

16 September 2020

ATTY. FLORDELIZA C. VARGAS-TRINIDAD

Director

Office of the National Administrative Register (ONAR)

Bocobo Hall, UP Law Complex,

UP Diliman, Quezon City

Dear *Atty. Vargas-Trinidad*:

In compliance with Section 3, Title II, Book VII of the Administrative Code of 1987 requiring all agencies of the Philippine Government to file its adopted rules with the Office of the National Administrative Register, the Philippine Competition Commission (PCC) is respectfully submitting herewith three (3) certified true copies of the **Interim Guidelines on the Resumption of Adjudication Proceedings during General Community Quarantine and Modified General Community Quarantine**, as approved through Commission Resolution No. 21-2020 dated 15 September 2020.

We hope you find our submission in order.

Thank you.

Very truly yours,

JESON O. DE LA TORRE
Officer-in-Charge, Administrative Office



COMMISSION RESOLUTION NO. 21-2020

ADOPTING INTERIM GUIDELINES ON THE RESUMPTION OF ADJUDICATION PROCEEDINGS DURING GENERAL COMMUNITY QUARANTINE AND MODIFIED GENERAL COMMUNITY QUARANTINE

WHEREAS, on 8 March 2020, President Rodrigo R. Duterte (the "President"), recognizing the need for a whole-of-government approach to address the Coronavirus Disease ("COVID-19") outbreak, issued Proclamation No. 922 declaring a State of Public Health Emergency throughout the Philippines;

WHEREAS, on 12 March 2020, following the sharp increase in the number of confirmed COVID-19 cases throughout the country, the Inter-Agency Task Force for the Management of Emerging Infectious Disease ("IATF") issued Joint Resolution No. 11, s. 2020, recommending the imposition of Stringent Social Distancing Measures in the National Capital Region ("NCR");

WHEREAS, among the Stringent Social Distancing Measures to manage the COVID-19 situation in the NCR are the imposition of community quarantine and the implementation of alternative work arrangements in the Executive Branch;

WHEREAS, on 17 March 2020, the PCC issued Commission Resolution No. 08-2020 (*Interruption of the Reglementary Periods for the Filing of Pleadings, Motions and Submissions to the Commission and the Payment of Fines or Penalties in view of the Enhanced Community Quarantine to Manage the COVID-19 Situation*) which interrupted the reglementary periods starting from 16 March 2020;

WHEREAS, on 23 April 2020, the PCC issued Commission Resolution No. 10-2020 (*Guidelines on the Interruption of the Reglementary Periods for the Commencement of Action, Filing of Pleadings, Motions and Submissions, Rendition of Judgments, Resolutions, and Orders, Payment of Fines or Penalties, and the Cancellation of Proceedings for the Duration of the Community Quarantine in accordance with Administrative Order No. 30*);

WHEREAS, on 31 August 2020, the President placed the National Capital Region and the provinces of Bulacan, Batangas, Bacolod and the cities of Tacloban under General Community Quarantine ("GCQ") from 1-30 September 2020;

WHEREAS, the health and safety of PCC employees, transacting parties, resource persons, and other stakeholders are of the utmost concern to the Commission during this period of community quarantine;

WHEREAS, there is a need to adopt interim guidelines to ensure that laws



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and regulations are duly complied with during the period of community quarantine while strictly observing the minimum public health standards recommended by the IATF under the *Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines* ("Omnibus Guidelines");

NOW, THEREFORE, in view of the foregoing considerations, the Commission has **RESOLVED**, as it hereby **RESOLVES**, to adopt the *Interim Guidelines on the Resumption of Adjudication Proceedings During General Community Quarantine and Modified General Community Quarantine*;

RESOLVED, FURTHER, that Commission Resolution No. 10-2020 and other PCC resolutions, guidelines, and issuances, or provisions thereof, which are inconsistent with this Resolution are hereby superseded or modified accordingly;

RESOLVED, FINALLY, that this Resolution shall take effect immediately and shall remain in effect until modified or revoked by the Commission.

DONE this 15 September 2020 in Quezon City, Philippines.


ARSENIO M. BALISACAN
Chairman


JOHANNES BENJAMIN R. BERNABE
Commissioner


AMABELLE C. ASUNCION
Commissioner


MACARIO R. DE CLARO, JR.
Commissioner


EMERSON B. AQUENDE
Commissioner



INTERIM GUIDELINES ON THE RESUMPTION OF ADJUDICATION PROCEEDINGS DURING GENERAL COMMUNITY QUARANTINE AND MODIFIED GENERAL COMMUNITY QUARANTINE

I. Coverage

1. These Interim Adjudication Guidelines ("Guidelines") shall apply to proceedings before the Commission during the duration of the General Community Quarantine ("GCQ") and Modified General Community Quarantine ("MGCQ").

II. Resumption of Proceedings before the Commission

2. All quasi-judicial proceedings before the Commission shall resume upon the effectivity of these Guidelines including the filing of new complaints, petitions, motions, and other actions.
 - a. *For pending incidents and proceedings.* Parties shall have the balance of their respective reglementary periods to file their pleadings and other submissions, or pay the fines and penalties imposed by the Commission. The balance of the reglementary periods means the period remaining when the Commission proceedings were suspended on 16 March 2020.
 - b. *For newly filed actions.* The Commission shall issue a Notice to Comment to the respondents within thirty (30) days from receipt of the complaint, petition, or motion. The Notice shall specify the period for the filing of comments, which shall not be less than fifteen (15) days from the receipt of the Notice.

III. Manner of Filing and Service of Complaints, Pleadings, Orders, and Decisions

3. Complaints, other pleadings, or documents may be submitted electronically by electronic mail ("email") to adjudication@phcc.gov.ph.
 - a. The format of electronic submission shall comply with Rule IV, Article II, Section 4.12 (a) of the 2017 Rules of Procedure of the Philippine Competition Commission ("2017 PCC Rules of Procedure");
 - b. Hard copies shall thereafter be submitted within fifteen (15) days from the submission of the soft copies. Failure to submit hard copies within the required period shall result in the complaints, pleadings, and documents being deemed not filed. Submission of hard copies shall



follow the manner of filing prescribed by Rule IV, Article II, Section 4.12 (a) of the 2017 PCC Rules of Procedure. In view of the social distancing measures implemented in the PCC Offices, the submission of hard copies of documents, except submissions by the Mergers and Acquisitions Office ("MAO") and Competition Enforcement Office ("CEO"), shall be done by appointment using the PCC Client Appointment System ("PCAS"). Parties are required to accomplish the PCAS at least two (2) working days before the date of submission of hard copies. The period to submit hard copies may be extended by the Commission upon motion by the concerned party.

4. Complaints, other pleadings, and documents are considered filed on the date they are received by the Adjudication Division through the email address adjudication@phcc.gov.ph. The Adjudication Office shall inform the concerned party of the date of receipt.
5. Parties submitting pleadings or documents shall provide a written consent duly signed by them or their authorized representative granting the Commission staff permission to access the submitted documents and information outside the office premises of the PCC.
6. Parties submitting pleadings or documents electronically must also submit an affidavit certifying that the hard copies and the digital copies are complete, accurate, and exact copies of each other.
7. Individuals whose names and signatures appear on the pleadings submitted to the PCC shall be accountable for the veracity and completeness of the pleadings and shall be liable under applicable laws.
8. Any party who is unable to submit the required documents within the reglementary period may file, via email, a motion for extension of the period to comply prior to the lapse of the deadline for submission. Hard copies of the motion for extension shall likewise be submitted following the procedure for the submission of hard copies.
9. Service of Papers emanating from the Commission shall be issued electronically by email to the publicly available or official email address of the recipient. In accordance with Article II, Section 4.11 (g) of the PCC Rules of Procedure, electronic service of papers emanating from the Commission is deemed completed upon transmission. The Commission shall endeavor to send hard copies of the notices by courier to the respondent's address after service by email.

IV. Remote Administration of Oaths

10. In the exercise of its power to administer oaths, the Commission may administer oaths remotely via videoconference, as follows:
 - a. The administering officer coordinates a schedule for videoconference with the witness to administer the oath using Microsoft Teams.



- b. Prior to the videoconference, the witness must submit through email a scanned copy of a government issued ID bearing his/her photograph such as the following:
- i. Passport;
 - ii. Driver's license;
 - iii. Professional Regulation Commission (PRC) ID;
 - iv. Integrated Bar of the Philippines (IBP) ID;
 - v. National Bureau of Investigation (NBI) clearance;
 - vi. Police clearance;
 - vii. Postal ID;
 - viii. Voter's ID;
 - ix. Government Service and Insurance System (GSIS) e-card;
 - x. Social Security System (SSS) card;
 - xi. PhilHealth card;
 - xii. Senior citizen card;
 - xiii. Overseas Workers Welfare Administration (OWWA) ID;
 - xiv. Overseas Filipino Worker (OFW) ID;
 - xv. Seaman's book;
 - xvi. Alien certificate of registration/immigrant certificate of registration;
 - xvii. Government office ID;
 - xviii. Certification from the National Council for the Welfare of Disabled Persons (NCWDP);
 - xix. Department of Social Welfare and Development (DSWD) certification;
 - xx. Tax Identification Number (TIN) ID; or
 - xxi. Unified Multi-Purpose ID (UMID) Card.
- c. Prior to the videoconference, the witness shall be asked to submit through email a scanned copy of a questionnaire or any other document that the witness may produce.
- d. During the videoconference, the administering officer shall start the recording of the videoconference and shall ask the witness to present to the camera the government issued ID, a copy of which was previously emailed. The administering officer shall take a screenshot of the picture of the witness with the face of the witness viewed in full screen.
- e. The administering officer shall then require the witness to confirm his or her location to the satisfaction of the administering officer by showing his or her geolocation through an application with global positioning satellite ("GPS") capabilities or by showing the administering officer identifiable landmarks or buildings within the vicinity.
- f. The administering officer shall require the witness to raise his or her right hand, then ask if he or she swears to tell the truth, the whole truth, and nothing but the truth.



- g. The administering officer shall ask the witness to confirm his or her identity, and if there is a questionnaire or any other document involved, to confirm the accuracy and veracity of its contents.
 - h. The administering officer shall take a photograph or a screenshot of the videoconference clearly showing all parties who participated.
11. Videoconferencing participants at remote facilities shall ensure that they are within camera view and microphone range, especially when speaking.

V. Conduct of Hearings, Preliminary Conferences and Other Proceedings via Videoconference

12. The 2017 Rules of Procedure of the PCC and the Rules on Merger Procedure shall continue to govern proceedings before the Commission, except as herein provided.
13. Preliminary conferences, hearings, and other proceedings may be conducted via videoconference as follows:
- a. The Commission shall determine whether to conduct the proceedings by videoconference.
 - b. Should the need arise, the Commission shall contact the parties through their authorized representatives to inform them that the proceedings, including, but not limited to, preliminary conferences, hearings, and trials, are to be conducted remotely via videoconferencing. The parties shall provide the Commission and the opposing party with contact details for official communication. These contact details shall include a mobile number and an email address.
 - c. The Commission shall schedule the proceedings by email. The parties shall be notified of the date and time of the proceeding and shall be provided a link to the videoconference, which shall be conducted through Microsoft Teams. The email shall also contain the instructions by which the parties are to join the said videoconference, as well as a reminder that hearings shall be recorded by the PCC in accordance to Rule IV, Article I, Section 4.4 of the PCC Rules of Procedure.
 - d. All participants must be visible at all times during the proceedings. The parties are reminded that the proceedings shall mirror, as far as practicable, regular Commission proceedings. All participants shall be in appropriate attire and observe proper decorum.
 - e. In the event that a witness is required to testify, the party offering said testimony may be required to provide multiple angles supplying a full view of the surroundings of the said witness to prevent coaching. Once the Commission is satisfied that there is no possibility of coaching, the Commission can administer the oath remotely. Alternatively, an oath



taken by an officer authorized to administer oaths present with the witness will suffice. The said officer authorized to administer oaths should not be present in the vicinity of the witness once the witness has begun his/her testimony to prevent coaching.

- f. If, during the proceedings, the Commission issues or promulgates an order or a decision, a copy thereof shall be furnished to the parties by email. Hard copies of any such orders or decisions shall be kept on file as part of the records of the case. Parties may secure certified true copies thereof upon proper request.
- g. The Commission, at its own discretion, may suspend the videoconferencing proceedings when technical or other issues are encountered that would affect the fairness of the proceedings, or based on any other reasonable ground as may be determined by the Commission.
- h. The recording of the proceedings shall be stored and filed to form part of the case files.

14. The various offices within the PCC may, in the performance of their respective functions, administer oaths remotely and conduct their proceedings through videoconferencing in the manner provided in these Guidelines.

VII. Applicability of the PCC Rules of Procedure and the Rules on Merger Procedure

15. The relevant provisions of the 2017 Rules of Procedure of the PCC and the Rules on Merger Procedure that are not inconsistent with these Interim Guidelines shall continue to apply.

VIII. Effectivity

16. These Interim Guidelines shall take effect immediately and shall remain in effect until modified or revoked by the Commission, or by applicable laws and/or pertinent regulations.

15 September 2020.

