

26 May 2021

**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 During Periods of Community Quarantine** as approved through Commission Resolution No. 006-2021 dated 25 May 2021.

We hope you find our submission in order.

Thank you.

Very truly yours,



**JESON Q. DE LA TORRE**  
Director IV, Administrative Office

## COMMISSION RESOLUTION NO. 006-2021

### ADOPTING THE INTERIM GUIDELINES DURING PERIODS OF COMMUNITY QUARANTINE

**WHEREAS**, Section 2 of Republic Act No. 11494 or the Bayanihan to Recover as One Act affirmed the existence of a continuing national emergency in view of the unabated spread of the Coronavirus Disease (“COVID-19”) and the ensuing economic disruption therefrom;

**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 16 July 2020, the PCC issued Commission Resolution No. 18-2020 *Approving the Interim Guidelines on the Operations of the Mergers and Acquisitions Office during the General Community Quarantine and Modified General Community Quarantine*;

**WHEREAS**, on 4 August 2020, the PCC issued Commission Resolution No. 20-2020, adopting the *Interim Guidelines on the Operations of the Mergers and Acquisitions Office during the Modified Enhanced Community Quarantine*;

**WHEREAS**, on 15 September 2020, the PCC issued Commission Resolution No. 21-2020, a Resolution *Adopting the Interim Guidelines on the Resumption of Adjudication Proceedings during General Community Quarantine and Modified General Community Quarantine*;

**WHEREAS**, on 17 December 2020, the PCC issued Commission Resolution No. 029-2020, providing for *Supplemental Guidelines for the Presentation of Documentary Evidence and Resource Persons for Hearings by Videoconferencing during General Community Quarantine or Modified Community Quarantine*;

**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 consolidate, modify and adopt guidelines to ensure that law and regulations are duly complied with during all categories of community quarantine, regardless of their particular designation, while strictly observing the minimum public health standards recommended by the Inter-Agency Task Force for the Management of Emerging Infectious Disease under the *Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines*;

**NOW, THEREFORE**, in view of the foregoing considerations, the Commission has **RESOLVED**, as it hereby **RESOLVES**, to adopt the *Interim Guidelines during Periods of Community Quarantine*;



**RESOLVED, FURTHER**, that the *Interim Guidelines on the Operations of the Mergers and Acquisitions Office during the General Community Quarantine and Modified General Community Quarantine* dated 16 July 2020, *Interim Guidelines on the Operations of the Mergers and Acquisitions Office during the Modified Enhanced Community Quarantine* dated 4 August 2020, *Interim Guidelines on the Resumption of Adjudication Proceedings During General Community Quarantine and Modified General Community Quarantine* dated 15 September 2020, Commission Resolution Nos. 18-2020, 20-2020, 21-2020 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 25 May 2021 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 DURING PERIODS OF COMMUNITY QUARANTINE

### i. Coverage

1. These Interim Guidelines during Periods of Community Quarantine (“Guidelines”) shall apply to proceedings before the Commission, the Mergers and Acquisitions Office (“MAO”) and the Competition Enforcement Office (“CEO”) during periods of Community Quarantine, without prejudice to additional protocols and procedures that the Commission may implement.

### ii. Common Provisions

2. *Definition of Terms.* For purposes of these Guidelines, the term “Community Quarantine” may refer to Enhanced Community Quarantine (“ECQ”), Modified Enhanced Community Quarantine (“MECQ”), General Community Quarantine (“GCQ”), or Modified General Community Quarantine (“MGCQ”) and shall be defined following the Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines of the Inter-Agency Task Force for the Management of Emerging and Infectious Diseases, *to wit*:
  - 2.1. *Enhanced Community Quarantine* refers to the implementation of temporary measures imposing stringent limitations on movement and transportation of people, strict regulation of operating industries, provision of food and essential services, and heightened presence of uniformed personnel to enforce community quarantine protocols.
  - 2.2. *Modified Enhanced Community Quarantine* refers to the transition phase between ECQ and GCQ, when the following temporary measures are relaxed and become less necessary: stringent limits on movement and transportation of people, strict regulation of operating industries, provision of food and essential services, and heightened presence of uniformed personnel to enforce community quarantine protocols.
  - 2.3. *General Community Quarantine* refers to the implementation of temporary measures limiting movement and transportation, regulation of operating industries, and presence of uniformed personnel to enforce community quarantine protocols.
  - 2.4. *Modified General Community Quarantine* refers to the transition phase between GCQ and the New Normal, when the following temporary measures are relaxed and become less necessary: limiting movement and transportation, the regulation of operating industries, and the



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presence of uniformed personnel to enforce community quarantine protocols.

3. *Temporary Closure of PCC Premises* ("Temporary Closure") shall be the temporary closure of premises as defined in Memorandum Circular No. 85 dated 19 March 2021, issued by the Office of the President.

4. *Electronic Filing and Service.*

4.1. The filing of documents with the PCC shall be made electronically:

- a. Through the PCC SharePoint Facility for Notification Forms and Letters of Non-Coverage;
- b. By email for cases pending before the Commission, compliance to Requests for Documents or Information before the CEO, Pre-Notification Consultations and other related matters.

4.2. *Schedule.* Electronic filings and use of PCC SharePoint Facility shall only be from Monday to Friday, 8:00 am to 5:00 pm, excluding holidays or the suspension of government work as declared by the Office of the President or the local government of Quezon City. Electronic filings uploaded to the PCC SharePoint Facility in accordance with **Annex A** or received by the PCC through electronic mail beyond 5:00 pm shall be considered filed or transmitted at 8:00 am of the next business day. The respective divisions shall inform the concerned party of the date of receipt.

4.3. *Written Consent.* Parties submitting documents to the PCC shall provide a written consent signed by their authorized signatory granting the PCC staff permission to access the submitted documents and information outside the office premises of the PCC.

4.4. *Veracity and Completeness of Submissions.* Individuals whose names and signatures appear on documents submitted to the PCC shall be accountable for the veracity and completeness of the submission and shall be liable under Section 29 (c) of the Philippine Competition Act ("PCA") for supplying incorrect or misleading information, without prejudice to other liabilities under applicable laws.

4.5. Electronic filings must be addressed to the appropriate office of the PCC, *to wit:*

MATTER	RECEIVING OFFICE	Email Address
Cases pending before the Commission	Adjudication Services Division	<a href="mailto:adjudication@phcc.gov.ph">adjudication@phcc.gov.ph</a>



Pre-Notification Consultation and other related transactions	Mergers and Acquisitions Office	<a href="mailto:mergers@phcc.gov.ph">mergers@phcc.gov.ph</a>
Enforcement, Compliance Requests Documents Information to for or	Competition Enforcement Office	<a href="mailto:enforcement@phcc.gov.ph">enforcement@phcc.gov.ph</a>

4.6. Submission of Hard Copies of Papers and Pleadings. In general, parties shall submit original hard copies of the papers filed electronically within the following periods:

Paper or Pleading to be Filed	MECQ/ECQ/Temporary Closure	MGCQ/GCQ
Notification Form	Within seven (7) days from lifting of ECQ/MECQ	Within five (5) days from electronic filing
Letters of Non-Coverage	Should Temporary Closure intervene during the period to submit, the party shall have the remaining balance of such period after Temporary Closure is lifted to submit the hard copies.	
Paper or Pleading to be Filed	ECQ/Temporary Closure	MECQ/GCQ/MGCQ
Compliances to CEO's Subpoenas and Requests for Documents or Information	Within seven (7) days from lifting of ECQ	Within five (5) days from electronic filing
Complaints and responsive pleadings to the Commission	Should Temporary Closure intervene during the period to submit hard copies, the party shall have the remaining balance of such period after Temporary Closure is lifted to submit the hard copies.	
Other papers, documents, and pleadings to the Commission		

4.7. The period to file hard copies of papers, documents and pleadings filed electronically may be extended by the concerned offices under the circumstances hereafter provided.





4.8. *Priorities in the Modes of Service.* Service of pleadings, motions, notices or documents shall be made, in the following order of priority:

- a. Electronically, by email;
- b. By personal service, or service by registered mail or by private courier.

4.9. *Electronic Service of Complaints, Pleadings, Orders and Decisions.*

- a. Service of submissions may be done by electronic means by sending an email to the party's or counsel's email address. Parties must provide the email addresses where they may be served electronically.
- b. Proof of service through email shall be made by an affidavit of service executed by the person who sent the email together with a printed proof of transmittal. An electronic copy of the Affidavit of Service and proof of transmittal must be submitted together with the paper or pleading in accordance with Section 4.5, while the hard copy must be filed within the period provided for under Section 4.6.
- c. Electronic service is complete at the time the electronic transmittal of the document, or when available, at the time that the electronic notification of service of the document is sent.
- d. Service of papers emanating from the PCC shall be issued electronically by email to the email addresses provided by the parties. Electronic service of papers emanating from the PCC is deemed completed upon transmittal. The PCC shall endeavor to send hard copies of the notices by courier to the party's address after service by email.
- e. A party who changes his or her email address while the action is pending must promptly file, within five (5) calendar days from such change, a notice of change of email address with the PCC and serve the notice on all other parties. Failure to inform the PCC of a change of email address within the period provided shall be considered a waiver of any claim that the party has not been notified, and shall not constitute as a ground for the party's failure to comply with any order emanating from the PCC.
- f. Service through email of a party shall be presumed valid unless such party notifies the PCC of any change, as aforementioned.

4.10. *Substituted Service.* If service cannot be made under Section 4.8, service may be made by delivering a copy to the PCC either electronically or personally with proof of failure of electronic service, personal service and service by mail. The service is complete at the time of submission.





5. *PCC Client Appointment System ("PCAS")*. External parties are required to secure an appointment through the PCAS at least two (2) business days before visiting the PCC Office in accordance with the procedure laid out in **Annex B**.
6. *Payment of Fees, Fines or Penalties*. The payment of fees, fines or penalties may be made:
  - 6.1. At the PCC Cashier Office, *provided* that parties are required to accomplish the PCAS in accordance with Section 5 of these Guidelines; or
  - 6.2. Through alternative modes of payment, which the Commission may authorize in future issuances.
7. *Queries*. Phone and walk-in queries shall be suspended. Queries may be emailed to [queries@phcc.gov.ph](mailto:queries@phcc.gov.ph), to the respective offices through their email addresses, or through the Enforcement Resource page (PCC COVID-19 resources) at [www.phcc.gov.ph](http://www.phcc.gov.ph).
  - 7.1. During GCQ and MGCQ, queries may likewise be submitted via mail or courier addressed to the respective offices, 25/F Vertis North Corporate Center 1, North Avenue, Quezon City, 1105. Queries submitted by mail or courier must include an email address to which the PCC can address its reply.

### **III. Proceedings Before the Mergers and Acquisitions Office**

#### **A. Common Procedures Applicable During All Periods of Community Quarantine**

8. Meetings shall be conducted remotely via video conferencing using Microsoft Teams, and recorded by the PCC only upon prior consent of the parties thereto, either verbally or in writing.
9. Acceptance of Expedited Review Notification Forms shall be suspended.
10. Notification Forms, Letters of Non-Coverage, and other documents shall be submitted electronically using the PCC SharePoint Facility in accordance with the procedure laid out in Section 4.2, and personally by presenting hard copies thereof to the PCC Records Office. Hard copy submissions must be accompanied by an affidavit by the filing party's authorized signatory<sup>1</sup> certifying that the hard copies and the electronic copies are complete and accurate copies of each other.

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<sup>1</sup> In relation only to the affidavit required, 'authorized signatory' may also include duly authorized external counsels and consultants.



11. Signatories to documents submitted electronically to the PCC may affix their electronic signatures in lieu of their wet signatures, *provided*, that original hard copies of said documents, and not merely printouts of the documents submitted electronically are duly received by MAO.
12. Documents executed and certified under oath in jurisdictions outside the Philippines at a time when notarization is unavailable may be submitted without notarization; *provided*, that parties shall submit a certification setting forth the reason for their failure to have the documents notarized, together with an undertaking to submit notarized copies thereof soon after they have secured notarization of the documents.
13. Documents executed in jurisdictions outside the Philippines where consularization or Apostillization is unavailable may be submitted without having been consularized or without an Apostille; *provided*, that the party submitting the same shall submit a certification setting forth the reason for its failure to have the document consularized or Apostilled, together with an undertaking to submit the consularized or Apostilled copies upon resumption of the operations of the consulate or embassy in the country where consularization or Apostillization is to be done.
14. The determination of the sufficiency of Notification Forms for Phase 1 Review, or the evaluation of Letters of Non-Coverage shall proceed even if the documents are not consularized, Apostilled, or notarized, subject to the requirements of Section 12 and 13 hereof.
15. Within one (1) business day from transmittal of the documents, the Parties shall be informed via email<sup>2</sup> of any formal requirement<sup>3</sup> found to be lacking by the MAO. The completion or correction of the electronic submission must be made within five (5) business days, subject to any extension that may be granted upon the discretion of the MAO.
  - 15.1. Failure to complete the formal requirements within the prescribed period shall result in the non-acceptance of the electronic copy of the Notification Forms or the Letter of Non-Coverage, and its removal from the PCC SharePoint Facility, without prejudice to subsequent re-filing. Hard copies already submitted to the MAO shall be returned to the filing parties.
16. A request for extension of the period to complete the information and documents signed by a Party's authorized signatory may be filed via email no later than two (2) business days prior to the lapse of the deadline for submission.
  - 16.1. Failure by any party to complete the submission<sup>4</sup> of the information required by the MAO within the prescribed period shall result in the

<sup>2</sup> For notifiable transactions, the MAO shall indicate deficiencies in form in a Notification Receiving Form.

<sup>3</sup> See Section 5.3 of the Rules on Merger Procedure.

<sup>4</sup> Complete submission requires both electronic and hard copies of all information required by the MAO.





termination of the evaluation of sufficiency of the Notification Forms, the evaluation of the Letter of Non-Coverage, or the expiry of Phase 2 review, and the removal of the electronic files uploaded to the PCC SharePoint facility and the return of hard copies already submitted. This shall be without prejudice to their subsequent re-filing.

17. *Pre-Notification Consultation ("PNC")*. The MAO shall receive requests for PNC only through email at [mergers@phcc.gov.ph](mailto:mergers@phcc.gov.ph). Requesting Parties must comply with the requirements under Rule 4, Section 4 of the PCA's Implementing Rules and Regulations.

17.1. The request for PNC must be accompanied by electronic copies of documents relevant to the query, and a written consent in accordance with Section 4.3 of these Guidelines.

17.2. The MAO shall address the concerns of the requesting parties via email, and if necessary, set a meeting with the parties in accordance with Section 8 of these Guidelines.

18. *Merger Notification*.

18.1. MAO shall commence sufficiency determination upon a determination that:

a. All notifying parties have submitted electronic copies of their respective Notification Forms together with all appendices and annexes through the PCC SharePoint facility in accordance with Sections 4.2 and 4.3 hereof; and

b. The formal requirements under Section 5.3 of the PCC Rules on Merger Procedure [with the exception of Section 5.3 (f)] were fully complied with by all notifying parties.

18.2. The 30-day Notification Period under Section 3.1 of the Rules on Merger Procedure shall be waived during the Community Quarantine. Parties may file Notification Forms at any time after the signing of definitive agreements relating to their transaction but prior to any acts of consummation; *provided*, that the 30<sup>th</sup> day of the Notification Period under Section 3.1 of the Rules on Merger Procedure falls within the Community Quarantine period.<sup>5</sup>

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<sup>5</sup> Notifying Parties shall have the remaining balance of the 30-day Notification Period to submit their Notification Forms to the PCC after Community Quarantine is lifted in the National Capital Region or Barangay Bagong Pag-asa, Quezon City. Notification Forms submitted during the remaining period shall be considered to have been timely filed.





18.3. The Notice of Deficiency (“NOD”) issued during evaluation of the sufficiency of Notification Forms may seek information or clarification on matters in addition to those required by the Notification Form.

a. Requests for information and documents during the sufficiency determination stage shall be without prejudice to requests for additional information and documents during the review of the transaction.

b. MAO may interview the notifying parties, and contact third parties by means of market calls or inquiry letters to obtain relevant information regarding the market, their views on the notified transaction, any competition concerns it may raise, and how they will be affected, subject to the issuance by notifying parties of written consents signed by their respective authorized signatories allowing the MAO to contact third parties about their transaction during the sufficiency determination stage.

18.4. In the event a notifying party’s request for extension in accordance with Section 16 is approved by the MAO, the 15-day Sufficiency Period under Section 5.7 of the Rules on Merger Procedure shall be extended until all notifying parties have fully complied with their respective NODs.

18.5. During the period within which to submit documents in response to the NOD, the notifying party may submit documents and information on a rolling basis, or as soon as such documents are available or prepared.

19. *Letters of Non-Coverage (“LNC”).*

19.1. The MAO shall commence the evaluation of an LNC upon a determination that:

a. Electronic copies of the LNC together with all documents and information required under the Revised Guidelines on Letters of Non-Coverage have been submitted by the party through the PCC SharePoint facility in accordance with Sections 4.2 and 4.3 hereof; and

b. The formal requirements under Section 9 of the Revised Guidelines on Letters of Non-Coverage from Compulsory Notification [with the exception of Section 9(b)] were fully complied with.

19.2. If the transaction subject of the LNC is deemed notifiable, the MAO will issue a letter advising parties to notify the Commission.

20. Additional guidelines applicable to each Community Quarantine can be found in Sections III.B. and III.C hereof.



20.1. Where practicable, provisions on ECQ/ MECQ and GCQ/ MGCQ shall apply to Temporary Closure of PCC Premises.

**B. Procedures Applicable During General Community Quarantine and Modified General Community Quarantine**

21. *Scope of Services.* During GCQ or MGCQ, the MAO will:

- 21.1. Accept queries;
- 21.2. Accept requests for PNCs;
- 21.3. Accept submissions of electronic and hard copies of Notification Forms;
- 21.4. Issue Orders of Payment and collection of filing fees for Notification and Phase 1 Review, and for Phase 2 Review;
- 21.5. Review notified mergers and acquisitions;
- 21.6. Conduct investigation, surveillance function, and information gathering activities in relation to violations of Section 17 or Section 20 of the PCA; and
- 21.7. Accept submissions of electronic and hard copies of LNCs.

22. *Acceptance of Hard Copies and Pre-Evaluation of Documents.*

- 22.1. Parties whose hard copy submissions are originating from abroad may request, not later than two (2) calendar days prior to the lapse of the 5-day period, an extension of the period to submit.
- 22.2. Should Temporary Closure intervene during the period to submit hard copies, the party shall have the remaining balance of such period after Temporary Closure is lifted to submit the hard copies.
- 22.3. A Party who comes from an area that is under ECQ or MECQ at the time of the lifting of PCC's Temporary Closure, or who is otherwise unable to submit hard copies within the period prescribed, must inform the MAO of such circumstance and may request an extension of time to submit before the lapse of the 5-day period for submission.
- 22.4. The failure of the parties to submit the hard copies within the deadline, shall automatically suspend the processing of the Notification Form or Letter of Non-Coverage for a period of up to seven (7) calendar days, to resume only when the complete hard copies are duly received by the MAO. The period for processing of the Notification Form shall be extended for a period equivalent to the number of days by which the processing was suspended.





23. *Evaluation of Notification Forms, Payment of Filing Fees.*

- 23.1. A request for extension of time to submit information required by the NOD may be granted only once for each transacting party and in no case exceeding seven (7) calendar days, subject to the MAO's approval.
- 23.2. Orders of Payment shall be issued by email upon determination that the submitted Forms are sufficient, and after the Parties have fully complied with all undertakings submitted pursuant to Sections 12 and 13 hereof.
- 23.3. Where a notified transaction proceeds to Phase 2 review, an Order of Payment shall be issued by MAO by email directing the parties to pay the fee for Phase 2 review.
- 23.4. Notifying parties who are unable to pay the fees for Notification Filing and Phase 1 Review, or for Phase 2 Review within the applicable Payment Schedule under PCC Memorandum Circular No. 17-002, may file a request for an extension of the period to pay signed by their authorized signatory prior to the lapse of the deadline for payment.
  - a. A request to extend the period to pay the fees for Phase 2 review must be accompanied by a waiver extending Phase 2 review for a period corresponding to the number of days by which the deadline for payment of fees will be extended.

24. *Review of Notified Transactions.* Review periods during GCQ and MGCQ may be extended by fifteen (15) calendar days for Phase 1 and thirty (30) calendar days for Phase 2, subject to the execution of a waiver by the Notifying Parties consistent with the Rules on Merger Procedure.

25. *Letters of Non-Coverage ("LNC").* In addition to Section 19 of these Guidelines, LNCs during GCQ or MGCQ shall be subject to the following provision:

- 25.1. If the transaction subject of the LNC is not notifiable, the MAO shall issue a letter of Acknowledgment only after the parties have completed the submission of both electronic and hard copies of their submissions and after compliance with undertaking/s submitted in accordance with Sections 12 and 13. In line with this, the processing time shall be extended until the party shall have fully submitted all the requirements and complied with its undertaking/s.

26. *Conduct of Investigation, Surveillance Function, and Information Gathering Activities for Violations of Sections 17 or 20 of the PCA.*

- 26.1. The MAO shall issue Notices to Explain, Requests for Information, Letters, Papers, or Subpoena Duces Tecum or Ad Testificandum (collectively referred to as "Notices") by email to the publicly available or official email address of the recipient.





26.2. Hearings, where necessary, shall be conducted remotely via video conferencing using Microsoft Teams and shall be recorded by the PCC.

**C. Procedures Applicable During Modified Enhanced Community Quarantine, and Enhanced Community Quarantine**

27. Parties coming from areas placed in ECQ or MECQ may request the application of Section III.C. even when NCR or Barangay Pag-Asa, Quezon City is no longer under ECQ or MECQ. If only one (1) party to a notified transaction comes from an area placed under ECQ or MECQ, Section III.C. shall be applied to all transacting parties.

28. *Scope of Services.* During ECQ or MECQ, the MAO will continue to accept electronicsubmissions of the following:

28.1. Queries;

28.2. Requests for PNCs;

28.3. Notification Forms; and

28.4. LNCs.

29. *Acceptance of Hard Copies and Pre-Evaluation of Documents.*

29.1. A party from an area that is under ECQ or MECQ at the time GCQ or MGCQ is imposed over the NCR or Barangay Bagong Pag-asa, Quezon City, or is otherwise unable to submit hard copies within the prescribed may file a request for extension of time to submit not later than two (2) calendar days prior to the lapse of the deadline.

29.2. Should Temporary Closure intervene during the period to submit hard copies, the party shall have the remaining balance of such period after Temporary Closure is lifted to submit the hard copies.

30. *Merger Notification.* In addition to Section 18 of these Guidelines, Merger Notifications during ECQ or MECQ shall be subject to the following provisions:

30.1. During ECQ or MECQ, Orders of Payment shall be issued in accordance with Section 23.2 and 23.3. However, the parties shall be given a period of seven (7) calendar days from lifting of ECQ or MECQ over the NCR or Barangay Bagong Pag-Asa, Quezon City within which to pay, subject to any extension that may be granted by MAO.

30.2. The MAO shall not commence any new Phase 1 Merger Review until after the notifying parties have submitted hard copies of their electronic



submissions in accordance with Section 4.6 and have paid the fee for Notification and Phase 1 Review in accordance with Section 6.

30.3. Should a Temporary Closure intervene during the period to pay the fees for Notification Filing and Phase 1 Review, or Phase 2 Review, the parties may pay the filing fees within the remaining balance of the period for payment from the lifting of the Temporary Closure.

30.4. Notwithstanding Section 30.2, parties to a notifiable transaction may request the Commission to proceed to Phase 1 Review of their transaction during ECQ or MECQ. The request must be accompanied by:

- a. A written waiver of the review periods under the PCA to allow 45 days for Phase 1 review, and where warranted, 75 days for Phase 2 review,
- b. Consent pursuant to Section 18.3 (b) hereof, signed by the requesting parties' authorized representative; and
- c. An explanation and supporting evidence showing that:
  - i. the transaction involves industries closely associated to the National Government's containment and mitigation efforts against the COVID-19 pandemic, such as but not limited to critical hygiene products, pharmaceuticals and other vital medical devices/supplies as enumerated under Section 4(u)(1) of the Bayanihan to Recover as One Act, or essential goods or services such as hospitals and healthcare facilities, agriculture, logistics, food manufacturing and water supply, public and private financial service providers involved in the distribution of government grants and amelioration subsidies, public transport services, sanitation and waste management services; or
  - ii. the financial viability of the transacting parties or target entity is in jeopardy because of current economic circumstances.

The Parties may submit the request and the relevant waivers upon the filing of the Notification Forms.

31. *Letters of Non-Coverage.* In addition to Section 19, submissions of LNCs during ECQ or MECQ shall be subject to the following provisions:

31.1. All LNCs must be accompanied by an undertaking to submit hard copies of all submissions within seven (7) calendar days from the lifting of ECQ or MECQ. MAO shall receive the hard copies only during GCQ or MGCQ.

31.2. If the transaction subject of the LNC is deemed notifiable, MAO will issue a letter, sent to the email address provided by the party, advising the





parties to notify the Commission and requiring parties to comply with the undertaking submitted pursuant to Section 31.1.

#### **IV. Proceedings Before the Competition Enforcement Office**

##### **A. Common Procedures Applicable During All Periods of Community Quarantine**

Investigations before the CEO during a Community Quarantine shall not be suspended, subject to the following provisions:

*32. Electronic Submissions in Response to the CEO's Requests and Subpoenas.*

Entities complying with CEO's subpoena or request for documents and information shall submit their compliance via email; *provided*, that the hard copies shall be submitted within the period provided for under Section 4.6.

*33. Conduct of Interviews and Meetings During Community Quarantine.*

33.1. During Community Quarantine, the CEO may conduct interviews and meetings via videoconference through Microsoft Teams. The CEO will send invitation links to the interviewees and other participants through their respective publicly available or official email address prior to the conduct of the interview or meeting.

33.2. All interviews and meetings conducted via videoconference shall be recorded. The recordings shall form part of the official records.

33.3. All participants shall be in appropriate attire and observe proper decorum.

*34. Remote Administration of Oaths.*

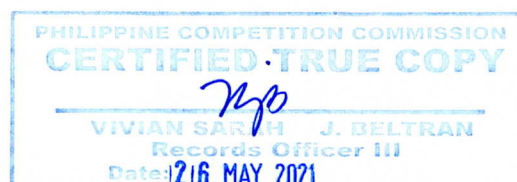
34.1. In the exercise of its power to investigate violations of Sections 14 and 15 of the PCA, the CEO may conduct interviews, hearings, and other proceedings (collectively, "hearings") under oath via videoconference.

34.2. The CEO shall administer oaths remotely via videoconference by following the procedure provided in Section IV of the interim Guidelines on the Resumption of Adjudication Proceedings during General Community Quarantine and Modified General Community Quarantine dated 15 September 2020.

34.3. The notices to the entity subject of the hearing shall be issued electronically by email to the publicly available or official email address of the recipient. A print copy of the notice shall also be simultaneously issued to the official address of the recipient.

34.4. The notice shall state the following:

- a. the date and time of the hearing;





- b. the general topics to be discussed during the hearing;
- c. documents or information to be submitted; and
- d. the deadline to submit the documents or information.

34.5. During the hearing, the CEO may ask the entity subject of the hearing to identify and verify the documents and information submitted.

## V. Proceedings Before the Commission

### A. Common Procedures Applicable During All Periods of Community Quarantine

35. *Electronic Filing of Complaints, Pleadings, and other Documents.* Complaints, pleadings, and documents filed electronically shall be considered filed on the date they are received by the Adjudication Division under the following conditions:

- 35.1. The format of the electronic submission is in compliance with Rule IV, Article II, Section 4.12 (a) of the 2017 PCC Rules of Procedure;
- 35.2. The electronic submission is accessible, free of viruses and malware, and viewable by the Commission;
- 35.3. The electronic submission is accompanied by scanned copies of (i) an undertaking to submit the hard copies within the periods applicable to each Community Quarantine and (ii) an affidavit certifying that the electronic copies are the complete, accurate and exact copies of the hard copies; and
- 35.4. The electronic submission is accompanied by a written consent in accordance with Section 4.3 of these Guidelines.

Submissions that do not comply with any of the above requirements shall not be considered as having been filed.

- 36. Hard copies of complaints, pleadings and documents shall be submitted within the periods provided in Section 4.6 and shall be accompanied by hard copies of the undertaking and affidavit as required by Section 35.3 hereof. Within one (1) business day from submission of the hard copies by registered mail or private courier, Parties must submit via email a scanned copy of the registry receipt or any proof that such document has been submitted by private courier.
- 37. Any party who, upon reasonable ground, 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 in accordance with Section 4.6 of these Guidelines.



38. *Remote Administration of Oaths and the Conduct of Hearings, Preliminary Conferences and Other Proceedings via Videoconference.*

38.1. The remote administration of oaths and the conduct of hearings, preliminary conferences and other proceedings shall be governed by Sections IV and V of the Interim Guidelines on the Resumption of Adjudication Proceedings during General Community Quarantine and Modified General Community Quarantine dated 15 September 2020.

39. *Presentation of Documentary Evidence, Witnesses and Resource Persons during Hearings, Preliminary Conferences and other proceedings via Videoconference.*

39.1. The presentation of documentary evidence, witnesses and resource persons during hearings, preliminary conferences and other proceedings via videoconference shall be governed by Commission Resolution No. 029-2020 dated 17 December 2020.

**B. Procedures Applicable During Enhanced Community Quarantine and Temporary Closure of PCC Premises**

40. *Manner of Submission of Hard Copies of Complaints, Pleadings, or other Documents.* In case ECQ is declared in the principal office of the party while MECQ, GCQ or MGCQ is imposed over the NCR or Barangay Bagong Pag-asa, Quezon City, the party shall submit to the Commission a statement or manifestation to this effect following the procedure laid out in Section 35 on electronic filing. The hard copies of such statement or manifestation shall thereafter be submitted together with the hard copies of the complaint, pleading or other documents in accordance with Section 4.6 of these Guidelines.

41. *Payment of Fines and Penalties.* The payment of fines and penalties shall be made within seven (7) calendar days from the lifting of the ECQ or Temporary Closure, unless otherwise provided by the Commission. Parties who intend to pay fines and penalties to the PCC Cashier are required to accomplish the PCAS in accordance with Section 5 of these Guidelines.

**VI. Applicability of the Implementing Rules and Regulations of R.A. No. 10667, the PCC Rules of Procedure, and the Rules on Merger Procedure**

42. The relevant provisions of the Implementing Rules and Regulations of Republic Act No. 10667, 2017 PCC Rules of Procedure of the PCC, and the Rules on Merger Procedure shall continue to apply unless otherwise provided by these Guidelines.





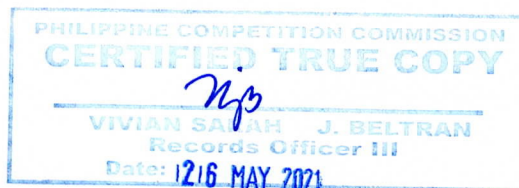
## VII. Repeal

43. The Interim Guidelines on the Operations of the Mergers and Acquisitions Office during the Modified Enhanced Community Quarantine dated 18 May 2020, the Interim Guidelines on the Operations of the Mergers and Acquisitions Office during the General Community Quarantine or Modified General Community Quarantine dated 16 July 2020, the Interim Guidelines on the Resumption of Adjudication Proceedings During General Community Quarantine and Modified General Community Quarantine dated 15 September 2020, Commission Resolution Nos. 18-2020, 20-2020, 21-2020, and other PCC resolutions, guidelines, and issuances, or provisions thereof, which are inconsistent with these rules are hereby superseded or modified accordingly.

## VIII. Effectivity

44. These 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.

25 May 2021.



## ANNEX A

### INSTRUCTIONS ON UPLOADING DOCUMENTS TO THE PCC SHAREPOINT FACILITY

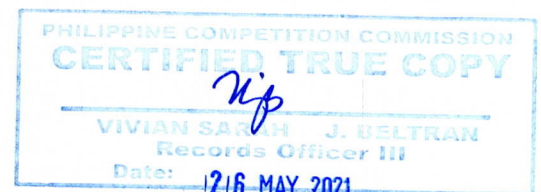
To upload Notification Forms, Letters of Non-Coverage, and such other documents required by the Philippine Competition, please follow these instructions.

Parties are reminded that, notwithstanding their electronic submission of documents to the PCC SharePoint Facility,<sup>1</sup> hard copies of the documents and Universal Serial Bus (USB) drives containing electronic copies of the submission must be submitted to the PCC in accordance with Section 14 of the MAO Interim Guidelines.

1. Click the “Request Form to access “MAO E-Notification” link embedded in the PCC Website. Request Forms may be submitted at any time, but requests shall be processed from Mondays to Fridays between 8:00 AM to 5:00 PM.
2. Fill up the required information in the “Request Form to access MAO E-Notification” (“Request Form”).
3. Click the submit button.
4. A system-generated email invitation and instructions containing the link to the Register Form will be sent to the enrolled email address in the Request Form.
  - a. The MAO may request a meeting through Microsoft Teams to verify the information indicated in the Request Form. After verification by the MAO of the information submitted, the email invitation and instructions shall be sent to the enrolled-mail address.
5. Accept the invitation. The link will direct you to a website. Log-in using your personal credentials (e.g., email address and password).
6. Create a new submission by clicking “+ New” located in the toolbar of the Register Form.
7. Encode the required details to create a “New Item” and accept the Terms and Conditions. Once all the required fields are accomplished, click Save.<sup>2</sup>

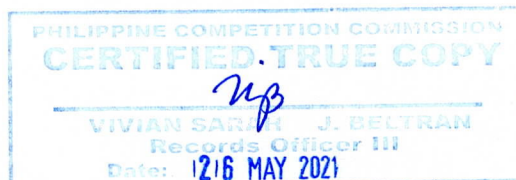
<sup>1</sup> Register Form.

<sup>2</sup> In accomplishing the required details, please avoid the use of special characters, such as ~ # % & \* { } \ : < > ? / + | “. The period character cannot be used at the start, middle, and end of an entry or file name.





8. To start uploading documents, click "Upload Files" under the Document Link column in the Register Form. Clicking "Upload Files" will open the MAO Notification portal.
  - a. Before uploading, ensure that the files are properly labelled.
  - b. Click "Upload" found in the MAO Notification portal or drag files to the document library.
  - c. Upload the files or folder (Note: each file must not exceed 250 MB)
9. Upon complete uploading of documents for submission, upload a document with file name: "MAO-CertifyUploadCompleted" in any file format (e.g., Word document or Portable Document Format) to trigger a system-generated notification to the MAO that uploading of documents has been completed.
10. Uploading of documents must be completed within 24 hours from the grant of access to the MAO Notification portal. Access to the MAO Notification portal shall expire after 24 hours should user fail to observe **Step 9**.
11. Access to the MAO E-Notification system will be terminated.
12. End of process.



## ANNEX B

### INSTRUCTIONS FOR USING THE PCC CLIENT APPOINTMENT SYSTEM (“PCAS”)

To secure an appointment for the submission of documents required by the Philippine Competition Commission or for the payment of fees, fines, and penalties please observe the following

1. External Parties (“EP”) are required to accomplish the PCAS at least two (2) business days before submission of hard copies.
2. Once all the required fields in the PCAS are accomplished, click Submit.
3. A system-generated email acknowledging receipt of the request for appointment will be sent to the email address of the EP. Please note, however, that this email does not constitute an approval of the requested appointment.
4. If the requested schedule is available, the EP shall receive a system-generated e-mail confirming the appointment.
5. If the requested schedule is unavailable, the EP shall be informed by email. In such case, the EP may accomplish a new PCAS, or propose a different schedule by email to the relevant office or division.
6. Before the visit to the PCC Office, the EP must accomplish the [Health Declaration Form](#) (“HDF”) of the Vertis North Corporate Center (“VNCC”). A link to the Health Declaration Form is also provided in the email confirmation of your appointment.
7. Upon arrival at VNCC, the accomplished HDF must will be presented to the VNCC receptionist together with a recent valid ID. The VNCC receptionist will verify the HDF presented and take a photo of the ID presented. Entry into the VNCC premises shall be allowed only after verification.<sup>1</sup>
8. To cancel an appointment, the EP must inform the relevant office or division by email before the approved schedule. Once cancelled, a system-generated email will be sent to the EP by the PCAS to confirm the cancellation of the appointment.

<sup>1</sup> In addition, please take note that visitors without face masks and face shields shall not be allowed entry to VNCC. To minimize contact with other building occupants, kindly use the PCC's designated elevator (third elevator on the left side).





9. Queries or clarifications on the use of the PCAS may be emailed to the relevant office or division at:
- a. Mergers and Acquisitions Office through [mergers@phcc.gov.ph](mailto:mergers@phcc.gov.ph);
  - b. Competition Enforcement Office through [enforcement@phcc.gov.ph](mailto:enforcement@phcc.gov.ph); or
  - c. Adjudication Division through [adjudication@phcc.gov.ph](mailto:adjudication@phcc.gov.ph).

