

DEPARTMENT ADMINISTRATIVE ORDER NO. 10- 08
SERIES OF 2010

SUBJECT : FURTHER AMENDING THE 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 further amendments to *Department Administrative Order (DAO) No. 10-01, Series of 2010*, as amended by *Department Administrative Order No. 10-03 Series of 2010*, implementing the same Act, are hereby promulgated:

SECTION 1. Section 2, Rule I of *DAO No. 10-01 Series of 2010*, as amended is further amended to read as follows:

“Section 2. Statement of Policy

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

Secondly, THIS ORDER IS AIMED AT PREVENTING a business establishment from using a name that is identical or confusingly similar to the name of another registered business establishment, *EXCEPT WHEN ALLOWED UNDER THESE RULES.*”

SECTION 2. Section 3, Rule I of *DAO No. 10-01 Series of 2010*, as amended is hereby amended to read as follows:

“Section 3. Coverage

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

SECTION 3. Subsection 4.7, Rule I of *DAO No. 10-01 Series of 2010*, as amended, is hereby deleted and Subsections 4.8 to 4.13 are redesignated as Subsections 4.7 to 4.12 accordingly. Further, the new Subsections 4 and 4.9 are hereby amended to read as follows:

“Section 4 . Definition of Terms

As used in this Order,

x x x

4.4 *Business Name* (BN) shall refer to ANY name that is different from THE TRUE NAME OF AN INDIVIDUAL WHICH IS 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.

x x x

4.9 *FIELD OFFICE* SHALL REFER TO THE DTI OFFICE THAT PROCESSES BUSINESS NAME REGISTRATION.

x x x”

SECTION 4. Section 5 Rule II of *DAO No. 10-01 Series of 2010* as amended is further amended to read as follows:

“Section 5. Qualifications of an Applicant

A person who is at least eighteen (18) 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 QUALIFIED TO APPLY FOR A BN REGISTRATION.”

SECTION 5. Section 6 Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

“Section 6. Registration Requirements

Applicants shall comply with the following requirements:

- 6.1 SUBMISSION OF DULY ACCOMPLISHED APPLICATION FORM SIMILAR TO ANNEX “A” HEREOF, AND
- 6.2 PAYMENT OF THE PRESCRIBED FEE AND DOCUMENTARY STAMP TAX.

- 6.3 PRESENTATION OF ORIGINAL COPY OF ANY OF THE FOLLOWING IDENTIFICATION DOCUMENTS (ID), TO WIT:
- 6.3.1 PASSPORT
 - 6.3.2 VALID DRIVER'S LICENSE
 - 6.3.3 PROFESSIONAL REGULATION COMMISSION (PRC) ID
 - 6.3.4 NATIONAL BUREAU OF INVESTIGATION (NBI) CLEARANCE
 - 6.3.5 POLICE CLEARANCE
 - 6.3.6 POSTAL ID
 - 6.3.7 VOTER'S ID
 - 6.3.8 GOVERNMENT SYSTEM INSURANCE SYSTEM (GSIS) UNIFIED MULTI-PURPOSE ID
 - 6.3.9 SOCIAL SECURITY SYSTEM (SSS) ID
 - 6.3.10 TAX IDENTIFICATION NUMBER (TIN) ID
 - 6.3.11 OVERSEAS WORKERS WELFARE ADMINISTRATION (OWWA) ID
 - 6.3.12 SEAMAN'S BOOK
 - 6.3.13 GOVERNMENT OFFICE AND GOCC ID, (ARMED FORCES OF THE PHILIPPINES (AFP ID), HOME DEVELOPMENT MUTUAL FUND (HDMF ID) PHILPOST ID, PHILHEALTH ID
 - 6.3.14 INTEGRATED BAR OF THE PHILIPPINES (IBP) ID
 - 6.3.15 SENIOR CITIZEN CARD
 - 6.3.16 PERSON WITH DISABILITY CARD

PROVIDED HOWEVER THAT FOREIGN APPLICANTS SHALL BE REQUIRED TO PRESENT IN LIEU OF THE FOREGOING IDS THE ORIGINAL AND A CLEAR CERTIFIED COPY OF THE CERTIFICATE OF AUTHORITY TO ENGAGE IN BUSINESS IN THE PHILIPPINES PER *REPUBLIC ACT NO. 7042 AS AMENDED (FOREIGN INVESTMENT ACT)*, *REPUBLIC ACT NO. 8762 (RETAIL TRADE LIBERALIZATION LAW)* OR OTHER SIMILAR LAWS, IF APPLICABLE."

SECTION 6. Section 7 Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby deleted. Sections 8 to 20 is hereby redesignated as Sections 7 to 19 accordingly.

SECTION 7. The new Section 7, Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 7. Application Form, Contents

The application form shall contain the following information as required AND specified by the Bureau.

- 7.1 Proposed BN and two alternative BNs, in the order of preference;
- 7.2 Full name of the applicant;
- 7.3 Complete residential address of the Applicant;
- 7.4 CITIZENSHIP of the APPLICANT;
- 7.5 DATE OF BIRTH OF THE APPLICANT;
- 7.6 Tax Identification No. of the Applicant;
- 7.7 BUSINESS LOCATION, I.E., BARANGAY, CITY/MUNICIPALITY, AND/OR REGION WHERE THE BUSINESS IS LOCATED, EXCEPT WHEN REGISTRATION IS NATIONAL IN SCOPE; and
- 7.8 Undertaking."

SECTION 8. The new Section 8, Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 8. Signatories

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

- 8.1 The applicant herself/himself; or
- 8.2 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 9. The new Section 9, Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 9. Fees

- 9.1 The Department shall collect A REGISTRATION FEE FOR EVERY APPLICATION FOR REGISTRATION OF BN WHETHER ORIGINAL OR RENEWAL.
- 9.2 It shall also collect charges for certification, change in business information, cancellation, directory, statistical data, and listings generated to cover administrative, research, and other miscellaneous expenses AS PROVIDED FOR UNDER THE EXISTING GUIDELINES.
- 9.3 Payment of such fees and charges may be made through non-traditional mode of payment, with DTI-accredited bank or with the DTI Field Office.
- 9.4 There shall be no refund of fees legally collected."

SECTION 10. The new Section 10, Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 10. Undertaking

The applicant shall affix her/his signature in the Undertaking contained in the application form ATTESTING that said applicant –

- 10.1 Declares that all information supplied in the application filed are true and correct to the best of her/his belief and knowledge;

- 10.2 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;
- 10.3 Shall voluntarily cancel or change her/his registered BN UPON CONCLUSIVE DETERMINATION THAT a prior registrant and lawful user of an identical or confusingly similar BN EXISTS BASED ON SECTION 30.2.HEREOF;
- 10.4 IS FULLY AWARE OF AND shall comply with the provision of Act No. 3883, as amended, and its implementing rules and regulations and other related laws and rules; AND
- 10.5 DECLARES FULL RESPONSIBILITY TO ENSURE THAT HER/HIS PROPOSED BNS ARE REGISTRABLE UNDER THIS ORDER."

SECTION 11. The new Section 11, Rule III of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 11. Filing of Application

Lodgment of a duly accomplished BN application form and acceptance thereof by the DTI Field Office or by the online BN registration system constitutes the filing of the application for BN registration."

SECTION 12. The new Section 13, Rule III of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 13. Period to File

13.1 *Original Application*

The original application must be filed AT ANYTIME before the commencement of the applicant's business operation.

13.2 *Renewal Application*

- 13.2.1 Applications for renewal shall be filed WITHIN SIX (6) MONTHS IMMEDIATELY FOLLOWING the expiration of the registration. If the renewal APPLICATION is FILED WITHIN the last three (3) months thereof, a surcharge of Fifty Percent (50%) of the registration fee shall be imposed.

x x x "

SECTION 13. The new Section 14, Rule III of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 14. Procedure

14.1 *Over-The-Counter Application*

- 14.1.1 An application for BN registration may be filed with ANY Field Office by submitting TWO (2) COPIES OF DULY ACCOMPLISHED APPLICATION FORM SIMILAR TO ANNEX "A" HEREOF signed by the proper signatory as provided for in Section 9 of this Order and upon payment of the prescribed fee/s and submission of supporting documents, when necessary.

14.1.2 The Field Office after having been satisfied with the applicant's compliance with the REQUIREMENTS of Act No. 3883 as amended, and these rules, shall approve the application and issue the corresponding Certificate of BN Registration.

14.2 *Online Application*

14.2.1. An online application for BN registration shall be LODGED by accessing the BN Registration System website and filling up the web-based application form thereat WHICH IS SIMILAR TO ANNEX "A" HEREOF.

14.2.2. AN ONLINE APPLICANT MAY PAY USING ANY VALID LEGAL MODE OF PAYMENT INCLUDING BUT NOT LIMITED TO NON-TRADITIONAL MODE AS DEFINED IN THIS ORDER, PAYMENT WITH ANY BANK WHICH THE DEPARTMENT HAS A MERCHANT ACCOUNT FOR BN REGISTRATION AND OVER-THE-COUNTER PAYMENT IN ANY FIELD OFFICE.

14.2.3. AN ONLINE APPLICANT MAY CHOOSE TO AVAIL OF AN END-TO-END SOLUTION, I.E., SAID APPLICANT CAN FILE AND PAY ONLINE, AND DOWNLOAD AND PRINT THE CERTIFICATE WITHOUT PERSONALLY GOING TO DTI, EXCEPT TO SUBMIT THE REQUIRED ID WITHIN TEN (10) WORKING DAYS FROM THE TIME THE ONLINE TRANSACTION WAS COMPLETED.

14.2.4 AN ONLINE APPLICANT MAY CHOOSE TO FILE AND PAY ONLINE, AND CLAIM THE BN CERTIFICATE OVER-THE-COUNTER AT ANY FIELD OFFICE OR MAY AVAIL OF THE SERVICES OF A PRIVATE COURIER, IF SUCH FACILITY IS AVAILABLE. IN BOTH INSTANCES, THE PERIOD TO SUBMIT THE REQUIRED IDS AND CLAIM OF THE BN CERTIFICATE SHALL BE WITHIN TEN (10) WORKING DAYS FROM THE TIME THE ONLINE TRANSACTION WAS COMPLETED.

14.2.5. IN CASE THE ONLINE APPLICANT HAS NO ACCESS TO ONLINE PAYMENT FACILITY, SAID APPLICANT MAY RESERVE A BN ONLINE UP TO FIVE (5) WORKING DAYS COUNTED FROM THE DATE OF LODGMENT OF THE APPLICATION. THE APPLICANT MUST SIMULTANEOUSLY PAY THE REGISTRATION FEE AND PRESENT THE PRESCRIBED IDS TO ANY FIELD OFFICE WITHIN THE SAME PERIOD.

SECTION 14. The new Section 15, Rule IV of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 15. *Validity*

The Certificate of BN Registration shall be valid for five (5) years from the date of registration unless sooner cancelled voluntarily PURSUANT TO SECTION 19.2 OR REVOKED PURSUANT TO SECTION 28 OF THIS ORDER."

SECTION 15. The new Section 16, Rule IV of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

“Section 16. Contents

The Certificate of BN Registration shall indicate the following information:

- 16.1 Approved BN;
- 16.2 BUSINESS LOCATION;
- 16.3 Effectivity and expiry date of registration;
- 16.4 Registration certification number;
- 16.5 Name of the owner;
- 16.6 RESIDENTIAL ADDRESS OF THE OWNER;
- 16.7 Office, name, position and signature of the DTI authorized signatory;
- 16.8 TRN;
- 16.9 Payment of Documentary Stamp Tax; and
- 16.10 Date and place of issuance of the certificate.

SECTION 16. The new Section 20, Rule V of *DAO No. 10-01 Series of 2010*, as amended, shall read as follows:

“Section 20. TERRITORIAL BN REGISTRATION

A TERRITORIAL SCHEME OF BN REGISTRATION IS HEREBY ESTABLISHED BASED ON THE FOLLOWING GEOGRAPHICAL DIVISIONS, NAMELY: BARANGAY, CITY/MUNICIPALITY, REGIONAL AND NATIONAL. REGISTRANTS UNDER THIS SYSTEM ARE AUTHORIZED TO MAKE USE OF THE BN ANYWHERE WITHIN THE TERRITORY REGARDLESS OF THE NUMBER OF BRANCHES/OUTLETS SAID APPLICANTS MAY SET UP THEREIN.

BN APPLICANTS SHALL HAVE THE OPTION TO CHOOSE ANY OF THE FOUR (4) TERRITORIES AND MAY BE ALLOWED TO REGISTER A BN IN A SPECIFIC TERRITORY SUBJECT TO THE CONDITIONS PROVIDED FOR IN THIS ORDER.

SECTION 17. Sections 21 and 27 of *DAO No. 10-01 Series of 2010* are hereby deleted.

SECTION 18. The new Section 21, Rule V of *DAO No. 10-01 Series of 2010*, as amended, shall read as follows:

“Section 21. RULES ON APPROVAL OF BNS WITHIN TERRITORIAL BOUNDARIES

- 21.1 IF THE APPLICANT INDICATES HER/HIS BN AS APPLICABLE ONLY WITHIN THE BARANGAY, THE SAME BN SHALL BE APPROVED PROVIDED IT IS NOT IDENTICAL OR CONFUSINGLY SIMILAR WITH BNS REGISTERED WITHIN THE SAME BARANGAY, WITHIN THE CITY/MUNICIPALITY AND REGION OF THAT BARANGAY AND BNS THAT ARE NATIONAL IN SCOPE.

- 21.2 IF THE APPLICANT SPECIFIES HER/HIS BN AS APPLICABLE ONLY WITHIN A PARTICULAR CITY/MUNICIPALITY, THE SAME BN SHALL BE APPROVED PROVIDED IT IS NOT IDENTICAL OR CONFUSINGLY SIMILAR WITH BNS REGISTERED WITHIN THE SAME CITY/MUNICIPALITY AND ITS BARANGAYS, WITHIN ITS REGION AND BNS THAT ARE NATIONAL IN COVERAGE.
- 21.3 IF THE APPLICANT STATES HER/HIS BN AS APPLICABLE ONLY WITHIN A PARTICULAR REGION, THE SAME BN SHALL BE APPROVED PROVIDED IT IS NOT IDENTICAL OR CONFUSINGLY SIMILAR WITH BNS REGISTERED WITHIN THE SAME REGION AND ALL CITIES/MUNICIPALITIES AND BARANGAYS UNDER IT, AS WELL AS BNS THAT ARE NATIONAL IN APPLICATION.
- 21.4 IF THE APPLICANT IDENTIFIES HER/HIS BN AS NATIONWIDE IN SCOPE, THE SAME BN SHALL BE APPROVED PROVIDED THAT THE SAME IS NOT IDENTICAL OR CONFUSINGLY SIMILAR WITH ALL REGISTERED BNS."

SECTION 19. Section 23, Rule V of *DAO No. 10-01 Series of 2010*, as amended, shall read as follows:

"Section 23. Change of Business Information

- 23.1 In general, a change in business information before the expiration of the Certificate shall be effected only upon prior approval by the Department. The approval shall be issued only upon formal notice IN WRITING TO THE FIELD OFFICE of such change and payment BY THE REGISTRANT of the prescribed processing fee ;

PROVIDED THAT A CHANGE OF BUSINESS LOCATION/ TERRITORY SHALL BE DEEMED AS NEW APPLICATION, THE APPROVAL OF WHICH IS SUBJECT TO THE RULES ON REGISTRABILITY AND PAYMENT OF THE PRESCRIBED FEE UNDER SECTION 9 .1 HEREOF;

PROVIDED FURTHER THAT CHANGE ARISING FROM THE TRANSFER OF A BN FROM ONE REGISTRANT TO ANOTHER SHALL BE GOVERNED BY SECTION 25 HEREOF.

- 23.2 In case of change or amendment of the registrant's name by virtue of marriage or judicial decree, the advice for change shall be supported by presentment of the original copy of marriage certificate or the appropriate judicial decree, and submission of a duplicate or clear certified copy thereof.
- 23.3 Once change is effected a corresponding certification shall be issued as an addendum to the original certificate.
- 23.4 The Director may correct typographical and such other errors in the entry in the BN DATABASE, or supply any particular information omitted from an application previously registered."

SECTION 20. Subsection 24.1 is hereby deleted; Subsections 24.2 and 24.3 are renumbered as 24.1 and 24.2 accordingly.

SECTION 21. Section 26 Rule VII of *DAO No. 10-01 Series of 2010*, as amended, shall read as follows:

“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 SUPPLIED VERBALLY may be given at no cost SUBJECT TO EXISTING GUIDELINES.

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 LOCATION, certificate number, name and residential address of the registrant, date of registration.

x x x”

SECTION 22. Sections 28 to 36 of *DAO No. 10-01 Series of 2010*, as amended, are redesignated as Sections 27 to 35, respectively.

SECTION 23. The new Section 27 shall read as follows:

“Section 27. BNs that are not Registrable.

27.1 Those which are or whose natures of business are illegal, offensive, scandalous, or contrary to propriety.

27.2 Those which are identical or nearly resemble a BN already registered with the DTI EXCEPT WHEN EXPRESSLY ALLOWED IN THIS ORDER UNDER SECTION 21, 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 taking into consideration the following:

- 27.2.1 nature of the business;
- 27.2.2 product/service handled;
- 27.2.3 location/place of the business;
- 27.2.4 dominant word;
- 27.2.5 use of descriptive words; AND
- 27.2.6 spelling, sound and/or meaning

PROVIDED , THAT THE PROHIBITION AGAINST REGISTRATION OF SIMILAR SOUNDING BNS SHALL NOT BE APPLICABLE TO THOSE THAT ARE LIMITED IN SCOPE LIKE IN THE CASE OF BARANGAY, CITY/MUNICIPALITY AND REGION.

- 27.3 Names composed purely of generic or geographic words;
- 27.4 Names which by law or regulation cannot be appropriated;
- 27.5 Names, words, terms, or expressions used to designate or distinguish, or suggestive of quality of any class of goods, articles, merchandise, or service;
- 27.6 THE Names OR ABBREVIATION OF NAMES used by the government in its governmental functions;
- 27.7 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; AND
- 27.8 Names which are deceptive, misleading or which misrepresent the nature of business."

SECTION 24. The new Section 28, Rule VII of *DAO No. 10-01 Series of 2010*, as amended, shall read as follows:

"Section 28. 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:

- 28.1 Registration of any of the BNs mentioned in Section 27 hereof;
- 28.2 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;
- 28.3 Failure to display business name in a signboard and/ or registration certificate upon commencement of, and while engaging in business;
- 28.4 Failure to operate business within a period of six (6) months from registration of the BN;
- 28.5 Change of OWNER'S address AND BUSINESS LOCATION without prior approval of the Department;
- 28.6 Registration of those which may be used in a manner that will endanger the security of the State;
- 28.7 Use of the BN for an immoral or illegal purpose or in a business found to be involved in immoral or unlawful activity;
- 28.8 Contravention or failure to comply with any provisions of these rules; and
- 28.9 Gross violation of any law implemented by the Department.

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

- 28.10 Cancellation or revocation for a cause of any license or permit to engage in business by any authorized government agency;
- 28.11 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);

28.12 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; AND

28.13 FAILURE TO SUBMIT THE PRESCRIBED IDENTIFICATION DOCUMENT WITHIN TEN (10) WORKING DAYS FROM THE TIME THE ONLINE BN REGISTRATION IS COMPLETED.”

SECTION 25. The new Section 32, Rule X of *DAO No. 10-01 Series of 2010*, as amended, shall read as follows:

“Section 32. Implementing Offices; Functions

32.1 Bureau of Trade Regulation and Consumer Protection (BTRCP)

The BTRCP shall oversee the implementation of the BN registration, AND SHALL FORMULATE AND PRESCRIBE POLICY GUIDELINES FOR THE EFFECTIVE AND EFFICIENT IMPLEMENTATION OF BN LAW AND ITS IRR, AS AND WHEN NEEDED. IT SHALL LIKEWISE PERFORM PERIODIC REVIEW OF ITS IMPLEMENTATION.

32.2 DTI MANAGEMENT AND INFORMATION SERVICES (MIS)

THE MIS SHALL KEEP AND MAINTAIN THE BN REGISTRY AND PERFORM SUCH OTHER TECHNICAL FUNCTIONS THAT ARE NECESSARY FOR THE MAINTENANCE OF WEB-ENABLED BUSINESS NAME REGISTRATION SYSTEM.

32.3 REGIONAL OPERATIONS AND DEVELOPMENT GROUP (RODG)

32.3.1 THE RODG THROUGH ITS DESIGNATED OFFICE/S SHALL PERFORM THE FOLLOWING FUNCTIONS, NAMELY:

- (A) RECEIVE AND PROCESS REQUESTS FOR LIST OF BNS, STATISTICAL REPORTS, DIRECTORIES, ETC.;
- (B) APPROVE OR DISAPPROVE REQUESTS FOR ELECTRONIC ACCESS TO COMPUTER INFORMATION;
- (C) TAKE COGNIZANCE OF REQUESTS FOR RECONSIDERATION FROM APPLICANTS WHOSE APPLICATION WERE DENIED BY ANY FIELD OFFICE IN CONSONANCE WITH SEC. 29 OF THIS ORDER; AND
- (D) UNDERTAKE SUCH OTHER MEASURES AS MAY BE DEEMED NECESSARY TO IMPROVE THE REGISTRATION PROCESS.

32.3.2 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 -

- (a) Accept, review and process applications for registration of BNs whose place of business is located within its area of jurisdiction;
- (b) Accept payment of fees related to BN registration;
- (c) Issue certificates of registration of BN and related certifications;
- (d) Receive and process requests for list of BNs, statistical reports, directories, etc.;

- (e) Have visitorial power to determine whether any person has complied with the provisions of Act No. 3883, as amended, and these Rules.
- (f) Exercise such other delegated authority under E.O. No. 913, this Order and DAO No. 7, Series of 2006 .

32.3.3 The Regional Offices, in addition to the foregoing functions, shall likewise act on requests OF APPLICANTS for reconsideration OF DENIAL OF PROPOSED BNS BY its respective Provincial/Area Offices pursuant to Sec. 31 hereof.”

SECTION 26. 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 27. Repealing Clause

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

SECTION 28. Effectivity Clause

This Order shall take effect five (5) days after its publication in two (2) 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 30th day of September 2010 in the City of Makati, Philippines.


GREGORY L. DOMINGO
Secretary

Recommended by:


ZENAIDA CUISON MAGLAYA
Undersecretary
Consumer Welfare and Trade Regulation Group



**BUSINESS NAME APPLICATION FORM
FOR SOLE PROPRIETOR**

NEW RENEWAL

TERRITORIAL SCOPE OF BUSINESS NAME REGISTRATION AND FEES (PLEASE TICK ONLY ONE):

BARANGAY REGIONAL
 CITY/MUNICIPALITY NATIONAL

UNDERTAKING

Per Department Administrative Order (DAO) No. 10-01 as amended, I hereby declare that:

1. All information supplied in this application are true and correct to the best of my belief and knowledge;
2. 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 me;
3. I shall voluntarily cancel or change my registered BN upon conclusive determination that a prior registrant and lawful user of an identical or confusingly similar BN exists. Confusingly similar business names may refer to those enumerated in item 5 (b) hereof.
4. I am fully aware of and shall strictly comply with the provision of Act No. 3883, as amended, and its implementing rules and regulations and other related laws and rules; and
5. It is my responsibility to ensure that my proposed business name is -
 - a) not and will not be used for business that is illegal, offensive, scandalous, or contrary to propriety; (e.g. *Popoy's Jueteng Betting Place, Boobs Massage and Spa*);
 - b) not the same or nearly the same as an existing registered business, company, partnership, corporation, cooperative name; nor it infringes on any trademark, service mark and tradename (e.g. *Anne Dok's Lechon, Jolibee, Starbax Cafe*);
 - c) not composed purely of generic or geographic words (e.g. *The Laundry Shop, Bacolod*);
 - d) not a name which by law or regulation cannot be appropriated (e.g. *OTOP, Intelligence, State College, CALABARZON*);
 - e) not used to designate or distinguish, or suggestive of quality of any class of goods, articles, merchandise, or service (e.g. *Best Taho Factory, A-1 Auto Repair Shop*);
 - f) not a name or abbreviation of a name used by the government in its governmental functions (e.g. *NBI Private Investigation Services, DTI Trading*);
 - g) not a name or abbreviation of a name of any nation, inter-governmental or international organization (e.g. *Philippine Manpower Pooling Agency, UNESCO Marketing, WHO Health Services*); and
 - h) not deceptive, misleading or which misrepresent the nature of business (e.g. *"ABC Construction Services" where nature of business is recruitment, a business name carrying another person's name*).

(Applicant Signature Over Printed Name)

Date

A. Business Details							
1. For Renewal Only (Fill-up this portion only)							
Previous Certificate No. _____				OR			
Year of Registration _____				Business Name _____			
				Owner's Name _____			
2. Proposed Business Name(s) (in order of priority)		1 st - _____					
		2 nd - _____					
		3 rd - _____					
3. Business Location :		Barangay _____		City/ Municipality _____		Region _____	4. TIN _____
B. Owner's Details							
5. First Name _____			6. Middle Name _____		7. Last Name _____		8. Suffix (e.g. Jr, Sr, I, II) _____
9. Date of Birth _____					10. Citizenship _____		
C. Owner's Address							
11. House/Building No. _____			12. Street _____			13. Barangay _____	
14. Town/City _____			15. Province _____			16. Zip Code _____	
For DTI Use Only							
TRN/PBN _____	Date of Registration _____		Certificate No. _____		Processed By _____	Office _____	OR Number _____
							Date Paid _____
Approved Business Name _____							