



JOINT ADMINISTRATIVE ORDER NO. 22-01
Series of 2022

Subject : GUIDELINES FOR ONLINE BUSINESSES REITERATING THE LAWS AND REGULATIONS APPLICABLE TO ONLINE BUSINESSES AND CONSUMERS

WHEREAS, the COVID-19 pandemic has disrupted traditional business models and rearranged economic structures forcing the accelerated growth of e-Commerce, along with the drastic rise in consumer complaints and fraudulent online transactions;

WHEREAS, the DTI launched the e-Commerce Philippines 2022 Roadmap which aims to pursue an e-Commerce policy agenda to drive its objective of gaining the trust and confidence of the Filipinos in e-Commerce to increase e-Commerce transactions, and to help create a safer environment for online consumers and merchants facilitated by a strong digital consumer and merchant protection framework;

WHEREAS, Section 29 of Republic Act No. 8792, or the “Electronic Commerce Act”, authorizes the DTI to supervise the promotion and development of electronic commerce in the country together with relevant government agencies. Further, it shall promulgate rules and regulations, as well as provide quality standards or issue certifications, as the case may be, and perform such other functions as may be necessary for the implementation of Electronic Commerce Act;

WHEREAS, there is a need to issue a policy directive to implement existing and prevailing trade and industry laws to address the need to improve the regulation of online selling activities, inform online sellers, merchants, or e-retailers about the equal treatment of the law of online and offline businesses, and ensure that they are reminded of the general laws and regulations that may apply to their online business;

WHEREAS, pursuant Executive Order No. 292, or the Administrative Code of 1987:

1. The Department of Trade and Industry (DTI) shall formulate and implement policies, plans, and programs relative to the regulation of trade, industry, and investments, and protect consumers from trade malpractices and from substandard or hazardous products;
2. The Department of Agriculture (DA) shall promulgate and enforce all laws, rules and regulations governing the conservation and proper utilization of agricultural and fishery resources, and be responsible for the planning, formulation, execution, regulation, and monitoring of programs and activities relating to agriculture, food production and supply;
3. The Department of Health (DOH) shall be primarily responsible for the formulation, planning, implementation, and coordination of policies and programs in the field of health. Its primary function is the promotion, protection,

preservation or restoration of the health of the people through the provision and delivery of health services and through the regulation and encouragement of providers of health goods and services. The DOH shall issue orders and regulations concerning the implementation of established health policies;

4. The Department of Environment and Natural Resources (DENR) formulate, implement and supervise the implementation of the government's policies, plans, and programs pertaining to the management, conservation, development, use and replenishment of the country's natural resources. It shall promulgate rules and regulations in accordance with law governing the exploration, development, conservation, extraction, disposition, use and such other commercial activities tending to cause the depletion and degradation of our natural resources;

WHEREAS, Executive Order No. 913, dated 07 October 1983, vests in the DTI the power to promulgate rules and regulations to implement the provision and intent of "trade and industry laws." Even prior to the commencement of a formal investigation on a violation of any trade an industry law, the DTI Secretary has the power to issue orders on seizures, padlocking, withholding, holding of any craft or vessel, prevention of departure, and such other preventive measures and other similar orders;

WHEREAS, Section 125 of Executive Order No. 94, dated 04 October 1947, vests in the DOH the protection of the health of the people, the maintenance of sanitary conditions, and the proper enforcement of the laws and regulations relative to health, sanitation, food, drugs and narcotics, slum housing, garbage and other waste disposal;

WHEREAS, the Food and Drug Administration (FDA), pursuant to Section 5 (e), and (o) of Republic Act No. 9711 or the "Food and Drug Administration Act of 2009", as an office under the DOH, has the power: (1) to issue certificates of compliance with technical requirements to serve as basis for the issuance of appropriate authorization and spot-check for compliance with regulations regarding operation of manufacturers, importers, exporters, distributors, wholesalers, drug outlets, and other establishments and facilities of health products, as determined by the FDA; (2) to conduct, supervise, monitor and audit research studies on health and safety issues of health products undertaken by entities duly approved by the FDA; and (3) to prescribe standards, guidelines, and regulations with respect to information, advertisements and other marketing instruments and promotion, sponsorship, and other marketing activities about the health products as covered in the said Act;

WHEREAS, pursuant to Article 6 of Republic Act No. 7394, or the Consumer Act of the Philippines, the DTI established the CONSUMERNET, on 12 November 1996, in order to facilitate the flow of consumer protection information and to provide a speedy resolution of consumer complaints;

WHEREAS, Republic Act No. 8293, or the "Intellectual Property Code of the Philippines", mandates the Intellectual Property Office of the Philippines (IPOP HL) to coordinate with other government agencies and the private sector efforts to formulate and implement plans and policies to strengthen the protection of intellectual property rights in the country and, administratively adjudicate contested proceedings affecting intellectual property rights. The IPOP HL protects and secures the exclusive rights of

scientists, inventors, artists and other gifted citizens to their intellectual property and creations. The Intellectual Property Code of the Philippines grants similar protection to nationals of treaty partners of the Philippines, especially in the area of repression of unfair competition. The Bureau of Legal Affairs of the IPOPHL is authorized to order provisional remedies in accordance with the Rules of Court, such as Preliminary Attachment, Preliminary Injunction, Temporary Restraining Order, and Replevin;

WHEREAS, Republic Act No. 10173, or the “Data Privacy Act of 2012”, authorizes the National Privacy Commission (NPC) to coordinate with other government agencies and the private sector on efforts to formulate and implement plans and policies to strengthen the protection of personal information in the country;

WHEREAS, on 09 March 2020, the Philippines, through the NPC, became an official participant in the Asia-Pacific Economic Cooperation Cross-Border Privacy Rules (CBPR) system, committing itself to protect personal data through enforceable standards, accountability, risk-based protections, consumer-friendly complaints handling, consumer empowerment, consistent protection, and cross-border enforcement cooperation;

NOW, THEREFORE, pursuant to the above-mentioned, and subject to the limitations of their mandates conferred by law, the DTI, DA, DENR, DOH, IPOPHL, NPC, hereby promulgate the following guidelines through this Joint Administrative Order (JAO).

I. PRELIMINARY PROVISIONS

SEC. 1. OBJECTIVE.

This JAO aims to increase consumer confidence in business-to-consumer (B2C) and business-to-business (B2B) e-Commerce transactions. It seeks to ensure that e-Commerce platforms, electronic retailers (e-retailers), and online merchants are properly guided about the rules, regulations, and responsibilities in the conduct of their online business, considering the need to protect consumers against deceptive, unfair, and unconscionable sales acts and practices. Moreover, the purpose of this JAO is to ensure that online consumers are informed of their rights and the mechanisms for redress.

SEC. 2. SCOPE AND COVERAGE.

This JAO effectively reiterates existing policies, procedures and guidelines that should apply to online businesses. This JAO likewise integrates the procedures and remedies that online consumers are entitled to.

This JAO shall cover all online businesses, whether natural or juridical, formal or informal, that are engaged in electronic transactions, including, but not limited to the sale, procurement, or availment of goods, digital content/products, digital financial services, entertainment services, online travel services, transport and delivery services, and education services. Further, online businesses shall include but shall not be limited to e-Commerce platforms, online sellers, merchants, e-marketplaces, and e-retailers as defined in Section 4 of this JAO.

SEC. 3. APPLICABILITY OF LAWS AND REGULATIONS.

The laws applicable to physical or offline businesses are, as far as practicable, equally applicable to online businesses. Violations of relevant and pertinent laws governing commerce, including but not limited to the Consumer Act of the Philippines, Electronic Commerce Act, and Data Privacy Act of 2012 shall be penalized with the same penalties as provided in the applicable laws.

Unless expressly specified, nothing in this JAO shall be construed as to diminish or deprive the regulatory jurisdiction conferred by law upon other government agencies, including Local Government Units (LGUs).

SEC. 4. DEFINITION OF TERMS.

As used in this JAO, the following terms are defined to mean:

- 4.1 **Business to Business (B2B) transaction** – refers to internet transactions conducted over marketplaces that facilitate business to business electronic sales of new and used merchandise using the internet.
- 4.2 **Business to Consumer (B2C) transaction** – refers to the act or process of selling or providing goods or services by businesses to consumers, whether for a profit or not;
- 4.3 **Consumer** – refers to a person who is a purchaser, lessee, recipient, or prospective purchaser, lessor or recipient of consumer products, services, advertising or promotion, credit, technology, and other items in e-Commerce;
- 4.4 **Derivatives** – refer to a substance or material extracted or taken from wildlife such as but not limited to blood, saliva, oils, resins, genes, gums, honey, cocoon, fur, tannin, urine, serum, spores, pollen and the like; a compound directly or indirectly produced from wildlife and/or products produced from wildlife and wildlife products.
- 4.5 **Digital financial services** – refer to services of a financial nature that are made available to the public through the internet, including banking services, insurance and insurance-related services, payment and money transmission services, remittance services, lending services, investment services, and other similar or related services;
- 4.6 **Digital content or product** – refers to data which is produced and supplied in electronic form;
- 4.7 **Education service** – refers to services designed to promote, impart, share, source, or review knowledge, and to those intended to assist, facilitate, or improve learning, through an online platform, application, website, webpage, social media account, or other similar platform operated by the provider for profit, regardless of whether the provider is authorized to engage in e-Commerce in the Philippines. Moreover, it is commonly referring to four categories: Primary Education Services; Secondary Education Services;

Higher (Tertiary) Education Services; and Adult Education;

- 4.8 **Electronic commerce or e-Commerce** – refers to the production, distribution, marketing, sale, or delivery of goods and services by electronic means;
- 4.9 **Electronic data message** – refers to information generated, sent, received or stored by electronic, optical or similar means;
- 4.10 **Electronic transaction** – refers to the sale or purchase of goods or services, whether between businesses, households, individuals, governments, and other public or private organizations, conducted over computer-mediated networks. The goods and services are ordered over those networks, but the payment and the ultimate delivery of the goods or services may be conducted online or off-line.
- 4.11 **E-Commerce platform** – refers to a natural or juridical person that solicits or facilitates the purchase, procurement, or use of goods and services, with the presence and use of monetary transactions, including using, developing, creating, or promoting digital content through digital platforms, websites, and marketplaces, with functions which connects and encourages consumers, online merchants, sellers, and retailers to enter into commercial transactions.
- 4.12 **E-marketplace** – refers to an online intermediary that allows participating merchants to exchange information about products or services to enter into an electronic commerce transaction, which may or may not provide information/services about payments and logistics;
- 4.13 **E-retailer** – refers to an organization selling products or services directly to customers online.
- 4.14 **Goods** – refer to physically or digitally produced items over which ownership rights may be established, and whose economic ownership may be passed from one to another by engaging in transactions; For purposes of this JAO, goods shall include, but not be limited to live animals and seeds.
- 4.15 **Online business** – refers to any commercial activity over the internet, whether buying or selling goods and/or services directly to consumers or through a platform, or any business that facilitates commercial transactions over the internet between businesses and consumers. Online businesses shall include e- Commerce platforms, e-marketplace, online sellers/merchants and e-retailers (e- tailers) as defined in this section.
- 4.16 **Online travel services** – refer to services that facilitate the reservation, purchase or discounting of flights, hotel accommodations, and vacation rental spaces, through an online platform, application, website, webpage, social media account, or other similar platform operated by the provider, regardless of whether the provider is authorized to engage in e-Commerce in the Philippines.
- 4.17 **Online seller or merchant** – refers to an organization or retailer selling

products or services to customers through an e-marketplace.

- 4.18 **Transport and Delivery Service** – refers to the delivery of food, goods or other merchandise, or of personal transport services and other courier services, contracted through an online platform, application, website, webpage, social media account, or other similar platform operated by the provider, regardless of whether the provider is authorized to engage in e-Commerce in the Philippines.
- 4.19 **Wildlife** – refers to wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated.
- 4.20 **Wildlife by-product** – refers to any part taken from wildlife species such as meat, hides, antlers, feathers, leather, fur, internal organs, bones, roots, trunks, barks, petioles, leaf fibers, branches, leaves, stems, flowers, scales, scutes, shells, coral parts, carapace and the like, or whole dead body of wildlife in its preserved/stuffed state, including compounds indirectly produced in a bio-chemical process or cycle.

II. RESPONSIBILITIES OF ONLINE BUSINESSES AND PROTECTION OF CONSUMERS

SEC. 5. RESPONSIBILITIES OF ONLINE BUSINESSES.

To build trust in e-Commerce and to protect and uphold the interest of consumers at all times, online businesses shall comply with all Philippine laws, rules and regulations, bearing in mind the following principles of the ASEAN Online Business Code of Conduct:

- 5.1 **Fair Treatment of Consumers.** Online businesses shall refrain from illegal, fraudulent, unethical, or unfair business practices that may harm consumers.
- 5.2 **Upholding Responsibilities.** Online businesses shall value consumer rights to the same extent as traditional brick-and-mortar businesses.
- 5.3 **Compliance with Laws and Regulations.** Online businesses shall observe and comply with the policies, laws and regulations in the countries where their goods and services are marketed.
- 5.4 **Conformance to Local Standards.** Online businesses shall apply the necessary standards and provide accurate information in the local language of the countries where their goods and services are marketed.
- 5.5 **Ensured Quality and Safety.** Online businesses shall ensure shared responsibility along the entire supply chain. They shall not compromise product, health, and food safety, not offer products which have been recalled, banned or prohibited, and shall ensure that their services are of highest quality.

- 5.6 **Honest and Truthful Communication.** Online businesses shall provide easily accessible, complete, and correct information about their goods and services, and adhere to fair advertising and marketing practices.
- 5.7 **Price Transparency.** Online businesses shall ensure transparency and openness regarding their prices, including any additional costs, such as customs duties, currency conversion, shipping, delivery, taxes, service/processing fees, and convenience fees.
- 5.8 **Proper Recordkeeping.** Online businesses shall keep proper records of purchase, provide complete records of the goods purchased, and have them delivered in the promised time and described condition.
- 5.9 **Review and Cancellation Options.** Online businesses shall offer options to allow consumers to review their transactions prior to final purchase, and of cancellation and allow consumers to review their transaction before making the final purchase, and to withdraw from a confirmed transaction in appropriate circumstances. Fraudulent acts both by online businesses and consumers shall be dealt with in accordance with existing penal/special laws.
- 5.10 **Responsive Consumer Complaint and Redress System.** Online businesses shall take consumer complaints seriously, establish a fair and transparent system to address complaints, and provide appropriate compensation, such as refund, repair, and/or replacement.
- 5.11 **Consumer Information Security.** Online businesses shall secure the personal information of consumers, actively protect their privacy, be transparent about processing personal data, and if appropriate under the circumstances, ask for permission prior to any personal data processing activity.
- 5.12 **Online Payment Security.** Online businesses shall ensure that online payments used are safe and secure. They shall safeguard sensitive data by choosing digital payment platforms with the appropriate secure technology and protocols, such as encryption or SSL, and display trust certificates to prove it.
- 5.13 **Desistance from Online Spamming.** Online businesses shall avoid online spamming. They shall allow consumers to choose whether they wish to receive commercial messages by e-mail or other electronic means, and provide adequate mechanisms for them to opt-out from the same.
- 5.14 **Non-proliferation of Fake Online Reviews.** Online businesses shall not restrict the ability of consumers to make critical or negative reviews of goods or services, or spread wrong information about competitors.
- 5.15 **Consumer Education on Online Risks.** Online businesses shall educate consumers about (online) risks. They shall help consumers in understanding the risks of online transactions, and provide competent guidance if needed.

SEC. 6. PROTECTION OF ONLINE CONSUMERS AGAINST HAZARDS TO HEALTH AND SAFETY.

Online businesses are reminded of the following laws, among others, in order to protect the public against hazards to health and safety:

- 6.1 R.A. No. 4109 otherwise known as the “Standards Law” shall also apply to all online businesses. This includes compliance to all Department Administrative Orders issued by DTI particularly the Technical Regulations issued to ensure and certify product quality and safety.
- 6.2 R.A. No. 9211 or the “Tobacco Regulation Act of 2003” and E.O. No. 106 s. 2020, shall also apply to ensure that online businesses abide with the restrictions set forth on advertising, promotions, and access of minors, in order to further protect the consumers against the hazards to health and safety of tobacco, vapor products and heated tobacco products.
- 6.3 R.A. No. 10611 or the “Food and Safety Act of 2013”, P.D. No. 1619 s. 1979, and FDA Circular No. 2019-006, shall also apply to ensure that online businesses abide with the restrictions set forth on advertising and promotions and access of minors, in order to further protect the consumers against the hazards to health and safety of alcoholic beverages.
- 6.4 DA regulations such as, but not limited to, proper handling and stewardship shall also apply to the offer and sale of agricultural products online, such as fertilizers, and pesticides, whether conventional, biotech-traited or those with plant incorporated protectants.
- 6.5 All online businesses must comply with DTI Memorandum Circular No. 21-05, series of 2021 which enumerates the eighty-seven (87) products and systems covered under the BPS Mandatory Product Certification Schemes, and classified into three (3) product groups – Electrical and Electronic Products, Mechanical/Building and Construction Materials, and Chemical and Other Consumer Products and Systems. The latest list of products is attached as **Annex A**. Such list may be updated or revised by the BPS in accordance with its mandate.
- 6.6 Requirement for products covered under the DTI-BPS Mandatory Certification Schemes.
 - 6.6.1 Online platforms, including its sellers, merchants, or e-retailers engaged in the sale of products covered under the DTI Bureau of Philippine Standards (DTI-BPS) Mandatory Product Certification Schemes shall ensure that such products sold in online platforms bear a valid Philippine Standard (PS) Quality and/or Safety Certification Mark, Import Commodity Clearance (ICC) sticker, or any certification mark approved and issued by the DTI-BPS.
 - 6.6.2 Manufacturers and importers of the products covered under the BPS Mandatory Certification Schemes shall secure the PS Mark or ICC

stickers from the BPS. Only the manufacturer or importer to whom the PS License or ICC certificate is granted shall be allowed to affix the PS Mark or ICC sticker, respectively, on their products consistent with the requirements of the DTI Department Administrative Order (DAO) No. 4, Series of 2008, DAO No. 5, Series of 2008, their respective Implementing Rules and Regulations and other applicable DTI technical regulations related to the BPS Mandatory Product Certification Schemes. The matrix of requirements and procedure to apply for a PS Mark License, ICC certificate and stickers, is attached as **Annex B**.

SEC. 7. PROTECTION OF ONLINE CONSUMERS AGAINST DECEPTIVE, UNFAIR AND UNCONSCIONABLE SALES AND PRACTICES.

Online businesses are reminded of the following laws, among others, in order to protect the public against deceptive, unfair and unconscionable sales acts and practices:

- 7.1 Prohibition Against Deceptive Online Sales Acts or Practices** – Online businesses are covered by Article 50 of R.A. No. 7394 and Sections 155.1, 155.2, and 165.2(b) of R.A. No. 8293 or otherwise known as the “Intellectual Property Code of the Philippines”, which declare deceptive acts or practices by a seller or supplier in connection with a consumer transaction as a violation. This shall occur before, during or after the transaction, in cases where:
- 7.1.1. A consumer product or service has the sponsorship, approval, performance, characteristics, ingredients, accessories, uses, or benefits it does not have;
 - 7.1.2. A consumer product or service is of a particular standard, quality, grade, style, shape, size, color, or model when in fact it is not;
 - 7.1.3. A consumer product is new, original or unused, when in fact, it is in a deteriorated, altered, repacked, unlabeled, mislabeled, unknown, reconditioned, reclaimed or second-hand state;
 - 7.1.4. A consumer product or service is available to the consumer for a reason that is different from the fact;
 - 7.1.5. A consumer product or service has been supplied in accordance with the previous representation when in fact it is not;
 - 7.1.6. A consumer product or service can be supplied in a quantity greater than the supplier intends;
 - 7.1.7. A service, or repair of a consumer product is needed when in fact it is not;
 - 7.1.8. A specific price advantage of a consumer product exists when in fact it does not;

- 7.1.9 The sales act or practice involves or does not involve a warranty, a disclaimer of warranties, particular warranty terms or other rights, remedies or obligations if the indication is false;
- 7.1.10 The seller or supplier represents that he has a sponsorship, approval, or affiliation he does not have;
- 7.1.11 The seller or supplier of a product or service has used a trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, without the authorization of the owner;
- 7.1.12 The seller or supplier of a product is not authorized by the trademark holder as a distributor/retailer/seller of the product;
- 7.1.13 The seller or supplier uses the traditional knowledge of indigenous people on wild food plants, medicinal plants, and animal parts, in sales promotions or trade, without their prior written consent or acknowledgment; and
- 7.1.14 The seller or supplier misrepresents their products as proprietary, having regulatory approval, or legally compliant with existing laws and regulations when in fact they are not.

7.2 Unfair or Unconscionable Sales Act or Practice – Online businesses are also covered by Article 52 of R.A. No. 7394 and Sections 155.1, 155.2, and 165.2(b) of R.A. No. 8293 when the seller induces the consumer to enter into a sales or lease transaction grossly inimical to the interests of the consumer or grossly one-sided in favor of the online seller, merchant, or e-retailer by taking advantage of the consumer's physical or mental infirmity, ignorance, illiteracy, lack of time or the general conditions of the environment or surroundings. In determining whether an act or practice is unfair and unconscionable, the following circumstances shall be considered:

- 7.2.1 That the producer, manufacturer, distributor, supplier or seller took advantage of the inability of the consumer to reasonably protect his interest because of his inability to understand the language of an agreement, or similar factors;
- 7.2.2 That when the electronic transaction was entered into, the price grossly exceeded the price at which similar products or services were readily obtainable in similar transaction by like consumers;
- 7.2.3 That when the electronic transaction was entered into, the consumer was unable to receive a substantial benefit from the subject of the transaction;
- 7.2.4 That the transaction that the seller or supplier induced the consumer to enter into was excessively one-sided in favor of the seller or supplier; and

- 7.2.5 That the consumer was misled into purchasing a product or availing of a service by reason of the unauthorized use by the supplier or seller of a trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, and which thereby falsely purports or is represented to be the product or service of another.

SEC. 8. RESPONSIBILITIES OF ONLINE BUSINESSES ON CONSUMER PRODUCT AND SERVICE WARRANTIES, PRICE TAG PLACEMENT, AND LABELING.

- 8.1. **Consumer Product and Service Warranty** – Online businesses shall comply with the pertinent rules on provision of warranty under the Civil Code and under Title III of R.A. No. 7394.
- 8.2. **Labeling Requirements** – Online businesses shall comply with the following labeling requirements under R.A. No. 7394, R.A. No. 9711, and other pertinent and relevant laws:
- 8.2.1 The minimum labelling requirements for consumer products whether manufactured locally or imported under Article 77;
- 8.2.2 Additional labeling and packaging requirements necessary to prevent the deception of the consumer or to facilitate value comparisons as to any consumer product under Article 79;
- 8.2.3 Additional labelling requirements for food under Article 84;
- 8.2.4 Labeling of drugs under Article 86 and Section 6 of RA No. 6675, as amended by RA No. 9502 otherwise known as the “Universally Accessible Cheaper and Quality Medicines Act of 2008”;
- 8.2.5 Additional labeling requirements for cosmetics under Article 87;
- 8.2.6 Breastmilk substitutes and breastmilk supplements shall follow the guidelines set in the Milk Code, in terms of labelling (Section 10 of EO 51);
- 8.2.7 Toys shall comply with the appropriate provisions on safety labelling and manufacturer's markings found in the Philippine National Standards for the safety of toys (Section 4 of RA No. 10620 otherwise known as the “Toy and Game Safety Labeling Act of 2013”);
- 8.2.8 Household urban hazardous substances must bear warning labels particular to the hazards they present (Chapter IV/Article 91 of RA No. 7394, Section 1.n. of Presidential Decree (PD) No. 881);
- 8.2.9 Vaping products and heated tobacco products must bear Graphic Health Warnings (Sec. 1 of R.A. No. 11346);
- 8.2.10 Labeling requirements for tobacco products under R.A. No. 9211; and

8.2.11 Labeling requirements for alcoholic beverages under R.A. No. 10611 and FDA Circular No. 2019-006.

8.3. **Price Tag Placement** – Pursuant to Articles 81 and 83 of R.A. No. 7394, the following rules and regulations shall apply to online businesses as regards the price of the product or service offered online:

8.3.1 Product listings by e-retailers or merchants on marketplace/platforms must contain the price(s) of the product/service in Philippine pesos and must display payment policies, delivery options, returns, refunds and exchange policy, and other charges if applicable;

8.3.2 Total price must be displayed. It must be clear, updated and accurate to avoid misleading online consumers;

8.3.3 Indicate the price in high visibility areas preferably near the product title, or the add-to-cart button and ensure the text used for the price is readable and accessible; and

8.3.4 The practice of providing prices through private (or direct) messages to consumers/buyers is considered a violation of the Price Tag Law.

SEC. 9. REGULATED, RESTRICTED, AND PROHIBITED ITEMS.

Online businesses shall exhibit the corresponding license or permit number as regards the regulated items for sale as prescribed by regulatory agencies. Provided that, delivery platforms shall not be liable for transport of these items when the same cannot, on the face of the package be determined to be in violation of this clause. The liability of the delivery platform in this instance shall be limited to those provided in Section 13.

Online businesses shall not produce, import, distribute, market, sell or transport prohibited goods or services, which are those specifically prohibited by law, such as, but not limited to counterfeit goods and products, precious metals and conflict minerals, weapons, artifacts, sexual services, seditious or treasonous materials, and other such goods and services. Attached hereto as **Annex C** is a non-exhaustive list of the regulated, restricted, and prohibited items for reference. This list may be revised or updated by the relevant regulatory agencies concerned.

SEC. 10. DATA PRIVACY.

This JAO defines the responsibilities of online sellers, merchants, or e-retailers under R.A. No. 10173, otherwise known as the Data Privacy Act, which seeks to ensure privacy protection to ensure transparency, legitimate purpose, and proportionality in data collection and processing. Through the NPC, the law regulates the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure, or destruction of personal data.

10.1 Online sellers, merchants, or e-retailers particularly those that sell through their

own websites, or through social media marketplaces are expected to handle all personal data of their consumers with the utmost care and respect;

- 10.2 Personal information collected by the online sellers, merchants, or e-retailers shall be retained only for as long as necessary:
 - a. For the fulfillment of the declared, specified, and legitimate purpose, or when the processing relevant to the purpose has been terminated;
 - b. For the establishment, exercise or defense of legal claims;
 - c. For legitimate business purposes, which must be consistent with standards followed by the applicable industry or approved by appropriate government agency; or
 - d. As provided by law;
- 10.3 Personal data shall be disposed of or discarded in a secure manner that would prevent further processing, unauthorized access, or disclosure to any other party or the public, or prejudice the interests of the data subjects. Security measures for the protection of personal data should be implemented;
- 10.4 Online sellers, merchants, or e-retailers shall publish/post in their websites or online platforms, or any other similar platform, a Privacy Notice which shall provide consumers with information regarding the purpose and extent of the processing of their personal data in relation to their transactions, including if applicable, any data sharing, profiling, direct marketing, or the existence of automated decision-making, as well as any other authorized further processing;
- 10.5 Online merchants that operate their own online application, or any other similar platform are prohibited from asking unnecessary permissions from the consumers;
- 10.6 Prior to the collection of personal data of the consumers, the online sellers, merchants, or e-retailers must determine the most appropriate lawful criteria for such processing, which in the case of sale-related processing need not necessarily be consent. In such a case, processing may still be lawful if based on a contract or legitimate interest of either or both the seller and the buyer;
- 10.7 All personal data supplied by consumers to online sellers, merchants, or e-retailers shall be secured through the implementation of reasonable and appropriate security measures intended for the protection of personal data and shall not be used for purposes not authorized by the consumers;
- 10.8 Upon collection and processing of the personal data, the online sellers shall inform the consumers of their data privacy rights under the Data Privacy Act, namely:
 - a. Right to information

- b. Right to object
- c. Right to access
- d. Right to correct
- e. Right to erase
- f. Right to damages
- g. Right to data portability
- h. Right to file a complaint

10.9 Upon request by public authorities pursuant to their respective mandates and in accordance with the provisions of the Data Privacy Act of 2012, online sellers, merchants, or e-retailers may lawfully disclose personal information to said public authorities, provided, that the request particularly describes the personal information asked for and indicate the relevance of such information to an ongoing investigation.

III. LIABILITIES OF ONLINE BUSINESSES

SEC. 11. LIABILITY FOR DEFECTIVE PRODUCT AND SERVICE.

Online businesses are covered by Title III, Chapter V of the R.A. No. 7394, particularly Article 98 (in relation to Article 97) which provides for the liability of the manufacturer, producer, importer, or seller of defective products.

- 11.1 Online merchants or sellers are liable when it is not possible to identify the manufacturer, builder, producer or importer of a defective product;
- 11.2 Online merchants or sellers shall be held liable when the product is supplied, without clear identification of the manufacturer, producer, builder or importer; and
- 11.3 Online merchants or sellers shall be held liable when the perishable goods were not adequately preserved.

SEC. 12. LIABILITY FOR THE SALE OF COUNTERFEIT AND PIRATED GOODS.

The online sale of fake and/or pirated goods is a violation of R.A. No. 8293 and R.A. No. 8203, otherwise known as the "Special Law on Counterfeit Drugs." Online businesses shall only sell original, genuine, licensed, or unexpired goods.

- 12.1 Should any person holding Intellectual Property (IP) rights, whether or not engaged in selling of goods or services, find that their protected works, creations, designs, trademarks, patented inventions, or other IP are being infringed by unauthorized sellers or merchants online, they may request the

online e- Commerce platforms being used by the infringer to take down the infringing goods/contents. In the event that the online e-Commerce platform fails to respond to the take down request of the Intellectual Property (IP) rights holder, the rights holder may notify the IPOPHL for appropriate action.

- 12.2 E-Commerce platforms have the authority to enforce the rights of the IP holder, in accordance with their internal guidelines. The usual modes of enforcement by platforms include temporary or permanent suspension or restriction of the infringing seller's accounts.
- 12.3 Reports or complaints of possible infringement shall be transmitted by the DTI to the brand owners so that they may check and report the same to the IPOPHL for action.
- 12.4 In addition to the IPOPHL, complaints regarding counterfeit and pirated goods may also be brought before other regulatory agencies having jurisdiction over the same such as, but not limited to, the Optical Media Board and the FDA.
- 12.5 The following persons shall be liable for violations of R.A. No. 8203:
 - 12.5.1 The manufacturer, exporter or importer of the counterfeit drugs and their agents, *Provided*, That the agents shall be liable only upon proof of actual or constructive knowledge that the drugs are counterfeit;
 - 12.5.2 The seller, distributor, trafficker, broker or donor and their agents, upon proof of actual or constructive knowledge that the drugs sold, distributed, offered or donated are counterfeit drugs;
 - 12.5.3 The possessor of counterfeit drugs as provided in Section 4 (b) of R.A. No. 8203;
 - 12.5.4 The manager, operator or lessee of the laboratory or laboratory facilities used in the manufacture of counterfeit drugs;
 - 12.5.5 The owner, proprietor, administrator or manager of the drugstore, hospital pharmacy or dispensary, laboratory or other outlets or premises where the counterfeit drug is found who induces, causes or allows the commission of any act herein prohibited;
 - 12.5.6 The registered pharmacist of the outlet where the counterfeit drug is sold or found, who sells or dispenses such drug to a third party and who has actual or constructive knowledge that said drug is counterfeit; and
 - 12.5.7 Should the offense be committed by a juridical person the president, general manager, the managing partner, chief operating officer or the person who directly induces, causes or knowingly allows the commission of the offense shall be penalized.

SEC. 13. LIABILITY OF E-COMMERCE PLATFORMS AND E-MARKETPLACES.

- 13.1 E-Commerce platforms, e-marketplaces, and the like, shall be treated, and shall be held liable, in the same manner as online sellers, merchants, and e-retailers, when the latter commits any violation of the laws implemented by these rules.

E-Commerce platforms, e-marketplaces, and the like, shall verify if the goods sold by online sellers or merchants, and e-retailers, in their respective platforms are regulated, prohibited, original, genuine, licensed, or unexpired.

- 13.2 In case of a prima facie violation of any pertinent laws or regulations committed in an online post by the online seller or merchant, e-retailer, e-Commerce platform, e-marketplace, and the like, the concerned authorized agency shall issue a notice giving the violator a maximum period of three (3) calendar days from receipt thereof, within which to take down such post, without prejudice to the filing of appropriate administrative actions against all violators.

Failure to take down the post within three (3) calendar days shall be construed as an intentional and overt act that shall aggravate the offense charged.

- 13.3 The written notice shall indicate specific information, such as, but not limited to:

- a. the URL of the content in question;
- b. relevant provision or information on the asserted rights or law infringed or violated; and
- c. brief explanation of why the content infringes or violates rights or the law.

- 13.4 E-Commerce platforms, e-marketplaces, and the like, may appeal the take down notice, following the procedures set under the applicable laws if, in their reasonable determination, there is no violation of any law or regulation. However, no reposting may be allowed pending appeal.

- 13.5 Delivery platforms shall be liable in the same manner as, online sellers, merchants, and e-retailers only upon notice that they are carrying or delivering restricted, prohibited or infringing items.

- 13.6 The term "use in commerce" under Section 155.1 of R.A. No. 8293 shall include the act of sending marketing emails, publishing advertisements online or through traditional media, and similar acts designed to solicit business. The use of registered marks as well as copies or reproductions thereof in marketing emails and advertisements, without the authority of the trademark owner, shall be deemed an act of infringement under Section 155.1 of R.A. No. 8293.

- 13.7 In general, it shall be unlawful for e-Commerce platforms, e-marketplaces, and the like, to:

- a. Disseminate or to cause the dissemination of any false, deceptive or misleading advertisement by mail or in commerce by print, radio,

television, outdoor advertisement, or any other medium, for the purpose of inducing or which is likely to induce directly or indirectly the purchase of products or services;

- b. Advertise any food, drug, cosmetic, device, or hazardous substance in a manner that is false, misleading or deceptive, or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit, or safety;
- c. Advertise any food, drug, cosmetic, device, or hazardous substance, unless such product is duly registered and approved by the concerned department for use in any advertisement.

13.8 Regulatory Agencies shall designate in writing their respective point of contact, who shall be fully authorized to issue notice of violations to digital platforms and/or e-marketplaces. Moreover, all regulatory agencies shall submit the names of the designated point persons, including their contact details (verified email address and mobile numbers) to DTI E-commerce Division (DTI-ECD), for consolidation, within 7 days from the effectivity of this JAO.

In case there will be changes on the designated point/focal persons, including their contact details (verified email address and active mobile numbers), the same shall be conveyed to DTI-ECD, immediately.

13.9 Upon the effectivity of this JAO, e-Commerce platforms and e-market places are directed to enact and strictly enforce internal mechanisms or rules aimed to prohibit online sellers or merchants, previously found administratively liable for violation of any pertinent law, rule or regulation, from further selling, posting or offering items for sale in their respective platforms.

Failure to enact, or strictly enforce, such internal mechanisms or rules shall be construed as an intentional and overt act that shall aggravate the offense charged.

IV. RESPONSIBILITIES OF GOVERNMENT AGENCIES

SEC. 14. RESPONSIBILITIES OF CONCERNED GOVERNMENT AGENCIES.

The provisions of this JAO shall be implemented in full effect by the concerned government agencies, in the exercise of their mandate and jurisdiction, in order to establish a trustworthy and conducive e-Commerce environment. Some of these agencies are:

- 14.1 The **Department of Trade and Industry (DTI)**, with respect to registration and monitoring of online sellers, merchants, or e-retailers including handling of consumer complaints.
- 14.2 The **Department of Agriculture (DA)**, with respect to the monitoring and regulation of the manufacture and marketing of agricultural products for the

protection of the public from the inherent risk of these products; and in the promotion and protection of animal health and welfare. This shall cover the following pertinent DA offices: (1) the Fertilizer and Pesticide Authority (FPA) for fertilizers, pesticides and seeds with pip and (2) the Bureau of Plant Industry (BPI) for seeds.

- 14.3 The **Department of Environment and Natural Resources (DENR)**, with respect to the monitoring and regulation of the importation, manufacture, processing, handling, storage, transport, sale, distribution, use and disposal of forest products, derivatives, wildlife by-products, chemical substances, mixtures, and chain saws that present unreasonable risk or injury to health or to the environment in accordance with national policies and international commitments.
- 14.4 The **Department of Health (DOH)**, through the **Food and Drug Administration (FDA)**, with respect to the regulation of the manufacture, importation, exportation, distribution, sale, offer for sale, transfer, promotion, advertisement, sponsorship of, and/or use and testing of health products, including food, drugs, cosmetics, devices, biologicals, vaccines, in-vitro diagnostic reagents, household/urban hazardous substances, household/urban pesticides, toys and childcare articles to protect the health of the consumer.
- 14.5 The **Intellectual Property Office of the Philippines (IPOPHL)**, with respect to the protection of intellectual property rights in the conduct of e-Commerce and its coordination with online e-Commerce platforms and brand owners in the implementation of the Memorandum of Understanding addressing counterfeit and pirated goods online.
- 14.6 The **National Privacy Commission (NPC)**, with respect to the protection of data privacy rights and regulation of the processing of personal data in the conduct of e-Commerce transactions.

SEC. 15. JOINT UNDERTAKING OF GOVERNMENT AGENCIES.

This JAO shall enjoin all government agencies concerned to coordinate and assist in the enforcement of this JAO, in respect to the matters falling under their respective jurisdictions.

The above-mentioned government agencies shall undertake the following:

- 15.1 Work with e-Commerce platforms to establish a mechanism to prevent or remove or take down, within a reasonable period, listings on online platforms of prohibited or regulated but unregistered products;
- 15.2 Implement advocacy campaigns for consumers and businesses on government regulations relative to the marketing, distribution and sale of regulated products;
- 15.3 Explore the possibility of jointly developing a system with e-Commerce platforms, including the use of an Application Programming Interface (API), that

will link each Party's respective systems to facilitate the transfer of information regarding listing of keywords, images, and other information on regulated products for regular sweeping by the online platforms; and

- 15.4 Develop a system to exchange intelligence/information on prohibited and regulated items monitored online, including automatic sharing of information with the appropriate regulatory agency, on possible violations detected/discovered. this may include the sharing of and access to a database of products/items containing sufficient information, keywords, content, for the purpose.

V. REMEDIES OF CONSUMERS

SEC. 16. PROVISION OF ADEQUATE RIGHTS AND MEANS OF REDRESS.

- 16.1 **NO WRONG-DOOR POLICY** – In accordance with Department Administrative Order No. 20-02, series of 2020, any consumer complaint filed with the DTI, whether or not the subject matter falls under its jurisdiction, shall be accepted for appropriate assistance, subject to the limitations imposed by law. The Department shall assist the consumer by guiding them to and forwarding their complaint to the appropriate agency having proper jurisdiction over the subject matter.
- 16.2 **CONSUMER COMPLAINTS MECHANISM** – The handling of consumer complaints shall be done in accordance with the rules of the government agency having jurisdiction over the product or service complained of. However, the consumer may opt to seek primary resolution through the internal complaint mechanism of the online business before resorting to intervention by the DTI or any other regulatory agency. Where the DTI is concerned, complaints against online businesses shall be made and handled in accordance with DTI Department Administrative Order 20-02, series of 2020. The established procedure for all types of consumer complaints brought before the DTI, whether against offline (brick and mortar) or online businesses shall apply to online consumers:
- 16.2.1 Online consumers may file complaints with the DTI regarding their concerns via the following modes:
- a. Walk-in at its national or provincial offices;
 - b. Consumer care hotline at 1-384;
 - c. SMS at 09178343330; and
 - d. Written complaints delivered through postal or messengerial service

- 16.2.2 Complaints can also be filed electronically through any of the following:

- a. DTI website. Consumers must accomplish Complaint Form
- b. DTI Consumer Care Facebook page
- c. Email to consumercare@dti.gov.ph, ask@dti.gov.ph or fteb@dti.gov.ph addressed to the Director of the Fair Trade Enforcement Bureau (FTEB) or the appropriate official of any of the DTI's provincial offices, with the following details:
 - i. Complete name, address, email and contact number of complainant with attached government-issued ID
 - ii. Narration of facts
 - iii. Email thread, screen shots, or scanned proof of transaction

16.2.3 Complaint Handling Process

- a. When DTI receives a consumer complaint, the subject matter of which is within the ambit of its primary jurisdiction, it shall schedule the parties to the complaint for appropriate Mediation within seven (7) days of receipt.
- b. Upon agreement of both parties, Mediation may be extended for no longer than ten (10) working days.
- c. If the controversy has not been resolved through Mediation, the matter shall be scheduled for Adjudication, and a decision shall be rendered within fifteen (15) working days from submission for decision.
- d. The decision of the Consumer Arbitration Officer shall become final within fifteen (15) days from receipt thereof, unless appealed to the Secretary of Trade and Industry. The Secretary shall render a decision on appeal within thirty (30) working days from the submission of appeal.
- e. The decision of the Secretary of Trade shall become final and executory after fifteen (15) days from receipt thereof, unless a petition for certiorari is filed with the proper court, in accordance with Article 166 of the Consumer Act of the Philippines.
- f. The Consumer complaints handling process flow chart is hereby attached as **Annex D**.

163 Online sellers, merchants, or E-retailers and consumers are advised that their communications, whether done via social media, built-in communication services on e-Commerce platforms, or any other form of electronic communication using an electronic device, may constitute an electronic data

message. Screenshots of such electronic communications may be used as evidence to prove a fact or establish a right in administrative or judicial proceedings, subject to the relevant rules issued by the Supreme Court.

A.M. No. 01-7-01-SC provides for the Rules on Electronic Evidence, to implement the legal recognition, admissibility, and enforcement of electronic documents and signatures in court.

VI. PENALTIES

SEC.17. PENALTIES.

All online businesses may be held liable for violations against laws, rules and regulations covered under this Joint Administrative Order (JAO) and other applicable laws and issuances. Non-exhaustive list of penalties is reflected in **Annex E**.

VII. FINAL PROVISIONS

SEC. 18. SEPARABILITY CLAUSE.

Should any provision of this Order or any part thereof be declared unconstitutional or otherwise invalid, the validity of other provisions not so declared shall not be affected by such declaration.

SEC. 19. REPEALING CLAUSE.

All previous Orders and Issuances which are inconsistent with this Order are hereby repealed or amended accordingly.

SEC. 20. PUBLICATION AND EFFECTIVITY.

This Order shall take effect fifteen (15) days from its complete publication in the Official Gazette or a newspaper of general circulation, and the submission of a copy hereof to the Office of the National Administrative Register (ONAR) of the University of the Philippines.

Issued this 4th day of March 2022.



RAMON M. LOPEZ
Secretary

Department of Trade and Industry



WILLIAM D. DAR, PH.D.
Secretary

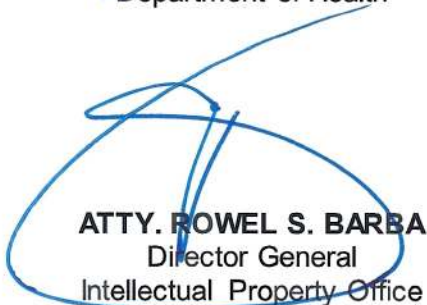
Department of Agriculture

DEPARTMENT OF AGRICULTURE
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DR. FRANCISCO T. DUQUE III
Secretary
Department of Health



JIM O. SAMPULNA
Acting Secretary
Department of Environment
and Natural Resources





ATTY. ROWEL S. BARBA
Director General
Intellectual Property Office
of the Philippines


ATTY. JOHN HENRY DU NAGA
Commissioner
National Privacy Commission

WITNESSED BY:


Digitally signed
by Castelo Ruth
Bernardino
ATTY. RUTH B. CASTELO
Undersecretary
Consumer Protection Group
Department of Trade and Industry


Digitally signed by
Pacheco Mary Jean
Tiongson
MARY JEAN T. PACHECO
Assistant Secretary
e-Commerce Lead
Department of Trade and Industry

ANNEX A: LIST OF PRODUCTS UNDER MANDATORY PRODUCT CERTIFICATION

**LIST OF PRODUCTS UNDER MANDATORY PRODUCT CERTIFICATION
AS OF 25 JANUARY 2021**

Products	Philippine National Standard/s (as of Jan 25, 2021)
I. ELECTRONICS AND ELECTRICAL GOODS Testing Duration: approx. 4-15 days	
Household Appliances	
Electric fans	PNS IEC 60335-2-80:2016 (IEC published 2015)
Electric irons	PNS IEC 60335-2-3:2005 (IEC published 2002)
Electric blenders	PNS IEC 60335-2-14:2016 (IEC published 2012)
Microwave ovens	PNS IEC 60335-2-25:2015 (IEC published 2014)
Electric rice cookers	PNS IEC 60335-2-15:2015 (IEC published 2012)
Electric airpots	PNS IEC 60335-2-15:2015 (IEC published 2012)
Electric coffeemakers	PNS IEC 60335-2-15:2015 (IEC published 2012)
Electric toaster	PNS IEC 60335-2-9:2016 (IEC published 2012)
Electric stoves	PNS IEC 60335-2-9:2016 (IEC published 2012)
Electric hot plates	PNS IEC 60335-2-9:2016 (IEC published 2012)
Electric grills	PNS IEC 60335-2-9:2016 (IEC published 2012)
Electric ovens	PNS IEC 60335-2-9:2016 (IEC published 2012)
Turbo broilers	PNS IEC 60335-2-9:2016 (IEC published 2012)
Induction cookers	PNS IEC 60335-2-9:2016 (IEC published 2012)
Washing machines	PNS IEC 60335-2-7:2016 (IEC published 2012)
Spin extractors	PNS IEC 60335-2-4:2016 (IEC published 2012)
Refrigerators Storage capacity 142 liters to 227 liters (5 to 8 cu. ft.)	PNS 396-2:1997 Amd. 01:2000
Storage capacity up to 567 liters (20 cu. ft.)	PNS IEC 60335-2-24:2013
Air conditioners Non-inverter, Window & Split-type up to 36,000 kJ/hr. cooling capacity	PNS 396-1:1998
Inverter, non-inverter, window-type and split-type air-conditioners, with not more than 250 V for single phase and 600 V for all other types and with cooling capacity up to 38,000 kJ/hr.	PNS IEC 60335-2-40:2013
Electric juicers	PNS IEC 60335-2-14:2016 (IEC published 2012)

ANNEX A: LIST OF PRODUCTS UNDER MANDATORY PRODUCT CERTIFICATION

Electric food mixers	PNS IEC 60335-2-14:2016 (IEC published 2012)
Electric food processors	PNS IEC 60335-2-14:2016 (IEC published 2012)
Electric kettles	PNS IEC 60335-2-15:2015 (IEC published 2012)
Electric pressure cookers	PNS IEC 60335-2-15:2015 (IEC published 2012)
Electric slow cookers	PNS IEC 60335-2-15:2015 (IEC published 2012)
Electric multi-cookers	PNS IEC 60335-2-15:2015 (IEC published 2012)
Consumer Electronics	
Television set	PNS IEC 60065:2013 (IEC published 2011)
CD/VCD/DVD player	PNS IEC 60065:2013 (IEC published 2011)
Lightning and Wiring Devices	
Pre-heat / Magnetic ballasts	PNS IEC 61347-2-8:2002 (IEC 61347-2-8:2000)
Electronic ballasts	PNS IEC 61347-2-3:2002 with Amd. 1:2006
Self- ballasted lamps / Compact fluorescent lamps	PNS IEC 968:2006 (IEC published 1988)
Self-ballasted LED lamps	PNS IEC 62560:2012 (IEC 62560:2011)
Christmas lights/ Lighting chains	PNS 189:2000
Double-capped fluorescent lamps	PNS IEC 61195:2006 (IEC 61195:1999)
Single-capped fluorescent lamps	PNS IEC 61199:2006 (IEC 61195:1999)
Incandescent lamps (Bulbs)	PNS 38-1:1995 (IEC 432-1:1993 Amd. 01:1995)
Edison screw lamp holders	PNS 80:1997 (IEC 238:1996)
Lamp holders or tubular fluorescent lamps	PNS 42:1997 (IEC 400:1996)
Starter holders	PNS 42:1997 (IEC 400:1996)
Lamp starters	PNS 45:1997 Amd. 01:1997 (IEC 155:1993 Amd. 01:1995)
Circuit breakers	
a) Moulded case	PNS 519:1991
b) Low voltage switchgear and control gear	PNS 1573-2:1997 (IEC 947-2:1995)
Fuses	PNS 13:1983
Fuseholders	PNS 56:1996 (ANSI/UL 512:1992)
PVC electrical tapes	PNS 79:1992
Plugs, Socket-outlets, and Extension cord sets	
a) Plugs and socket-outlets for household and similar purposes	PNS 1486-1:1996 (IEC 884-1:1994)
b) Plugs and socket outlets for domestic and similar general use standards	PNS 1572:1997 (IEC 83:1975)
Snap switches	
a) Switches for household and similar fixed electrical installations	PNS 1485-1:1996 Amd. 01 & 02:1996 (IEC 669-1:1993 Amd. 01:1994 & Amd. 02:1995)
b) Snap switches for general use	PNS 57:1996 (UL 20:1995)

ANNEX A: LIST OF PRODUCTS UNDER MANDATORY PRODUCT CERTIFICATION

Knife switches	PNS 118:1988
PVC insulated flexible cords	PNS 163:1994
Thermoplastic electric wires and cables	PNS 35-1:2004
II. MECHANICAL, BUILDING, AND CONSTRUCTION MATERIALS	
Testing Duration: approx. 4-6 days	
Steel Products	
BI/GI steel pipes	PNS 26:1992 / PNS 26:2018
Deformed Steel Bars	PNS 49:2002
Equal-Leg Steel Angle Bars	PNS 657:2008
Rerolled Steel Bars	PNS 211:2002
Low Carbon Steel Wires	PNS 113:2005
Steel Wire Nails	PNS 136:2000
Plastic Pipes and Ceramic Products	
Pipes (PB) for potable water supply	PNS 152:1987
Pipes (PE) for potable water supply	PNS ISO 4427:2002 Amd. 01:2002
Pipes (uPVC) for potable water supply	PNS 65:1993
uPVC rigid electrical conduit	PNS 14:1983 Amd. 01:1987
Pipes (PVC-U) for drain waste & vent	PNS 1950:2003 Corrigendum 01:2003
Sanitary wares	PNS 156:2000
Cement and Other Construction Materials	
Portland cement	PNS 07: 2018
Blended hydraulic cement	PNS 63: 2019
Plywood	PNS ISO 12465:2017
Ceramic Tiles	PNS ISO 13006:2019
III. CHEMICAL AND OTHER CONSUMER PRODUCTS AND SYSTEMS	
Testing Duration: 3-90 days	
Chemical Products	
Motor Vehicle brake fluid	PNS 239/MVSS 116:1988
Dry chemical portable fire extinguishers	PNS 15-1:1989
Carbon dioxide portable fire extinguishers	PNS 15-3:1991
Foam portable fire extinguishers	PNS 15-4:1991
Clean extinguishing agent - Halon substitute portable fire extinguishers	PNS 15-5:1996 Amd. 01:1997
Fireworks	PNS 1220-2:1994
Medical grade oxygen	PNS 103:1987
Automotive Related Products	
Safety belts (Seat belts)	PNS 1892:2000 Amd. 01:2002
Child Restraint Systems	PNS UNR 44:2018; PNS UNR 129:2018
Helmets and their visors	PNS/UN ECE 22:2007
Safety glass for automotive	PNS 130:1988 Amd. 01:1998
Lead-Acid Storage Batteries	PNS 06:1987
Inner tubes for tires	PNS 34:2000
Tires for automotive vehicles	PNS 25:1994
Speed Limitation Device	PNS UNR 89: 2016
Other Consumer Products	
Matches	PNS 09-1:2000
Lighters	PNS 47:1998 (ISO 9994:1995)
Monobloc chair/stools	PNS 1478:1998
LPG cylinders for motor vehicles	PNS 04:1983
LPG cylinders for household use	PNS 03-1:2000
LPG cylinders repair	PNS 03-3:2000

**ANNEX B: APPLICATION REQUIREMENTS FOR
PS MARK, ICC STICKERS, COE, AND SOC**

**APPLICATION REQUIREMENTS FOR
PS MARK, ICC STICKERS, COE, AND SOC**

#	Philippine Standard License	Import Commodity Clearance	Certificate of Exemption	Statement of Confirmation
1	Articles of Incorporation or Business Name and Sub-Contracting Agreement, if any	Packing List	Packing List	Packing List
2	Quality Manual	Import Entry (need not be submitted upon filing the application but shall be a requirement for the release of the ICC Certificate)	Import Entry (need not be submitted upon filing the application but shall be a requirement for the release of the ICC Certificate)	Import Entry (need not be submitted upon filing the application but shall be a requirement for the release of the ICC Certificate)
3	Brief description of manufacturing process	Commercial Invoice	Commercial Invoice	Commercial Invoice
4	Reference no. of the Product Identification File to include process flow, materials, process control and drawings among others	Bill of Lading/Airway Bill	Bill of Lading/Airway Bill	Bill of Lading/Airway Bill
5	Listing of measuring and testing equipment with nominal capacities and serial numbers at each inspection point and final product testing together with the evidence of ownership, such as official receipts	Summary of Batch Nos./Serial Nos. of Products	Summary of Batch Nos./Serial Nos. of Products	Summary of Batch Nos./Serial Nos. of Products
6	Brief description of equipment maintenance and calibration program for all testing and measuring equipment with their corresponding calibration certificates	a) DTI Business Name Registration (for single proprietor)	a) DTI Business Name Registration (for single proprietor)	a) DTI Business Name Registration (for single proprietor)
		b) SEC Certificate of Incorporation (for corporation)	b) SEC Certificate of Incorporation (for corporation)	b) SEC Certificate of Incorporation (for corporation)
7	Copies of labels, markings and logos etc. as per requirements of specific standard	a) Special Power of Attorney (for single proprietor)	a) Special Power of Attorney (for single proprietor)	a) Special Power of Attorney (for single proprietor)
		b) Board/Partners' Resolution or (for corporation) / Notarized Secretary's	b) Board/Partners' Resolution or (for corporation) / Notarized Secretary's	b) Board/Partners' Resolution or (for corporation) / Notarized Secretary's

**ANNEX B: APPLICATION REQUIREMENTS FOR
PS MARK, ICC STICKERS, COE, AND SOC**

		Certificate stating the name of authorized company representative	Certificate stating the name of authorized company representative	Certificate stating the name of authorized company representative
8	Description of the supply distribution chain. If new business, identify the target market. If foreign company, identify the Philippine principal and described the organizational relationship of the applicant/license holder and Philippine principal	Surety Bond	BIR Importers Clearance Certificate	Surety Bond (Valued at 10% of the commercial invoice value of the cement shipment)
9	Vicinity map of the factory	BIR Importers Clearance Certificate	Current Proof of Billing (Office and Warehouse)	BIR Importers Clearance Certificate / COR
10	Undertaking to abide by the terms and conditions of the PS License (Annexed to Application Form)	Current Proof of Billing (Office and Warehouse)	**Nothing follows**	Current Proof of Billing (Office and Warehouse)
11	**Nothing follows**	ISO 9001 Certificate of the Manufacturer		Production Record
12		Valid Test Report		List of Distributors
13		Other Documents:		Audited Financial Statement
		a) For rerolled steel bars deformed steel bars and equal leg angle bars:		
		- Submission of logo to BPS prior to importation - Mill Certificate, quality inspection report or its equivalent from the Manufacturer		

**ANNEX B: APPLICATION REQUIREMENTS FOR
PS MARK, ICC STICKERS, COE, AND SOC**

		<p>b) For motorcycle helmet and its visors:</p> <ul style="list-style-type: none"> - Test report per brand per type per model - Certificate of Conformity from the Manufacturer that the batch imported conformed to the requirement of the standard prior to release from the Manufacturer's premises - Updated list of distributors/retailers 		
14				Photocopy of PS License
15		**Nothing follows**		Load Port Survey Report
16				Other documents

ANNEX C: NON-EXHAUSTIVE LIST OF THE PROHIBITED OR RESTRICTED ITEMS

NON-EXHAUSTIVE LIST OF THE PROHIBITED OR RESTRICTED ITEMS

This list may be revised or updated by the relevant regulatory agencies concerned

- i. Wildlife and wildlife by products and derivatives:
 - a. Wild plant/flora, plant parts (i.e. Bark, leaves/shoots, roots, wood, essential oils) and propagules (i.e. Living cuttings and genetic material), and seeds and seedlings of plant species listed under the cites appendices; and threatened species and exotic species which are regulated, restricted by the Wildlife Act (R.A. 9147). Prohibited items: alien invasive species and wildlife species collected from the wild.
 - b. Live wild animals/fauna (including fingerlings, hatchlings, eggs, and/or genetic material); unprocessed and processed by-products and derivatives of fauna listed under the cites appendices and threatened species and exotic species which are restricted by the Wildlife Act (R.A. 9147); prohibited items: alien invasive species and wildlife species collected from the wild.
- ii. Human parts or remains;
- iii. Fertilizers, pesticides (chemical and biorational), other agricultural chemicals, and seeds with plant incorporated protectants, unless, duly licensed or permitted under the Fertilizer and Pesticide Authority (FPA); and seeds, conventional or biotech-traited, unless duly permitted under Bureau of Plant Industry (BPI) regulations and in both instances, compliant with all DA rules and regulations providing for their regulated entry in the Philippine market and in electronic commerce;
- iv. Toxic substances and hazardous wastes¹;
- v. Imported Recyclable Materials Containing Hazardous Substances [scrap metals; scrap plastics; electronic assemblies and scrap (including imported, second-hand or used electrical and electronic equipment); used oil; and fly ash]²;
- vi. Health products, including food, drugs, cosmetics, devices, biologicals, vaccines, in-vitro diagnostic reagents, household/urban hazardous substances, household/urban pesticides, toys and childcare articles, unless, duly licensed or permitted under the Food and Drug Administration (FDA) and compliant to the rules and regulations providing for its regulated or controlled entry in electronic commerce;
- vii. Prohibited Food:
 - a. Listings containing medicinal claims - that is, a claim that the item is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans and/or animals, contraception, inducing anesthesia or otherwise preventing or interfering with the normal operation of a physiological function, whether permanently or temporarily, and whether by way of terminating, reducing or postponing, or increasing or accelerating, the operation of that function or in any other way (for example, pharmaceutical drugs, contact lenses, misbranded dietary supplements);
 - b. Noxious food items - Food which contains any prohibited substances

¹ DENR revised 01.19.2022

² DENR revised 01.19.2022

ANNEX C: NON-EXHAUSTIVE LIST OF THE PROHIBITED OR RESTRICTED ITEMS

or substances in excess of permitted proportions, adulterated food without fully informing buyer at the time of sale of the nature of the transaction;

- c. Non-pasteurized dairy products;
 - i. Products marketed as breastmilk substitutes including infant formula, and other milk products, foods and beverages including bottle-fed complementary foods, when marketed or otherwise represented to be suitable, with or without modification, for use as a partial or total replacement of breastmilk; feeding bottles and teat in compliance with the provisions of E.O. 51 or the Milk Code and its implementing rules and regulations;
 - d. Wild mushrooms; and
 - e. Any other food items hazardous to human health.
- viii. Drugs, prescription-only medicines, pharmacy-only medicines, drug-like substances and associated paraphernalia;
- ix. Alcoholic beverages, unless duly licensed or permitted by the FDA and compliant with the rules and regulations providing for its regulated or controlled entry in electronic commerce, including restrictions in access and purchase by minors, and in advertising and promotion;
- x. Tobacco or tobacco related products, electronic cigarettes, e-juices, and heated tobacco products, unless duly licensed, or permitted by the FDA, and compliant with the rules and regulations providing for its regulated or controlled entry in electronic commerce, including restrictions in access and purchase by minors, and in advertising and promotion;³
- xi. Ionizing radiation sources and services/activities involving thereof, which include radiation devices and radioactive materials, and services/activities where such sources are used for medical and non-medical purposes; Unless, duly licensed or permitted under the FDA and/or the Philippine Nuclear Research Institute (PNRI) and compliant to the rules and regulations providing for its regulated or controlled entry in electronic commerce
- xii. Lottery tickets;
- xiii. Slot machines;
- xiv. Goods or items that are:
 - a. Embargoed;
 - b. Mislabeled;
 - c. Recalled;
 - d. Stolen;
 - e. Expired;
 - f. Repacked
 - g. Unlabeled
 - h. Smuggled
 - i. Parallel imports, with the exception of drugs and medicines when authorized by law, such as:
 - i. Non-counterfeit product imported from another country without the expressed permission of the intellectual property owner;

³ FDA revised 01.12.2022

ANNEX C: NON-EXHAUSTIVE LIST OF THE PROHIBITED OR RESTRICTED ITEMS

- ii. Non-counterfeit, duty free product declared for personal use;
- xv. Used cosmetics;
- xvi. Counterfeit items, such as:
 - a. Counterfeit currency and stamps;
 - b. Counterfeit goods, pirated goods and/or content;
 - c. Potentially infringing items: Items including but not limited to replicas, counterfeit items, and unauthorized copies of a product or item which may be in violation of certain copyrights, trademarks, or other intellectual property rights of third parties;
 - d. Counterfeit GM seeds that are sold without the mandatory biosafety permits issued by the BPI
- xvii. Currency, credits, and securities such as:
 - a. Currency or credits including, without limitation, digital currency or credits, and stored value cards;
 - b. Credit and debit cards;
 - c. Shares, stock, other securities and stamps;
- xviii. Precious metals such as but not limited to gold bar, silver bar, platinum bar, conflict minerals (natural sources extracted in a conflict zone and sold to perpetuate fighting), conflict diamond (diamond mined in a war zone and sold to finance an insurgency);
- xix. Artifacts and antiquities;
- xx. Weapons, such as:
 - a. Firearms, weapons such as pepper spray, replicas, and stun guns, etc.;
 - b. Lock-picking devices;
- xxi. Equipment and devices critical to surveillance and information gathering, such as:
 - a. Telecommunication equipment that has not been registered with the National Telecommunications Commission of the Philippines, and electronic surveillance equipment and other similar electronic equipment such as cable TV, de-scramblers, radar scanners, traffic signal control devices, wiretapping devices and telephone bugging devices;
 - b. Circumvention devices used in modifying, decoding, recoding of vital information;
- xxii. Government or Police related items such as badges, insignia or uniforms;
- xxiii. Prohibited services: the provision of services that are sexual, or illegal in nature;
- xxiv. Obscene, seditious or treasonous materials, as defined under the revised penal code and other special laws;
- xxv. Publications, books, films, videos and/or video games that do not comply with applicable laws in the country of sale and/or delivery;
- xxvi. Blasphemous materials showing disrespect, irreverence, discrimination to any religion;
- xxvii. Products that:

ANNEX C: NON-EXHAUSTIVE LIST OF THE PROHIBITED OR RESTRICTED ITEMS

- a. Relate to campaigns, elections, political issues, or issues of public debate;
 - b. Advocate for or against, or attack a politician or political party; or
 - c. Promote or encourage any form of hate, crime, prejudice, rebellion or violence;
- xxviii. Any other items that are, or that contain components that are:
- a. Illegal or restricted in the jurisdiction of the Buyer and/or the Seller or which otherwise encourage illegal or restricted activities, or
 - b. Determined by any governmental or regulatory authority to pose a potential health or safety risk.
- xxix. Wildlife, species (flora and fauna) whether live, stuffed, preserved, by-products and derivatives which are regulated by the Wildlife Act (RA 9147)
- a. Live animals whether domestic or wild (exotic or indigenous) animals which may be found producing, companion, aquatic, laboratory, including birds, worms, bees and butterflies, its products and by-products, veterinary feed premixes and biologics, laboratory specimen of animal origin, feeds and feed ingredients that may be carriers of communicable animal diseases
 - b. Terrestrial wildlife species whether live, stuffed, preserved, by-products & derivatives, including:
 - i. All wildlife species (fauna and flora) bred in captivity or propagated
 - ii. All exotic species (fauna and flora)
- xxx. Fishery and aquatic products:
- c. All fish and fishery/aquatic products (live, fresh, dried and/or processed, frozen and chilled)
 - d. Live Mud crab ("Alimango"-*Scylla serrata*), carapace length of 10cm or over and weight of 200 grams or over
 - e. Seasnakes whether live, skin or products from the skin or meat
 - f. Shells such as:
 - i. Black lip pearl ("Concha Negra"-*Pinctada margaritifera*), with a minimum size of 11cm, maximum outside long axis measurement, taken at right angle to the base.
 - ii. Gold lip pearl ("Concha blanca"-*Pinctada maxima*), with a minimum size of 19cm, maximum outside long axis measurement, taken at right angle to the base.
 - iii. Semi-finished or Semi-processed Capiz shells ("Kapis"), 8cm or over in diameter measured from the base perpendicular towards the top edge of the shell
 - iv. Hirose shell ("Babae"-*Trochus noduliferus*), with a minimum size of 5cm across the least diameter of the base, taken at right angles to the axis
 - v. Rough top shell or trochus shell ("Simong";*trocha* rough

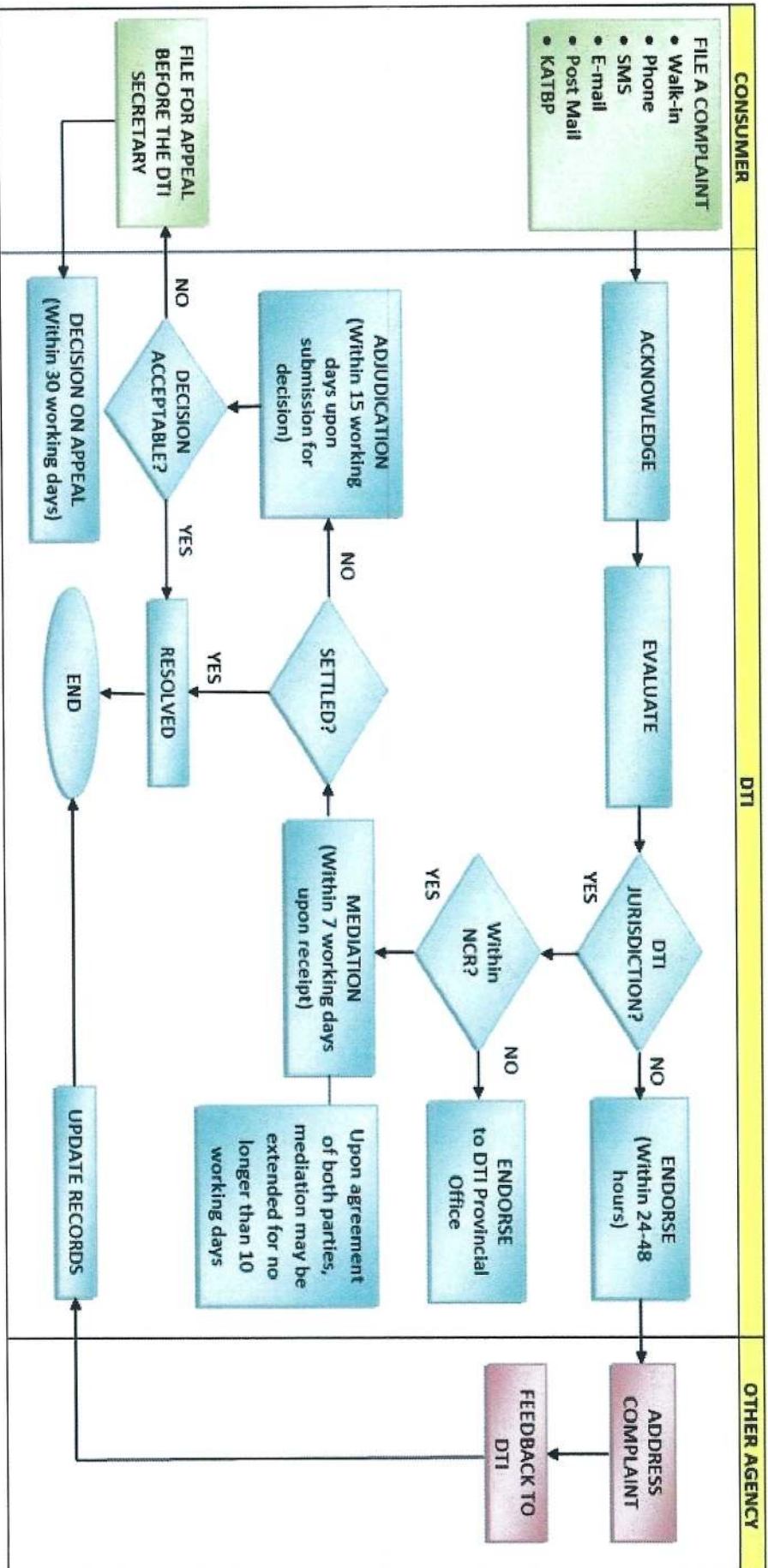
ANNEX C: NON-EXHAUSTIVE LIST OF THE PROHIBITED OR RESTRICTED ITEMS

variety-trochus maximus), with a minimum size of 7.5cm across the least diameter of the base, measured at right angles to the axis

- xxxii. All plants, planting materials, plant, and wood products:
 - g. Pest specimen, including wood packaging materials capable of harboring plant pests
 - h. Lumber, logs, poles, piles, log core and flitches/railroad ties produced from planted trees from both the forestlands and private lands
- xxxiii. Coffee
- xxxiiii. All sugarcane-based sugar such raw sugar, white sugar, and muscovado, and Molasses
- xxxv. Leaf Tobacco such as Virginia, Burley, Native tobacco strips, tobacco stems, expanded tobacco and tobacco refuse/scraps/dusts, etc.
- xxxvi. Tobacco products such as cigarettes, cigars, heated tobacco products, pipe tobacco, chewing tobacco, snuff, homogenized tobacco, reconstituted tobacco, cut fillers, cut rags, snus, etc.
- xxxvii. Tobacco-related materials such as packaging materials, filters, flavorings, adhesives, collagens, machines and spare parts, etc.
- xxxviii. Crushed and/or sized sand gravel and/or other unconsolidated materials
- xxxix. Iron, manganese and/or chromium ore(s), whether unprocessed or processed
- xl. Mine wastes and/or mill tailings
- xli. Unprocessed, raw, or run-of-mine mineral(s)
- xlii. Controlled chemicals
- xliii. Legal tender Philippine notes and coins, checks, money order and other bills of exchange drawn in pesos against banks operating in the Philippines in an amount exceeding PHP 50, 000.00
- xliv. Cultural properties such as archaeological materials, traditional ethnographic materials, antiques, historical relics, natural history specimens, including holotypes, endangered, irreplaceable specimens, and fossils
- xlv. Optical and magnetic media, its manufacturing equipment, parts and accessories and manufacturing materials
- xlvi. Firearms and ammunition, parts, and components thereof, accessories of firearms, tools, machinery, or instruments used or intended to be used in the manufacture of firearms and ammunition or parts thereof, bullet proof vests, airguns, airsoft guns, and taser guns.
- xlvii. Chainsaw, including its parts and accessories. Chainsaw refers to any portable saw or similar cutting implement rendered operative by an electric or internal combustion engine or similar means, that may be used for, but is not limited to, the felling of trees or the cutting of timber;
- xlviii. Nuclear and radioactive material having specific activity greater than 70kBq/kg
- xlix. Nuclear related dual use items
- l. Explosive/Explosive ingredients
- li. Firecrackers and Pyrotechnic devices

ANNEX D: CONSUMER COMPLAINTS HANDLING PROCESS FLOW CHART

CONSUMER COMPLAINTS HANDLING PROCESS FLOW CHART



SCHEDULE OF PENALTIES UNDER R.A. 8792, THE ELECTRONIC COMMERCE ACT

VIOLATIONS	FINE (Php)	IMPRISONMENT
Hacking or cracking which refers to unauthorized access into or interference in a computer system/server or information and communication system; or any access in order to corrupt, alter, steal, or destroy using a computer or other similar information and communication devices, without the knowledge and consent of the owner of the computer or information and communication system, including the introduction of computer viruses and the like, resulting in the corruption, destruction, alteration, theft or loss of electronic data messages or electronic documents	MINIMUM of 100,000 and a MAXIMUM commensurate to the damage incurred.	MANDATORY imprisonment of 6months to 3years
Piracy or the unauthorized copying, reproduction, dissemination, distribution, importation, use, removal, alteration, substitution, modification, storage, uploading, downloading, communication, making available to the public, or broadcasting of protected material, electronic signature or copyrighted works including legally protected sound recordings or phonograms or information material on protected works, through the use of telecommunication networks, such as, but not limited to, the internet, in a manner that infringes intellectual property rights	MINIMUM of 100,000 and a MAXIMUM commensurate to the damage incurred.	MANDATORY imprisonment of 6 months to 3 years
Other violations of the provisions of this Act	MAXIMUM of 1,000,000 OR	6 years

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

SCHEDULE OF PENALTIES UNDER R.A. 4109, THE PRODUCT STANDARDS LAW (AS PROVIDED FOR UNDER DAO NO. 02, S. 2007)

NATURE OF OFFENSE	FREQUENCY OF VIOLATION	MANUFACTURER / IMPORTER / SERVICE PROVIDER					WHOLESALE / RETAILER / DEALER / AGENT				
		Basic fines	Only Mitigating	Outnumber Aggravating	Outnumber Mitigating	Only Aggravating	Basic fines	Only Mitigating	Outnumber Aggravating	Outnumber Mitigating	Only Aggravating
A. License Related 1. Distribution, sale, or offer for sale of any product covered by Philippine Standard Certification Mark Schemes which does not conform to the required and applicable PNS quality or safety standards 2. Providing repair, requalification, and installation services without the required license, accreditation, and/or recognition 3. Distribution, sale, offer for sale, or manufacture of any products with PS Mark but without valid PS license or permit 4. Manufacture, importation, distribution, sale, or offer for sale of any product covered by mandatory product certification	1 st Offense	50,000	35,000 to 42,500	42,500 to 50,000	50,000 to 65,000	65,000 to 75,000	25,000	17,500 to 21,250	21,250 to 25,000	25,000 to 32,500	32,500 to 37,500
	2 nd Offense	75,000	52,500 to 63,750	63,750 to 75,000	75,000 to 97,500	97,500 to 112,500	50,000	35,000 to 42,500	42,500 to 50,000	50,000 to 65,000	65,000 to 75,000
	3 rd Offense	150,000					150,000				

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

without the required BPS license or permit 5. Importation, distribution, sale, or offer for sale of imported products covered by mandatory product certification without required ICC	4 th Offense	150,000								150,000							
B. Product Related 1. Importation, distribution, sale, offer for sale, or manufacture of any product covered by mandatory product certification which does not bear the BPS required identification and product markings 2. Importation, distribution, sale, offer for sale, or manufacture of any product covered by mandatory product certification under a fake,	1 st Offense	50,000	35,000 to 42,500	42,500 to 50,000	50,000 to 65,000	65,000 to 75,000	25,000	17,500 to 21,250	21,250 to 25,000	25,000 to 32,500	32,500 to 37,500						
	2 nd Offense	75,000	52,500 to 63,750	63,750 to 75,000	75,000 to 97,500	97,500 to 112,500	50,000	35,000 to 42,500	42,500 to 50,000	50,000 to 65,000	65,000 to 75,000						

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

<p>withdrawn, suspended, or cancelled BPS license or permit</p> <p>3. Importation, distribution, sale, or offer for sale of imported products with ICC Marks but without valid ICC</p> <p>4. Importation, distribution, sale, or offer for sale of imported products although bearing the required BPS identification and product markings but such markings are not place in the manner provided</p>	3 rd Offense	150,000						150,000					
	4 th Offense	150,000						150,000					
<p>C. Implementation Related</p> <p>1. Mandatory products released from the Bureau of Customs without the necessary conditional release or with falsified documents purportedly from the BPS or DTI Provincial or Regional Office</p> <p>2. Refuse access to or copying of pertinent records, to permit entry of or inspection in the establishment's premises or</p>	1 st Offense	50,000	35,000 to 42,500	42,500 to 50,000	50,000 to 65,000	65,000 to 75,000	25,000	17,500 to 21,250	21,250 to 25,000	25,000 to 32,500	32,500 to 37,500		
	2 nd Offense	75,000	52,500 to 63,750	63,750 to 75,000	75,000 to 97,500	97,500 to 112,500	50,000	42,500 to 50,000	50,000 to 65,000	65,000 to 75,000			
	3 rd Offense	150,000						150,000					

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

warehouse facilities conducted by authorities	4 th Offense	150,000						150,000						
	3. Failure to comply with any duly served notice, summons, or subpoenas issued by authorities	1 st Offense	5,000	N/A	N/A	N/A	N/A	N/A	3,000	N/A	N/A	N/A	N/A	
	4. Giving false or misleading data / information, misrepresenting a material and substantial fact; or willfully concealing a material data or fact	2 nd Offense	10,000	N/A	N/A	N/A	N/A	N/A	6,000	N/A	N/A	N/A	N/A	
	5. Failure to comply with the applicable rules and regulations regarding stockpiling (as defined in R.A. 7394, the Consumer Act)	3 rd Offense	25,000						10,000					
6. Failure to comply with the orders issued pursuant to Art. 11 of R.A. 7394, relating to a) notification requirements on; and b) recall, repair, replacement, or refund of substandard products	4 th Offense	25,000						10,000						

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

The following schedule shall be applied where the offense is related to a consumer complaint filed under R.A. 7394, or the Consumer Act

NATURE OF OFFENSE	FREQUENCY OF VIOLATION	MANUFACTURER / IMPORTER / SERVICE PROVIDER						WHOLESALE / RETAILER / DEALER / AGENT					
		Basic fines	Only Mitigating	Outnumber Aggravating	Outnumber Mitigating	Only Aggravating	Basic fines	Only Mitigating	Outnumber Aggravating	Outnumber Mitigating	Only Aggravating		
A. License Related 1. Distribution, sale, or offer for sale of any product covered by Philippine Standard Certification Mark Schemes which does not conform to the required and applicable PNS quality or safety standards 2. Providing repair, requalification, and installation services without the required license, accreditation, and/or recognition 3. Distribution, sale, offer for sale, or manufacture of any products with PS Mark but without valid PS license or permit 4. Manufacture, importation, distribution, sale, or offer for sale of any product covered by mandatory product certification	1 st Offense	100,000	70,000 to 85,000	85,000 to 100,000	100,000 to 130,000	130,000 to 150,000	50,000	35,000 to 42,500	42,500 to 50,000	50,000 to 65,000	65,000 to 75,000		
	2 nd Offense	150,000	105,000 to 127,500	127,500 to 150,000	150,000 to 195,000	195,000 to 225,000	75,000	52,000 to 63,750	63,750 to 75,000	75,000 to 97,500	97,500 to 112,500		
	3 rd Offense	300,000						300,000					

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

without the required BPS license or permit 5. Importation, distribution, sale, or offer for sale of imported products covered by mandatory product certification without required ICC	4 th Offense	300,000						300,000					
B. Product Related 1. Importation, distribution, sale, offer for sale, or manufacture of any product covered by mandatory product certification which does not bear the BPS required identification and product markings 2. Importation, distribution, sale, offer for sale, or manufacture of any product covered by mandatory product certification under a fake,	1 st Offense	100,000	70,000 to	85,000 to	100,000 to	130,000 to	50,000	35,000 to	42,500 to	50,000 to	65,000 to		
	2 nd Offense	150,000	105,000 to	127,500 to	150,000 to	195,000 to	75,000	52,000 to	63,750 to	75,000 to	97,500 to		

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

<p>withdrawn, suspended, or cancelled BPS license or permit</p> <p>3. Importation, distribution, sale, or offer for sale of imported products with ICC Marks but without valid ICC</p> <p>4. Importation, distribution, sale, or offer for sale of imported products although bearing the required BPS identification and product markings but such markings are not place in the manner provided</p>	3 rd Offense	300,000						300,000					
	4 th Offense	300,000						300,000					
<p>C. Implementation Related</p> <p>1. Mandatory products released from the Bureau of Customs without the necessary conditional release or with falsified documents purportedly from the BPS or DTI Provincial or Regional Office</p> <p>2. Refuse access to or copying of pertinent records, to permit entry of or inspection in the establishment's premises or</p>	1 st Offense	100,000	70,000 to 85,000	100,000 to 130,000	130,000 to 150,000	50,000	35,000 to 42,500	42,500 to 50,000	50,000 to 65,000	65,000 to 75,000			
	2 nd Offense	150,000	127,500 to 150,000	150,000 to 195,000	195,000 to 225,000	75,000	63,750 to 75,000	75,000 to 97,500	97,500 to 112,500				
	3 rd Offense	300,000						300,000					
		300,000						300,000					

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

<p>warehouse facilities conducted by authorities.</p> <p>3. Failure to comply with any duly served notice, summons, or subpoenas issued by authorities</p> <p>4. Giving false or misleading data / information, misrepresenting a material and substantial fact; or willfully concealing a material data or fact</p> <p>5. Failure to comply with the applicable rules and regulations regarding stockpiling (as defined in R.A. 7394, the Consumer Act)</p> <p>6. Failure to comply with the orders issued pursuant to Art. 11 of R.A. 7394, relating to a) notification requirements on; and b) recall, repair, replacement, or refund of substandard products</p>	4 th Offense	300,000						300,000					
	1 st Offense	10,000	N/A	N/A	N/A	N/A	N/A	3,000	N/A	N/A	N/A	N/A	
		2 nd Offense	20,000	N/A	N/A	N/A	N/A	6,000	N/A	N/A	N/A	N/A	
	3 rd Offense	50,000						25,000					
		4 th Offense	50,000						25,000				

SCHEDULE OF PENALTIES UNDER R.A. 7394, THE CONSUMER ACT OF THE PHILIPPINES

The following schedule shall be the basis in the imposition of administrative fine for violation of R.A. No. 7394, otherwise known as the Consumer Act of the Philippines, particularly on the provisions on Price Tag.

SCHEDULE I

	RANGE OF CAPITALIZATION (Php)	MINIMUM	MEDIUM	MAXIMUM
RETAILER	a. Below 20,000	500	1,000	1,500
	b. 20,000 to 100,000	5,000	10,000	20,000
	c. Above 100,000 to 200,000	10,000	20,000	30,000
	d. Above 200,000	30,000	40,000	50,000

The following schedule shall be applied in cases of violation of the R.A. No. 7394 as provided in Section 1, Article IV, except (1), and its implementing rules.

SCHEDULE II

	RANGE OF CAPITALIZATION (Php)	MINIMUM	MEDIUM	MAXIMUM
RETAILER	a. Below 20,000	500	1,000	1,500
	b. 20,000 to 100,000	20,000	30,000	40,000
	c. Above 100,000 to 300,000	40,000	50,000	60,000
	d. Above 300,000 to 500,000	60,000	70,000	80,000
	e. Above 500,000 to 1,000,000	100,000	140,000	180,000

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

RETAILER	f. Above 1,000,000 to 5,000,000	120,000	160,000	200,000
	g. Above 5,000,000 to 10,000,000	240,000	260,000	280,000
	h. Above 10,000,000	280,000	290,000	300,000
WHOLESALE, DISTRIBUTOR, MANUFACTURER, IMPORTER	a. Below 500,000	60,000	70,000	80,000
	b. Above 500,000 to 1,000,000	100,000	140,000	180,000
	c. Above 1,000,000 to 5,000,000	120,000	160,000	200,000
	d. Above 5,000,000 to 10,000,000	240,000	260,000	280,000
	e. Above 10,000,000	280,000	290,000	300,000

NOTE: In the event the offender is engaged in two or more business activities, the activity to which a higher penalty corresponds shall be made the basis in imposing the appropriate penalty.

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

SCHEDULE OF PENALTIES UNDER R.A. 7581, THE PRICE ACT OF THE PHILIPPINES

In determining the imposable fine for violation of R.A. 7581 as amended, otherwise known as the Price Act, the following shall be taken into consideration:

SCHEDULE I

	Range of Capitalization (Php)	Minimum	Medium	Maximum
RETAILER	a. Below 20,000	500	1,000	1,500
	b. 20,000 to 100,000	5,000	10,000	20,000
	c. Above 100,000 to 300,000	20,000	30,000	40,000
	d. Above 300,000 to 500,000	40,000	50,000	60,000
	e. Above 500,000 to 1,000,000	60,000	80,000	100,000
	f. Above 1,000,000	100,000	125,000	150,000
WHOLESALER, DISTRIBUTOR, MANUFACTURER, IMPORTER	a. 300,000 and below	20,000	30,000	40,000
	b. Above 300,000 to 500,000	40,000	50,000	60,000
	c. Above 500,000 to 1,000,000	60,000	80,000	100,000
	d. Above 1,000,000	100,000	125,000	150,000

NOTE: In the event the offender is engaged in two or more business activities, the activity to which a higher fine is attached shall be imposed, subject to all other requirements of the law.

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

VIOLATIONS	FINE (Php)	IMPRISONMENT
Illegal Price Manipulation on Basic Necessity or Prime Commodity	Not less than 5,000 nor more than 2,000,000 AND/OR	Not less than 5 years nor more than 15 years
Price Ceiling	Not less than 5,000 nor more than 1,000,000 AND/OR	Not less than 1 year nor more than 10 years
Other violations	Not more than 1,000,000 OR	Not more than 6 years

SCHEDULE OF PENALTIES UNDER R.A. 10173, THE DATA PRIVACY ACT OF 2012

VIOLATION	FINE (Php)		IMPRISONMENT	
	Personal Information	Sensitive Personal Information	Personal Information	Sensitive Personal Information
Unauthorized Processing	500,000 to 2,000,000	500,000 to 4,000,000	1 to 3 years	3 to 6 years
Accessing Due to Negligence				
Improper Disposal	100,000 to 500,000	100,000 to 1,000,000	6 months to 2 years	1 to 3 years
Processing for Unauthorized Purposes	500,000 to 1,000,000	500,000 to 2,000,000	1 year and 6 months to 5 years	2 to 7 years
Unauthorized Disclosure		1,000,000 to 5,000,000	1 to 3 years	3 to 5 years
Concealment of Security Breaches		500,000 to 1,000,000		1 year and 6 months to 5 years
Unauthorized Access or Intentional Breach	500,000 to 2,000,000		1 to 3 years	
Malicious Disclosure	500,000 to 1,000,000		1 year and 6 months to 5 years	
Combination or Series of Acts	1,000,000 to 5,000,000		3 to 6 years	
Large Scale (personal information of 100 persons harmed, affected, or involved)	Maximum provided			
Offender is a Public Officer	Regular schedule of penalties + Accessory penalty of Disqualification from Public Office (for a term double that of the criminal penalty imposed)			

SCHEDULES OF PENALTIES UNDER R.A. 8293, THE INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES

VIOLATIONS	FINE (Php)	IMPRISONMENT
Repetition of Patent Infringement	Not less than 100,000 but not more than 300,000 AND/OR	Not less than 6 months but not more than 3 years
Trademark Infringement and Unfair Competition	50,000 to 200,000 AND	2 years to 5 years
Copyright Infringement	First Offense: 50,000 to 150,000	First Offense: 1 year to 3 years
	Second Offense: 150,000 to 500,000	Second Offense: 3 years and 1 day to 6 years
	Third Offense and Subsequent Offenses: 500,000 to 1,500,000	Third Offense and Subsequent Offenses: 6 years and 1 day to 9 years

NOTE: The criminal action for repetition of patent infringement shall prescribe in 3 years from date of the commission of the crime

SCHEDULE OF PENALTIES UNDER R.A. 9711, THE FOOD AND DRUG ADMINISTRATION ACT OF 2009

VIOLATION	FINE (Php)	IMPRISONMENT
ANY PERSON WHO VIOLATES SEC. 11 HEREOF	Not less than 50,000 nor more than 500,000 AND/OR	Not less than 1 year nor more than 10 years
MANUFACTURER, IMPORTER, OR DISTRIBUTOR OF ANY HEALTH PRODUCT *	Not less than 500,000 nor more than 5,000,000 AND	Not less than 5 years nor more than 10 years
CONTINUING VIOLATION	Continuing Violation: Additional fine of one (1%) of the economic value/cost of the violative product or violation or Php 1,000, whichever is higher	

NOTE: Health products found in violation of the provisions of this Act and other relevant laws, rules and regulations **may be seized and held in custody pending proceedings, without hearing or court order**, when the director-general has reasonable cause to believe from facts found by him/her or an authorized officer or employee of the FDA that such health products may cause injury or prejudice to the consuming public.

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

SCHEDULE OF PENALTIES UNDER P.D. 1144, CREATING THE FERTILIZER AND PESTICIDE AUTHORITY AND ABOLISHING THE FERTILIZER INDUSTRY AUTHORITY

	FINE (Php)	IMPRISONMENT
ANY PERSON WHO VIOLATES P.D. 1144	If the amount of fertilizer is undetermined: Not less than 5,000 but not more than 10,000	
	If the amount of fertilizer involved is Php 10,000 or less: Amount equal to the value involved to three times such value but which shall in no case be less than 5,000 nor more than 20,000 AND	Not less than 10 years and 1 day nor more than 15
		If the amount of fertilizer involved is more than Php50,000: Not less than 15 years and 1 day nor more than 20 years

NOTE: If falsification of a public or commercial document is committed by reasons or on the occasion of the commission of any of the acts punishable herein, the offender shall be imposed of the maximum fine and term of imprisonment as above prescribed. If the violation is committed by a corporation, firm, partnership, cooperative, association or any other entity, the penalty shall be imposed upon the guilty office or offices and such corporation, firm, partnership, association or entity.

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

SCHEDULE OF PENALTIES UNDER R.A. 6969, THE TOXIC SUBSTANCES AND HAZARDOUS AND NUCLEAR WASTES CONTROL ACT OF 1990

	FINE (Php)	IMPRISONMENT
ANY PERSON WHO VIOLATES SEC 13 (a) to (c) of R.A. 6969	Not less than 600 nor more than 4,000 AND	Not less than 6 months and 1 day nor more than 6 years and 1 day (not covered by the Probation Law)
1. Offender is a foreigner	+	Deportation and barred from re-entering the Philippines after service of sentence
2. Offender is a public officer	+	Dismissal and Perpetual disqualification from any Elective or Appointive position
ANY PERSON WHO VIOLATES SEC 13 (d) of P.D. R.A. 6969		Not less than 12 years and 1 day nor more than 20 years
1. Offender is a foreigner	+	Deportation and barred from re-entering the Philippines after service of sentence
2. Offender is managing partner, president, or chief executive of a corporation or other association	+	At least 500,000 in exemplary damages
3. Offender is a public officer	+	Dismissal and Perpetual disqualification from any Elective or Appointive position
ANY VIOLATION OF R.A. 6969	+	Administrative Fine of not less than 10,000 nor more than 50,000 (to be imposed by the Secretary of Natural Resources)

SCHEDULE OF PENALTIES UNDER R.A. 9175, THE CHAIN SAW ACT OF 2002

VIOLATIONS	FINE	IMPRISONMENT
Selling, Purchasing, Re-selling, Transferring, Distributing or Possessing a Chain Saw Without a Proper Permit	Not less than 15,000 but not more than 30,000 AND/OR	Not less than 4 years, 2 months and 1 day nor more than 6 years
Unlawful Importation or Manufacturing of Chain Saw	Not less than 1,000 or more than 4,000 AND	Not less than 1 month nor more than 6 months
Tampering of Engine Serial Number	Not less than 1,000 nor more than 4,000 AND	Not less than 1 month nor more than 6 months
Actual Unlawful Use of Chain Saw	Not less than Php 30,000 but not more than 50,000 AND/OR	Not less than 6 years and one 1 day nor more than 8 years
Offender is a Public Officer	Regular schedule of penalties + Accessory penalty of Perpetual Disqualification from Public Office	

NOTE: The chain saws confiscated under this Section shall be sold at public auction to qualified buyers and the proceeds thereof shall go to the Department.

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

SCHEDULE OF PENALTIES UNDER P.D. 705, THE FORESTRY REFORM CODE OF THE PHILIPPINES

VIOLATIONS	FINE (Php)	IMPRISONMENT
Unlawful occupation or destruction of forest lands*	Not less than 500 nor more than 20,000 + Ten times the rental fees and other charges which would have accrued under a license agreement, lease, license, or permit AND	Not less than 6 months nor more than 2 years
Kaingin	Eight times the regular forest charges due on the forest products destroyed, without prejudice to the payment of the full cost of restoration of the occupied area as determined by the Bureau AND	Not less than 2 nor more than 4 years
Unlawful possession of implements and devices used by forest officers.	Not less than 1,000, nor more than 10,000 + Confiscation of such implements and devices, and automatic cancellation of the license agreement, lease, license or permit, if the offender is a holder thereof AND	Not less than 2 nor more than 4 years

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

Sale of wood products	Not less than 200 or the total value of the invoice, whichever is greater + Suspension of the dealer's license for a period of not less than 2 years	
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NOTE: The Court shall further order the eviction of the offender from the land and the forfeiture to the Government of all improvements made and all vehicles, domestic animals and equipment of any kind used in the commission of the offense.

SCHEDULE OF PENALTIES UNDER R.A. 10175, THE CYBERCRIME PREVENTION ACT OF 2012

VIOLATIONS	FINE (Php)	IMPRISONMENT
Sec. 4(a) and 4(b)	Not less than 200,000 up to a maximum amount commensurate to the damage incurred AND/OR	6 years and 1 day to 12 years (Prision Mayor)
Sec. 4(a)(5)	Not more than Php 500,000 AND/OR	6 years and 1 day to 12 years (Prision Mayor)
Sec. 4 (a) if committed against Critical Infrastructure	Not less than 500,000 up to maximum amount commensurate to the damage incurred AND/OR	12 years and 1 day to 20 years (Reclusion Temporal)
Sec. 4(c)(1)	Not less than 200,000 nor more than 1,000,000 AND/OR	6 years and 1 day to 12 years (Prision Mayor)
Sec. 4(c)(2)	One degree higher than the penalties provided for under R.A. 9775, the Anti-Child Pornography Act of 2009	
Sec. 4(c)(3)	Not less than 50,000 nor more than 250,000	1 month and 1 day to 6 months (Arresto Mayor)
Sec. 5	Not less than 100,000 nor more than 500,000 AND/OR	One degree lower than the penalty prescribed
When the punishable acts are committed on behalf of or for the benefit of a juridical person by a natural person acting with authority	Double the amount of the fines imposable for any punishable act under this law that also constitutes a violation of	

ANNEX E: NON-EXHAUSTIVE LIST OF PENALTIES

	the Revised Penal Code or other special laws, up to a maximum of 10,000,000 OR 5,000,000, if the violation was due to lack of supervision or control	
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