



MEMORANDUM CIRCULAR NO. 2020 – 07
Series of 2020

TO: ALL HEADS OF GOVERNMENT OFFICES AND AGENCIES INCLUDING STATE UNIVERSITIES AND COLLEGES (SUCs), LOCAL GOVERNMENT UNITS (LGUS), GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS (GOCCS), AND OTHER GOVERNMENT INSTRUMENTALITIES

SUBJECT: GUIDELINES ON THE DESIGNATION OF A COMMITTEE ON ANTI-RED TAPE (CART) IN THE AGENCIES CONCERNED IN COMPLIANCE WITH REPUBLIC ACT (RA) NO. 11032, OTHERWISE KNOWN AS THE “EASE OF DOING BUSINESS AND EFFICIENT GOVERNMENT SERVICE DELIVERY ACT OF 2018,” AND ITS IMPLEMENTING RULES AND REGULATIONS (IRR)

DATE: September 30, 2020

1. BACKGROUND AND LEGAL BASES

- 1.1. Pursuant to RA No. 11032 Section 5, all offices and agencies which provide government services are mandated to regularly undertake cost compliance analysis, time and motion studies, undergo evaluation and improvement of their transaction systems and procedures and reengineer the same if deemed necessary to reduce bureaucratic red tape and processing time.
- 1.2. Section 8 of the said law states that “The head of the office or agency shall be primarily responsible for the implementation of this Act and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.”
- 1.3. The issuance of these Guidelines has been authorized and approved by the Ease of Doing Business and Anti-Red Tape Advisory Council in its meeting held on August 5, 2020 pursuant to RA No. 11032 Section 19. The guidelines was subjected to public consultations with inputs from different National Government Agencies and Local Government Units.
- 1.4. In the Implementing Rules and Regulations, Rule III, Section 1, Streamlining of Government Services, it is provided that all agencies which provide government services shall undertake compliance cost analysis, conduct time and motion studies, undergo evaluation and improvement of all their government services, and reengineer the same, if deemed necessary, to reduce bureaucratic red tape and processing time, and to promote efficiency and simplicity of processes.

2. PURPOSE

This **Memorandum Circular** is issued to provide all concerned government agencies with pertinent information, instructions and guidelines in forming a CART to comply with RA No. 11032 and its IRR.

3. DESIGNATION

Each office or agency shall designate a CART to perform the functions in Section 6.2 of this MC, as well as other roles stated in the Act. The CART shall be an inter-office task force which



requires no separate budget or the creation of new plantilla positions to facilitate its creation by the agency head.

The Agency may also designate a sub-CART in their respective regional/field offices, attached agencies, bureaus, as may be necessary.

4. COVERAGE

This MC shall apply to all government agencies including state universities and colleges, local government units (LGUs), government-owned or controlled corporations and other government instrumentalities, whether located in the Philippines or abroad, that provide services covering business and nonbusiness related transactions as defined in RA No. 11032 and its IRR.

5. DEFINITION OF TERMS

- 5.1. **Agency of the Government:** any of the various units of the Government, including a department, bureau, office, instrumentality, or government-owned or controlled corporations, or a local government or a distinct unit therein (Administrative Code, 1987).
- 5.2. **Amend:** modification or alteration of an enacted law or issuance (Project Repeal Guidebook, 2018).
- 5.3. **Authority:** the Anti-Red Tape Authority created under Section 17 of RA No. 11032.
- 5.4. **Bureau:** any principal subdivision or unit of any department. For purposes of Book IV, this shall include any principal subdivision or unit of any instrumentality given or assigned the rank of a bureau, regardless of actual name or designation, as in the case of department-wide regional offices (Administrative Code, 1987).
- 5.5. **Circulars:** issuances prescribing policies, rules and regulations, and procedures promulgated pursuant to law, applicable to individuals and organizations outside the Government and designed to supplement provisions of the law or to provide means for carrying them out, including information relating thereto. (Project Repeal Guidebook, 2018).
- 5.6. **Department:** an executive department created by law. For purposes of Book IV, this shall include any instrumentality, as herein defined, having or assigned the rank of a department, regardless of its name or designation (Administrative Code, 1987).
- 5.7. **External Services:** government services applied for or requested by external citizens or clients or those who do not form part or belong to the government agency or office providing the service.
- 5.8. **Government Service:** the process or transaction between applicants or requesting parties and government offices or agencies involving applications for any privilege, right, reward, license, clearance, permit or authorization, concession, or for any modification, renewal or extension of the enumerated applications or requests, which are acted upon in the ordinary course of business of the agency or office concerned. This includes frontline services enrolled in the existing Citizen's Charter (whether or not related to business), corresponding back-end/support services and regulatory functions related to permitting, licensing and issuance of a privilege, right, reward, clearance, authorization or concession.
- 5.9. **Instrumentality:** any agency of the National Government, not integrated within the department framework vested within special functions or jurisdiction by law, endowed with some if not all corporate powers, administering special funds, and enjoying operational autonomy, usually through a charter. This term includes regulatory agencies, chartered institutions and government-owned or controlled corporations (Administrative Code, 1987).
- 5.10. **Internal Services:** government services applied for or requested by citizens or clients who are within the respective government agency or office, such as, but not limited to,



its personnel or employees, whether regular or contractual. Internal services include services such as, but not limited to, back-end/support services and regulatory functions related to permitting, licensing and issuance of privilege, right, reward, clearance, authorization or concession.

- 5.11. Implementing Rules and Regulations (IRR):** rules and regulations that are drafted by the implementing agency to fill-in the gaps of its charter law, subject to public consultation. At times, the charter law clearly provides agencies and entities that the implementing agency should coordinate with in creating its IRR. Notably, it cannot go beyond the powers and functions that were granted to the agency under its charter law. (Project Repeal Guidebook, 2018).
- 5.12. Issuances:** rules or guidelines issued by the agency to implement a law or to lay regulations for the public, in accordance with the law (Project Repeal Guidebook, 2018).
- 5.13. Local Government:** political subdivisions established by or in accordance with the Constitution (Administrative Code, 1987).
- 5.14. Office:** any major functional unit of a department or bureau including regional offices. It may also refer to any position held or occupied by individual persons, whose functions are defined by law or regulation (Administrative Code, 1987).
- 5.15. Orders:** issuances directed to particular offices, officials, or employees, concerning specific matters including assignments, detail and transfer of personnel, for observance or compliance by all concerned (Project Repeal Guidebook, 2018).
- 5.16. Ordinances:** are legislative actions of a general and permanent character enacted by the local Sanggunian or Council.
- 5.17. Philippine Business Regulation Information System (PBRIS):** a web-based platform providing accessible information on business regulations issued by the Philippine government. It is established pursuant to Section 17(k) of the Republic Act No. 11032.
- 5.18. Regulations:** legal instruments are legal instruments issued by all levels of government that give effect to a government policy intervention and includes licensing, imposing information obligation, compliance to standards or payment of any form fee, levy, charge or any other statutory and regulatory requirements necessary to carry out activity or modify behavior.
- 5.19. Regulatory Impact Assessment:** a tool to design and evaluate policies, laws, and regulations that are targeted, proportionate, accountable, transparent, and consistent. It involves a systematic process that examines the expected consequences of a range of alternative policy options that could be used to address a particular policy problem or issue.
- 5.20. Regulatory Management System:** set of policies, standards, institutions, processes and tools employed by government to pursue and maintain good quality regulation and minimize regulatory burden
- 5.21. Regulatory Reform:**
- 5.21.1.** Changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations and related government formalities;
 - 5.21.2.** Revision of a single regulation, the scrapping and rebuilding of an entire regulatory regime and its institutions, or improvement of processes for making regulations and managing reform (Source: Regulatory Reform: A Synthesis, OECD, Paris, 1997, page 6);
 - 5.21.3.** Evaluate existing and/or proposed regulations, local ordinances and issuances and subsequently taking the necessary policy option for each.



5.22. Repeal: revocation of laws, local ordinances and issuances are repealed only by subsequent ones. (Project Repeal Guidebook, 2018).

5.23. Unnecessary Regulatory Burden: arises from regulations that have duplication, inconsistency, poor enforcement and administration. It also involves unnecessary compliance costs and administrative burden that adds delays and barriers to competition and innovation (Malaysia Productivity Corporation)

6. GENERAL GUIDELINES

6.1. Composition

The CART shall be composed of a Chairperson, a Vice Chairperson and at least five members with the following positions or their equivalent, as applicable, or as may be determined or at the discretion of the Head of Agency, subject to existing laws, rules, and regulations. It shall be composed of a number of members who are institutionally tasked to identify, develop, implement, and review policies and monitor processes which may include the following or equivalent.

Chairperson: Head of Department/Office/Agency; President/Administrator/CEO of Government -owned or -controlled Corporation and SUCs; Local Chief Executive; or Official designated by the Head of Department/Office/Agency (at least a third highest ranking official in the agency)

Vice Chairperson: Official to be designated by the Head of Agency (at least a rank lower than the Chairperson of CART)

Members:

National Government Agencies

Heads of Bureau/Service/Office/Division/Section, such as but not limited to the following, or equivalent:

- Policy/Planning
- Core Operations
- Internal Audit
- Information Technology/Management Services for Systems and Methods
- Records
- Legal
- Finance
- Human Resource Management
- Public Assistance/Complaints Center

Local Government Units Members:

Head/Representative of any of the following Office/Division/Section or equivalent:

- Sanggunian ng Panlalawigan/Panlungsod/Barangay Members
- Treasury
- Administration
- Assessor
- Planning
- Human Resources
- Business Permit and Licensing
- Building Official
- Health
- Environmental
- Legal
- Public Assistance/Complaints Center
- Records
- Information Technology



Government -Owned and -Controlled Corporations Members:

Shall be composed of members institutionally tasked to identify, develop and implement policies and monitor processes, which may include the following Office/Division/Section or its equivalent:

- Human Resource
- Internal Audit
- Planning
- Administration
- Legal
- Information Technology
- Records
- Public Assistance/Complaints Center
- Core Operations

The CART may be assisted by a Secretariat to be designated by the Head of Agency. National Government Agencies with existing Management Divisions pursuant to DBM Circular 2008-05 may be assigned as the Secretariat.

6.2. Functions, Duties, and Responsibilities

The CART shall ensure that their agency shall comply with the requirements of RA No. 11032, its IRR and subsequent issuances by the Authority, as may be applicable. These requirements pertain to the conduct of the following:

6.2.1. Conduct of compliance cost analysis, time and motion studies, evaluation and improvement of all the agency's services, and reengineering the same;

6.2.2. Subject to the Guidelines/National Policy on Regulatory Management System to be issued by the Authority:

6.2.2.1. Notify the Authority of every formulation, modification, and repeal of regulations, ordinances or other related issuances;

6.2.2.2. Conduct post-implementation assessment and review of existing regulations, ordinances or other related issuances, undertake Regulatory Impact Assessment (RIA);

6.2.2.3. Prepare a Preliminary Impact Assessment (PIA) whenever there is an intent to formulate, modify, or repeal a regulation and submit to the Authority;

6.2.2.4. Produce a Regulatory Impact Statement (RIS) upon completion of each RIA and submit to the Authority for review and assessment;

6.2.2.5. Refer the Authority's policy option recommendations to the appropriate decision-makers within the agency;

6.2.2.6. Submit an inventory and electronic copies of all existing (both in-effect and repealed) regulations and issuances to populate the Philippine Business Regulation Information System (PBRIS).

6.2.3. Ensure effective knowledge transfer, or information dissemination among office employees on ARTA-related trainings, briefings, or such related matters obtained by office staff within sixty (60) days from the end of the training;

6.2.4. Register new regulations and issuances to the following, if applicable, within fifteen (15) days from issuance:

- a. UP Office of National Administrative Register (UP ONAR), and
- b. Official Gazette for publication



6.2.5. Set up the most current and updated service standards and indicate in the Citizen's Charter in accordance to the prescribed template issued by the Authority, and submit the same to the Authority to populate the Anti-Red Tape Electronic Management Information System (ARTEMIS);

6.2.6. Monitor and periodically review the office or agency's Citizen's Charter, specifically: procedures/steps, time, documentary requirements, and fees;

6.2.7. Ensure that an updated Citizen's Charter, should there be any change, is posted not later than March 31st of each year;

6.2.8. Ensure the compliance of the agency on the zero-contact policy in accordance with the law;

6.2.9. Ensure the compliance of the agency's external and internal services with the prescribed processing time as mandated by RA No. 11032 or the agency's mandate under special law;

6.2.10. Develop and foster a client feedback mechanism and client satisfaction measurement;

6.2.11. Report to the Authority not later than the last working day of January of each year the results of the Client Satisfaction Survey for each service based on the guidelines to be issued by the Authority;

6.2.12. Establish and manage a public assistance complaints desk or ARTA Helpdesk to effectively receive complaints, feedback and monitor customer satisfaction via hotline numbers, short message service (SMS), information and communication technology, or other mechanisms where clients may adequately express their complaints, comments, or suggestions. The CART must ensure that complaints forwarded by the Presidential Complaints Center, Civil Service Commission's Contact Center ng Bayan, and Complaints Action Center of the Authority are acknowledged, received, responded to and/or acted upon within the designated period by the intended recipient within their agency;

6.2.13. Serve as overall coordinating body for the establishment of an Electronic Business One Stop Shop (e-BOSS) in compliance with the mandate under RA No. 11032, its IRR, and other issuances by the Authority. The CART must facilitate and assist various departments and offices involved during the development and implementation of e-BOSS, including logistical and personnel requirements, security of the system, development of a communication plan, implementation of contingency measures, and protection of data and information, as applicable;

6.2.14. Coordinate with the agency's communications/public relations office the dissemination of ARTA Information, Education, and Communication materials for public consumption;

6.2.15. Perform such other functions, duties and responsibilities under RA No. 11032 (amending RA No. 9485), its IRR and other issuances issued by the Authority.

6.3. Compliance

An Office Order designating the composition of a CART shall be issued by the agency in compliance with this MC within seven (7) working days from its effectivity. The Authority shall be furnished with electronic copy of the Office Order within three (3) working days from the date of the Office Order. The Authority shall be given the CART members' contact number and email addresses. Electronic copy of the Office Order and the contact details may be submitted to regulatorymanagement@arta.gov.ph copy furnish compliance@arta.gov.ph with the subject "**CART Office Order - (AGENCY)**".



Agencies with an existing Technical Working Group or Committee for Project Repeal, or an existing Unit to comply with the Anti Red Tape Act of 2007 (RA No. 9485), as amended by the RA No. 11032 should be reorganized as the CART. LGUs with an existing Regulatory Reform Team (RRT) created under DILG-ARTA JMC 2019-01, shall recognize RRTs as the equivalent of the CART and shall require the CART to perform the additional functions provided in this Guidelines.

7. FEEDBACK

All inquiries and concerns shall be coursed through the Authority through any of the following:

- Telephone Number – (02) 8478 5099
- E-mail Address – regulatorymanagement@arta.gov.ph
- Website – www.arta.gov.ph
- Facebook – Anti-Red Tape Authority
- Twitter – @ARTAgovph
- Instagram – @ARTAgovph

8. SEPARABILITY CLAUSE

If any provisions of this MC shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this MC.

9. EFFECTIVITY

This MC shall take effect within fifteen (15) days from registration with the UP Office of the National Administrative Register (ONAR) and publication with the Official Gazette.

RECOMMENDED BY:

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