

COMMISSION RESOLUTION NO. 05 -2019

**AUTHORIZING THE COMPETITION ENFORCEMENT OFFICE TO ISSUE
WARNINGS FOR POSSIBLE VIOLATIONS OF SECTIONS 14 AND 15 OF THE
PHILIPPINE COMPETITION ACT**

WHEREAS, under Section 12[a] of the Philippine Competition Act (“PCA”), the Philippine Competition Commission (“PCC”) shall have the power to, among others, conduct inquiry and investigate violations of the PCA and other existing competition laws;

WHEREAS, the Enforcement Office of the PCC is the office mandated to conduct investigations on anticompetitive agreements and conduct;

WHEREAS, under Section 37 of the PCA, the PCC shall encourage voluntary compliance with the PCA and other competition laws by making available to the parties concerned non-adversarial administrative remedies before the institution of administrative, civil or criminal action;

WHEREAS, the issuance of a written warning to parties that appear to engage in anticompetitive agreement or conduct is analogous to the issuance of a Show Cause Order under Section 37[b], a non-adversarial administrative remedy designed to encourage voluntary compliance with the PCA and other competition laws;

WHEREAS, the issuance of a written warning may be appropriate to address an anticompetitive agreement or conduct that is not a priority for enforcement action under the *PCC Enforcement Strategy and Prioritization Guidelines*, before the institution of administrative, civil or criminal action;

NOW, THEREFORE, the Commission has **RESOLVED**, as it hereby resolves, to:

1. AUTHORIZE the Competition Enforcement Office (CEO) to issue a written warning to parties that, based on its preliminary findings, appear to engage in an anticompetitive agreement or conduct that is not a priority for enforcement action under the *PCC Enforcement Strategy and Prioritization Guidelines*. The warning shall describe briefly the particular anticompetitive agreement or conduct, state the applicable provision/s of the PCA, enjoin voluntary compliance with the PCA, and warn that continuing such agreement or conduct may subject the parties concerned to prosecution and penalty; and
2. REQUIRE the CEO to formally notify the Commission before issuing warnings authorized herein.

DONE this 14th day of March 2019 in the Quezon City, Philippines.



ARSENIO M. BALISACAN, PhD
Chairman



JOHANNES BENJAMIN R. BERNABE
Commissioner



AMABELLE C. ASUNCION
Commissioner



MACARIO R. DE CLARO, JR.
Commissioner

PHILIPPINE COMPETITION COMMISSION
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NICKY JONNA P. PITALLANO
Records Officer II
Date: 12/8 OCT 2020