfer of products from a declared warehouse to another declared warehouse with prior notice to DTI;
- 17.3.1.3 Up to fifteen (15) calendar days delay in responding to notices/letters;
- 17.3.1.4 Delivery of products covered by a Conditional Release from the Bureau of Customs (BOC) to one of the declared warehouses but not in the warehouse declared in the current application with notice to BPS prior to such delivery;
- 17.3.1.5 Number of missing ceramic tiles is not more than one percent (1%) of the total number of boxes;
- 17.3.1.6 Number of missing markings is up to five percent (5%) of the total number of boxes;
- 17.3.1.7 Typographical errors in documents or responses submitted;
- 17.3.1.8 Other circumstances analogous to the above.

17.3.2 Significant

- 17.3.2.1 Inconsistencies in the markings is more than five percent (5%) up to twenty percent (20%) of the total number of boxes;
- 17.3.2.2 Transfer of products from a declared warehouse to another declared warehouse without prior notice to BPS;
- 17.3.2.3 More than fifteen (15) up to thirty (30) calendar days delay in responding to notices/letters;
- 17.3.2.4 Delivery of products covered by a Conditional Release from the BOC to one of the declared warehouses but not in the warehouse declared in the current application without prior notice to BPS;

- 17.3.2.5 Number of missing ceramic tiles is more than one percent (1%) up to two point five percent (2.5%) of the total number of boxes;
- 17.3.2.6 Number of boxes without markings is more than five (5) percent up to twenty percent (20%) of the total number of boxes;
- 17.3.2.7 Other circumstances analogous to the above.

#### 17.3.3 Major

- 17.3.3.1 Inconsistencies in the markings is more than twenty percent (20%) but less than fifty percent (50%) of the total number of boxes;
- 17.3.3.2 Transfer of products from a declared warehouse to another declared warehouse without notice at all;
- 17.3.3.3 More than thirty (30) up to sixty (60) calendar days delay in responding to notices/letters;
- 17.3.3.4 Delivery of products with Certificate of Conditional Release from the BOC to a non-declared warehouse;
- 17.3.3.5 Delivery or transfer of products to a declared but unsecured/uncovered warehouse;
- 17.3.3.6 Release of products covered by a Conditional release whose quality/safety passed the test from the declared warehouse for commercial distribution but was made prior to the resolution of Show Cause Order;
- 17.3.3.7 Number of missing quantity is more than two point five percent (2.5%) up to five percent (5%) of the total number of boxes;
- 17.3.3.8 Number of boxes without markings is more than twenty percent (20%) but less than fifty percent (50%) of the total quantity declared;
- 17.3.3.9 Other circumstances analogous to the above.

#### 17.3.4 Critical

- 17.3.4.1 Inconsistency in the markings is fifty percent (50%) or more of the total number of boxes;
- 17.3.4.2 Transfer of products from a declared warehouse to a non-declared warehouse, with or without notice to DTI;
- 17.3.4.3 More than sixty (60) calendar days delay in responding to notices/letters;
- 17.3.4.4 Delivery of products from the BOC to a declared or undeclared warehouse prior to the release of the Conditional release;

- 17.3.4.5 Release of products whose quality/safety did not pass the test from the declared warehouse pending resolution of Show Cause Order or prior to the issuance of the required Clearance Certificate/License;
- 17.3.4.6 Inconsistency in the markings and the quantity of products with deficiency is less than fifty percent (50%) of the total quantity declared but the same has been committed more than once;
- 17.3.4.7 Number of missing quantity is more than five percent (5%) of the total number of boxes;
- 17.3.4.8 Number of boxes without markings is more than fifty percent (50%) of the total quantity declared;
- 17.3.4.9 Misrepresentation of material facts in the application or succeeding correspondence/s;
- 17.3.4.10 Other circumstances analogous to the above.

17.4 Bonds shall be forfeited in accordance with the following:

Degree of Non-conformity or Non-compliance	Amount of Bond to be Forfeited
1. Minor	None
2. Significant	25% of the total bond posted
3. Major	50% of the total bond posted
4. Critical	100% of the total bond posted

- 17.5 In case of multiple non-conformities or non-compliance, the amount of bond corresponding to the higher degree shall be forfeited.
- 17.6 Any violation of the Terms and Conditions of the Certificate of Conditional Release and/or provisions of this Order shall, upon notice, result in *moto proprio* forfeiture of the Surety Bond.
- 17.7 Pending resolution of the Show Cause Order involving a particular shipment, applications filed after the issuance of the Show Cause Order by the same importer may be processed, provided, a sworn undertaking to abide by the decision on said Show Cause Order shall be submitted prior to the issuance of the necessary Certificate/License for succeeding application/s.

## **Rule 18. SUSPENSION, WITHDRAWAL, AND CANCELLATION OF PS LICENSE**

18.1 A duly issued PS License shall be suspended, recalled, withdrawn, cancelled or revoked based on any of the following grounds:

- 18.1.1 That the product bearing the PS Mark failed to conform to the requirements of a specific PNS as amended/updated;



- 18.1.2 That licensee failed to comply with monitoring, surveillance or enforcement notices/directives/orders;
- 18.1.3 That the licensee failed to comply with the terms and conditions of the license;
- 18.1.4 That the licensee made false statements or alterations in connection with its application for or re-certification of the license;
- 18.1.5 That the licensee violated any of the provisions of this Order;
- 18.1.6 That an Order of Execution vis-à-vis a decision finding the licensee liable for violation of a trade and industry law/s or rules and regulations directing BPS to suspend/cancel or revoke the PS License issued in favor of said licensee;
- 18.2 The license shall be suspended, recalled, withdrawn, cancelled or revoked after the BPS Director has served the licensee a notice of his intention to do so, stating therein the grounds for the contemplated action, granting the licensee the opportunity to be heard within fifteen (15) calendar days from the date of notice.
- 18.3 If there is a final finding that a product does not conform to the specified technical requirements, the license shall, upon mere notice be immediately suspended, withdrawn, recalled, cancelled or revoked.
- 18.4 Notwithstanding the preceding provisions, the BPS Director may direct that a Formal Charge be filed against the party concerned pursuant to E.O. 913 Series of 1983, DAO No. 7, Series of 2006 and DAO No. 2, Series of 2007 and /or its future amendments.
- 18.5 In cases of suspended, withdrawn or cancelled PS License, the manufacturer shall not be allowed to manufacture or produce in any manner the products covered by the particular PS License. The suspension, withdrawal or cancellation shall take effect immediately upon receipt of the notice until the suspension is lifted or the withdrawn/cancelled PS License is reinstated.

## **Rule 19. COMPLAINTS/APEAL HANDLING PROCESS**

- 19.1 BPS shall implement a system of handling complaints/appeals related to the product certification process.
- 19.2 Remedies for the action or decision of a BPS personnel/chief/director relative to an application for PS License/SOC/ICC shall be the following:
  - 19.2.1 In case of denial of the PS License/SOC/ICC application, the applicant may file a motion for reconsideration with the BPS Director within ten (10) working days from receipt of the letter of denial. No second motion for reconsideration shall be allowed;
  - 19.2.2 In case of suspension, recall, withdrawal, cancellation or revocation of the PS License, a motion for reconsideration may be filed with the BPS Director by the licensee within ten (10) working days from receipt of the notice. No second motion for reconsideration shall be allowed.

- 19.3 In case the motion for reconsideration is denied, an appeal may be filed with the DTI Secretary within fifteen (15) calendar days from receipt of denial of the motion for consideration. The appeal shall be based solely on grounds of grave abuse of discretion amounting to lack or excess of jurisdiction committed by the official who rendered the decision.
- 19.4 The filing of a Motion for Reconsideration shall suspend the period to file an appeal.

## **Rule 20. PROHIBITED ACTS**

The following acts are hereby declared prohibited, in addition to those listed in DAO No. 2, Series of 2007 and its future amendments, viz:

- 20.1 Use of the Product Certification Mark in any misleading manner;
- 20.2 Manufacture or production of covered products after the license is suspended, withdrawn or cancelled;
- 20.3 Sale, offer for sale using over the counter or on-line mode or any form of advertisement of any ceramic tiles not complying with the particular technical regulation or corresponding standard;
- 20.4 Non-compliance, neglect or resistance to effect the product recall as directed by BPS;
- 20.5 Misrepresentations, misleading or unauthorized statements and/or claims made in the application, letters/replies/forms in relation to product certification. Such include unauthorized reproduction of product certification documents, or any part thereof;
- 20.6 Non-compliance or failure to comply with the provisions hereof.

## **Rule 21. PENALTIES OR SANCTIONS**

The following shall be imposed upon any manufacturer, importer, recognized testing laboratory/facility, or any other person or entity found in violation of any provision hereof after due process, as may be appropriate:

- 21.1 Administrative fine as per existing DTI Rules and Regulations/Department Administrative Orders and E.O. 913.
- 21.2 Cancellation or revocation of PS License pursuant to a final and executory decision rendered by an administrative agency or the regular courts.
- 21.3 Cancellation or revocation of recognition issued by the BPS.
- 21.4 Watch-listing and/or blacklisting of importers/manufacturers.
- 21.5 Any other sanctions or penalties as provided under existing DTI rules and regulations.

## **Rule 22. DISPOSAL OF SAMPLES**

- 22.1 Tested samples which complied with the requirements of the standard as well as the unused samples shall be retrieved by the manufacturer and/or importer within fifteen (15) calendar days from receipt of notice of retrieval from the concerned testing laboratory, copy BPS. If the importer/manufacturer fails to claim the samples after the said period, the testing laboratory shall, with due notice to BPS and the manufacturer and/or importer, dispose the samples in a manner deemed appropriate in accordance with existing accounting and auditing rules.
- 22.2 Samples which fail to comply with the specified requirements shall be stored for at least six (6) months in the laboratory to ensure their availability in the event the importer/manufacturer contests the result of the test including those subject of litigation.

## **Rule 23. ISSUANCE OF GUIDELINES/PROCEDURES**

BPS may issue such procedural guidelines as may be necessary in the implementation of this Order.

## **Rule 24. MONITORING AND MARKET SURVEILLANCE**

- 24.1 The BPS, FTEB or DTI RO/PO shall at any time monitor and inspect products in the market for conformance to the requirements of this Order, their future amendments, and the specified standard. If the products are found not in conformity, the BPS, FTEB or DTI RO/PO shall make appropriate legal actions or impose necessary sanctions, in accordance with the relevant laws, rules and regulations.
- 24.2 The BPS, in coordination with the Construction Industry Authority of the Philippines (CIAP) may conduct verification and inspection at construction project sites to ensure that the ceramic tiles used are compliant with the requirements of this Order.

## **Rule 25. TRANSITORY PROVISIONS**

- 25.1 All manufacturers with existing valid PS License shall comply with the procedures and requirements of this Order on the subsequent surveillance audit, but not earlier than six (6) months upon effectivity hereof. All pending PS applications received prior to the effectivity of this Order shall be processed in accordance with DAO 04:2008 and after the issuance of the PS License, manufacturers shall comply with the procedures and requirements of this Order on the subsequent surveillance audit.
- 25.2 For existing foreign PS License holders with multiple importers, a list of existing importers shall be forwarded to BPS. The importers within the said list shall submit a copy of the authorization from the manufacturer upon applying for SOC.
- 25.3 The authority to import for existing importers shall be valid until the expiration of the License unless sooner revoked or superseded. Upon recertification, the foreign PS License holder shall appoint a specific importer to continue using the license number. For other and new/additional importers, new PS application shall be required.

- 25.4 All PS License applications received after the effectivity of this Order shall be subject to the procedures and requirements prescribed herein.
- 25.5 All importations of ceramic tiles covered by this Order shall be subject to the procedures and requirements prescribed herein immediately upon effectivity hereof.
- 25.6 All local manufacturers of ceramic tiles covered by this Order shall apply and secure a PS License within six (6) months after the date of effectivity of this Order.
- 25.7 Six (6) months after the effectivity of this Order, all local manufacturers of ceramic tiles shall have a valid PS License prior to manufacture, distribution, and/or selling.
- 25.8 To ensure strict compliance, monitoring and enforcement shall be conducted eight (8) months after the effectivity of this Order. After this period, only ceramic tiles bearing a valid PS Mark or ICC Sticker shall be distributed in the local market. All non-compliant products shall be subject to the following:
- 25.8.1 First Offense – Notice of Violation shall be issued but retailers/distributors shall only be advised to pull-out the items from the selling area.
- 25.8.2 Second Offense onwards – Notice of Violation shall be issued subject to the regular adjudication process.

All other provisions not covered by this transitory provision shall take effect immediately upon effectivity thereof.

#### **Rule 26. REPEALING CLAUSE**

All provisions of existing Department Administrative Orders, circulars, and guidelines inconsistent with this Administrative Order are hereby repealed subject to the transitory provisions herein.

#### **Rule 27. SEPARABILITY CLAUSE**


If any term or provision of this Order should be declared illegal or invalid by a court of competent jurisdiction, the remaining terms and provisions thereof shall remain unimpaired and in full force.


#### **Rule 28. EFFECTIVITY**

This Order shall take effect upon fifteen (15) days after its publication in a national newspaper of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register.

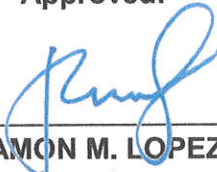
Done in the City of Makati this 22 day of December in the year 2020.

**Recommended by:**

  
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**NEIL P. CATAJAY**  
Director, Bureau of Philippine Standards

  
\_\_\_\_\_  
**ATTY. RUTH B. CASTELO**  
Undersecretary, CPG

**Approved:**

  
\_\_\_\_\_  
**RAMON M. LOPEZ**  
Secretary



**TABLE 1: SCHEDULE OF FEES AND CHARGES FOR BPS PS LICENSING**

PARTICULARS		FEE	PAYABLE TO
1	Application Form	Php 300.00	DTI
2	Quality Manual Review	Php 5,000.00	
3	Pre-Audit / Audit / Surveillance Audits per Man-Hour (Payable within 15 days after billing) as per size of establishment based on Table 1A		
3.1	Micro	Php 100.00 or as charged by Designated Auditing Body	DTI / Designated Auditing Body
3.2	Small	Php 300.00 or as charged by Designated Auditing Body	
3.3	Medium	Php 400.00 or as charged by Designated Auditing Body	
3.4	Large	Php 500.00 or as charged by Designated Auditing Body	
4	Original License Fee* (Payable within 15 days after billing)		
4.1	Micro	Php 5,000.00	DTI
4.2	Small	Php 7,500.00	
4.3	Medium	Php 10,000.00	
4.4	Large	Php 12,500.00	
5	Annual License Fee* (Payable within 15 days after billing)		
5.1	Micro	Php 2,500.00	DTI
5.2	Small	Php 3,750.00	
5.3	Medium	Php 5,000.00	
5.4	Large	Php 6,250.00	
6	Transportation	As per arrangement (if necessary)	DTI / Designated Auditing Body
7	Hotel Accommodation	As per arrangement (if necessary)	DTI / Designated Auditing Body
8	Testing Fee	As charged by the BPS Testing Laboratory or BPS-recognized testing laboratories	DTI / BPS-Recognized Testing Laboratory
9	Freight Charges of Samples	As charged by Freight Forwarder	Freight Forwarder
10	Market Sample	As per Official Receipts / Sales Invoice	Manufacturer/Importer

**TABLE 1A: SIZE OF ESTABLISHMENT**

<b>SIZE OF ESTABLISHMENT</b>	<b>ASSETS</b>
Micro	Up to Php 3,000,000.00
Small	Php 3,000,001.00 up to Php 15,000,000.00
Medium	Php 15,000,001.00 up to Php 100,000,000.00
Large	Over Php 100,000,000.00

**TABLE 2: SCHEDULE OF FEES AND CHARGES FOR THE IMPORT COMMODITY CLEARANCE (ICC) AND STATEMENT OF CONFIRMATION (SOC)**

<b>PARTICULARS</b>	<b>FEE</b>	<b>PAYABLE TO</b>
Application Fee	Php 300.00	DTI
Processing Fee (depends on the value of the batch being applied for SOC/ICC)		
Invoice/batch value up to <b>Php 500,000.00</b>	Php 5,000.00	DTI
Invoice/batch value from <b>Php 500,001.00 to Php 1,000,000.00</b>	Php 7,500.00	
Invoice/batch value above <b>Php 1,000,000.00</b>	Php 10,000.00	
Inspection Fee	As charged by the DTI / BPS Designated Inspection Body	DTI / Designated Inspection Body
Transportation	As per arrangement (if necessary)	DTI / Designated Inspection Body
Testing Fee	As charged by the BPS Testing Laboratory or BPS-recognized testing laboratories	DTI / BPS-Recognized Testing Laboratory
Freight charges of samples	As charged by Freight Forwarder	Freight Forwarder
Market sample	As per Official Receipts/Sales Invoice	Manufacturer/Importer

**Notes:**

- ❖ *Original and Annual License Fees depend on the size of establishment as stipulated on Table 1A herein.*
- ❖ *The Schedule of Fees and Charges in this DAO were adopted from DAO 4:2008 and DAO 5:2008.*