

ENERGY REGULATORY COMMISSION

COMPLAINT PROCEDURE RULES

---

## **Table of Contents**

<b>Rule 1 – Preamble</b>	<b>2</b>
<b>Rule 2 – Object of Complaint Procedure Rules</b>	<b>2</b>
<b>Rule 3 – Scope</b>	<b>2</b>
<b>Rule 4 – Definitions</b>	<b>3</b>
<b>Rule 5 – Initiation of investigations</b>	<b>4</b>
<b>Rule 6 – Conduct of investigations</b>	<b>4</b>
<b>Rule 7 – Custodian and confidentiality of material</b>	<b>6</b>
<b>Rule 8 –, Parties and legal representation</b>	<b>7</b>
<b>Rule 9 – Initiation of proceedings</b>	<b>8</b>
<b>Rule 10 – Motions</b>	<b>10</b>
<b>Rule 11 – Motion for pre-emptive order</b>	<b>11</b>
<b>Rule 12 – Filing and service</b>	<b>12</b>
<b>Rule 13 – Pre-hearing conference</b>	<b>14</b>
<b>Rule 14 – Hearings</b>	<b>16</b>
<b>Rule 15 – Provision of information, production of documents and attendance of witnesses</b>	<b>16</b>
<b>Rule 16 – Evidence</b>	<b>17</b>
<b>Rule 17 – Conduct of Proceedings</b>	<b>18</b>
<b>Rule 18 – Orders</b>	<b>18</b>
<b>Rule 19 – Motion for reopening or reconsideration</b>	<b>19</b>
<b>Rule 20 – Confidentiality</b>	<b>21</b>
<b>Rule 21 – Applicability of the Rules of Court</b>	<b>22</b>
<b>Rule 22 - Amendment</b>	<b>23</b>
<b>Rule 22 – Interpretation</b>	<b>23</b>
<b>Rule 23 – Computation of time</b>	<b>23</b>
<b>Rule 24 – Separability</b>	<b>23</b>
<b>Rule 25 – Effectivity</b>	<b>23</b>

---

## PART I - GENERAL

### Rule 1 – Preamble

---

Section 45 of the Electric Power Industry Reform Act (the **EPIRA**) and Rule 11, Section 7(e) of the Implementing Rules and Regulations issued pursuant to the EPIRA (the **IRR**) require the Energy Regulatory Commission (the **ERC**) to promulgate rules and regulations providing for a complaint procedure that is to apply for the purposes of the Competition Rules.

These Complaint Procedure Rules are made pursuant to Section 45 of the EPIRA and Rule 11, Section 7(e) of the IRR.

### Rule 2 – Object of Complaint Procedure Rules

---

The object of these Complaint Procedure Rules is:

- (a) to prescribe the manner in which the ERC will investigate possible violations of the Competition Rules; and
- (b) to ensure that adjudicative proceedings before the ERC are conducted in accordance with the requirements of due process and, subject to those requirements, with as little formality and technicality, and as much expedition, as a proper consideration of the matters before the ERC permits.

### Rule 3 – Scope

---

Part II of these Complaint Procedure Rules governs the procedures of the ERC in relation to the investigation of matters that may constitute a violation of the Competition Rules.

Part III of these Complaint Procedure Rules governs the procedures that apply in relation to the prosecution by the ERC of alleged violations of the Competition Rules, adjudicative proceedings before the ERC pertaining to matters arising under the Competition Rules and the determination of those proceedings.

Part IV of these Complaint Procedure Rules contains various miscellaneous provisions.

If the ERC so determines, Part I (other than Rule 1) and Parts III and IV (other than Rule 20) of these Complaint Procedure Rules apply *mutatis mutandis* to:

- (a) the prosecution by the ERC of alleged violations of the EPIRA, the IRR and any rules and regulations promulgated, administered or otherwise enforceable by the ERC; and
- (b) adjudicative proceedings before the ERC pertaining to matters arising under such instruments and the determination of those proceedings,

as if references in these Complaint Procedure Rules to the Competition Rules were instead references to those instruments.

---

## Rule 4 – Definitions

---

In these Complaint Procedure Rules, unless the contrary intention appears:

“**Answer**” means a document described in Rule 9, Section 3, as amended from time to time pursuant to Rule, Sections 6, 8, 9 or 10;

“**CAS**” means the Consumer Affairs Service of the ERC;

“**Chairman**” means the Chairman of the ERC or another Member appointed to act in that position from time to time;

“**Commission**”, in relation to a Complaint, means the Members constituting a quorum and acting for the purpose of dealing with matters arising out of or in connection with that Complaint;

“**Competition Rules**” means the rules of that name made by the ERC pursuant to Section 45 of the EPIRA and Rule 11, Section 8 of the IRR;

“**Complaint**” means a document described in Rule 9, Section 2, as amended from time to time pursuant to Rule 9, Sections 5, 8, 9 or 10;

“**Custodian**”, in relation to the investigation of a matter that may constitute a violation of the Competition Rules, means a member of the Investigatory Unit who is designated by the Investigating Officer as the Custodian for that matter;

“**EPIRA**” refers to Republic Act No.9136, otherwise known as the Electric Power Industry Reform Act;

“**ERC**” means the Energy Regulatory Commission created by Section 38 of the EPIRA;

“**Investigating Officer**” means a senior director (or equivalent office-holder) of the ERC who is designated as the Investigating Officer by the Chairman and who is responsible for investigating matters that may constitute a violation of the Competition Rules, for prosecuting alleged violations of the Competition Rules and for taking action to prevent apprehended violations of the Competition Rules;

“**Investigatory Unit**” means those ERC staff (including employees and consultants) whose functions include the investigation of matters that may constitute a violation of the Competition Rules, the prosecution of alleged violations of the Competition Rules and the taking of action to prevent apprehended violations of the Competition Rules, in each case under the supervision of the Investigating Officer;

“**IRR**” refers to the Implementing Rules and Regulations issued pursuant to the EPIRA;

“**Member**” means any member of the ERC (such member being commonly referred to as a “commissioner”), including the Chairman;

“**Party**”, in relation to proceedings relating to a Complaint, means the Investigating Officer (including acting through the Investigatory Unit) and the Respondent who is served with the Complaint, and a reference to the Investigating Officer in his capacity as a Party includes the Investigating Officer acting through the Investigatory Unit;

“**Pleading**” means a Complaint or an Answer;

“**Registrar**” means the head of the Docket Section of the ERC;

---

**"Respondent"** means a person who is served with a Complaint that alleges that person to have violated the Competition Rules;

**"Rule 12 Notice"** means a notice under Rule 12, Section 1 of the Competition Rules;

and terms used in these Complaint Procedure Rules which are defined in the EPIRA or the IRR (not being terms which are otherwise defined in this Rule) have the meaning given to them in the EPIRA or the IRR (as the case may be).

## PART II - INVESTIGATIONS

### Rule 5 – Initiation of investigations

---

**Section 1. Investigation, who may initiate.** Without in any way limiting the circumstances in which the ERC may initiate an investigation into matters that may constitute a violation of the Competition Rules, such an investigation may be commenced by the ERC upon its own initiative or upon the request of the President of the Philippines, Congress, a governmental agency, an electric power industry participant, a member of the public or any other person.

**Section 2. Form of request.** Any request for the ERC to investigate a matter that may constitute a violation of the Competition Rules must be given in writing to the Investigating Officer and must be signed by the person making the request.

### Rule 6 – Conduct of investigations

---

**Section 1. Powers delegated to the Investigating Officer.** The Investigating Officer is responsible for investigating matters that may constitute a violation of the Competition Rules. For this purpose:

- (a) the powers of the ERC under Rule 12, Sections 1, 3 and 4 of the Competition Rules have been delegated by the ERC (on a non-exclusive basis) to the Investigating Officer;
- (b) the powers of the ERC under Rule 12, Section 5 of the Competition Rules have been delegated by the ERC (on a non-exclusive basis) to the Investigating Officer to enable the Investigating Officer to enforce the exercise by him of the powers delegated to him as described in paragraph (a); and
- (c) the Investigatory Unit has been established to investigate, under the supervision of the Investigating Officer, matters that may constitute a violation of the Competition Rules.

**Section 2. Form of Rule 12 Notice.** A Rule 12 Notice which is given by the Investigating Officer must be signed by the Investigating Officer or his duly authorized representative.

**Section 3. Information, documents-to whom given.** Each Rule 12 Notice which is given by the Investigating Officer under Rule 12, Section 1(a) or (b) of the Competition Rules must identify the Custodian to whom the information or documents referred to in that notice is to be provided or are to be produced.

---

**Section 4. Contents of Rule 12 Notice.** Each Rule 12 Notice which is given by the Investigating Officer under Rule 12, Section 1(c) of the Competition Rules must identify:

- (a) the Investigating Officer or a member of the Investigatory Unit as the person before whom the relevant evidence is to be given; and
- (b) the Custodian by whom the transcript of that evidence is to be kept.

**Section 5. Oral evidence.** Where a person is required to appear before the Investigating Officer or a member of the Investigatory Unit to give evidence, the Investigating Officer or member of the Investigatory Unit must:

- (a) put that person on oath or affirmation;
- (b) personally, or by an individual acting under the direction and in the presence of the Investigating Officer or member of the Investigatory Unit, record the testimony of that person; and
- (c) exclude from the place where the testimony is to be taken all persons except the person giving the evidence, that person's attorney, the person before whom the evidence is to be taken, the person who is recording the testimony, any members of the Investigatory Unit who are involved in the matter and any legal advisers retained to assist the ERC in connection with the matter.

**Section 6. Right to counsel.** Any person who is required to appear before the Investigating Officer or a member of the Investigatory Unit to give evidence may be accompanied, represented and advised by an attorney, and the attorney may advise such person, in confidence, either upon the request of such person or upon the initiative of the attorney, with respect to any question asked of that person.

**Section 7. Refusal, failure to be sworn/affirmed or answer.** If a person who appears before the Investigating Officer or a member of the Investigatory Unit:

- (a) refuses or fails to be sworn or affirmed; or
  - (b) refuses or fails to answer a question when required to do so,
- that person (or that person's attorney) must state for the record the reason for that refusal or failure.

**Section 8. Objection to a question.** A person who appears before the Investigating Officer or a member of the Investigatory Unit (or that person's attorney) may object on the record to any question, in whole or in part, and must state for the record the reason for that objection. The Investigating Officer or member of the Investigatory Unit has no power to rule on the objection but the question objected to must be answered. Any such objection must be ruled upon by the Commission in its first hearing of the matter subsequent to the objection. If the Commission upholds the objection, the question (to the extent it is objected to) must be expunged from the transcript, otherwise the question and its answer must remain on the record.

**Section 9. Record of testimony.** Testimony given by a person who appears before the Investigating Officer or a member of the Investigatory Unit must be transcribed and, after it has been fully transcribed, that person and that person's attorney (if any) must be afforded a reasonable opportunity to examine the transcript. Any changes which that person

---

desires to make to the transcript must be entered and identified upon the transcript by the Investigating Officer or member of the Investigatory Unit with a statement of the reasons given by the person for making such changes. The transcript must then be signed:

- (a) by that person; or
- (b) if it is not signed by that person within 30 days following the date on which that person was first afforded a reasonable opportunity to examine the transcript - by the Investigating Officer or member of the Investigatory Unit, in which case the Investigating Officer or member of the Investigatory Unit must state on the record the fact of the failure to sign together with any reasons for that failure (if known).

The Investigating Officer or member of the Investigatory Unit must certify on the transcript that the person was duly sworn or affirmed by him or her and that the transcript is a true record of the testimony given by that person, and the Investigating Officer or member of the Investigatory Unit must promptly deliver the transcript to the Custodian for that matter.

**Section 10. Furnishing copies.** The Investigating Officer or member of the Investigatory Unit must provide a copy of the transcript (upon the payment of reasonable charges for the transcription) to the person giving the testimony the subject of the transcript.

**Section 11. Copies of, and extracts from, documents obtained under Rule 12, Section 3(a) of the Competition Rules.** Where copies of, or extracts from, a document are made or taken under Rule 12, Section 3(a) of the Competition Rules, such document being produced pursuant to a Rule 12 Notice which is given by the Investigating Officer, the person making those copies or taking those extracts must promptly deliver them to the Custodian for that matter.

## **Rule 7 – Custodian and confidentiality of material**

---

**Section 1. Duties of Custodian.** The Custodian for a matter is responsible for the safekeeping of such written information, documents (including copies of documents and extracts from documents) and transcripts of testimony as are delivered to the Custodian pursuant to a Rule 12 Notice or pursuant to Rule 6.

The Custodian for a matter must not provide or disclose to any person, or copy, any written information, documents or transcripts of testimony in relation to that matter which have been delivered to the Custodian as described in the preceding paragraph, except that the Custodian must:

- (a) make and supply such copies of that material as are required by the Investigating Officer, any member of the Investigatory Unit or any legal adviser retained to assist the ERC in connection with an investigation or prosecution relating to that matter;
- (b) make that material available to the Investigating Officer, any member of the Investigatory Unit and any legal adviser retained to assist the ERC where the Investigating Officer, member of the Investigatory Unit or legal adviser requires that material in connection with an investigation or prosecution relating to that matter;
- (c) supply a copy of that material, make that material available for inspection and allow copies or extracts of that material to be made or taken, in accordance with Rule 12,

---

Section 3(b), and the final paragraph of Rule 12, Section 3, of the Competition Rules;

- (d) make that material, or copies of it, available to or at the direction of any Member where such material is required in connection with any proceedings before a court that relate to that matter; and
- (e) return any documents, produced pursuant to a Rule 12 Notice which is given by the Investigating Officer, to the person who produced those documents once those documents cease to be required by the ERC in connection with an investigation or prosecution relating to the matter in respect of which they were produced or in connection with any proceedings before a court that relate to that matter.

**Section 2. Information, when may be disclosed.** Except as provided in Section 1, any information obtained by the Investigating Officer, a member of the Investigatory Unit or any legal adviser retained to assist the ERC in the course of investigating a matter that may constitute a violation of the Competition Rules may only be disclosed by such a person to another person who is not one of the foregoing where such disclosure:

- (a) is required or permitted by or under a rule contained in Part III or Part IV of these Complaint Procedure Rules; or
- (b) is made in the course of a pre-hearing conference relating to that matter under Rule 13 or a hearing relating to that matter before the Commission; or
- (c) is made in connection with any proceedings before a court that relate to that matter.

## **PART III – ADJUDICATIVE PROCEEDINGS**

### **Rule 8 – Parties and legal representation**

---

**Section 1. Parties.** The only persons who are entitled to appear and participate in proceedings before the Commission relating to a Complaint are:

- (a) the Investigating Officer (including acting through the Investigatory Unit); and
- (b) the Respondent who has been served with the Complaint,

in which case such appearance and participation will be in accordance with, and governed by, these Complaint Procedure Rules.

**Section 2. Appearance.** Any Party may appear and participate in proceedings before the Commission relating to a Complaint in person or by an attorney admitted to practice law in the Philippines. Except with the leave of the Commission, no attorney may appear on behalf of a Party without first filing with the Registrar a written notice of appearance.

**Section 3. Intervention.** The Commission may, by proper motion filed by a person who is not a Party, permit that person to appear and participate in proceedings relating to a Complaint (either generally or for a limited purpose), in which case that person must comply with such of these Complaint Procedure Rules, and such other terms and conditions, as the Commission determines to be appropriate.

---

## Rule 9 – Initiation of proceedings

---

**Section 1. Proceedings, when commenced.** The Investigating Officer may only commence proceedings against a person for an alleged violation of the Competition Rules by serving on that person both a Complaint (together with all supporting affidavits and documents referred to in Section 7) and a summons.

**Section 2. Complaint.** The Complaint must contain:

- (a) the name and address of the Respondent;
- (b) if practicable, the date of commission of the alleged violation;
- (c) the provision or provisions of the Competition Rules which the Respondent is alleged to have violated;
- (d) a concise statement of the acts, omissions and ultimate facts constituting the alleged violation; and
- (e) the order or orders that the Commission is requested to make if the Commission determines that the Respondent has committed the alleged violation.

A Complaint may allege two or more violations of the Competition Rules by the Respondent, in which case each violation must be separately alleged and these Complaint Procedure Rules will apply in respect of each such alleged violation *mutatis mutandis*.

The summons that accompanies the Complaint must:

- (a) direct the Respondent to file an Answer (together with all supporting affidavits and documents referred to in Section 7) with the Registrar within 20 days of the service of the Complaint on the Respondent; and
- (b) state that, unless such an Answer is so filed, the Respondent may be declared to be in default and, as a result, to be deemed to have waived its right to appear and participate in the proceedings and to have authorized the Commission, without further notice to the Respondent, to find the facts to be as alleged in the Complaint and to make such orders against the Respondent on the basis of that finding as the Commission considers to be appropriate.

**Section 3. Answer.** Within 20 days of the service of a Complaint and the accompanying summons on the Respondent, the Respondent must file an Answer (together with all supporting affidavits and documents referred to in Section 7) with the Registrar.

The Answer must:

- (a) specifically admit or deny each of the material allegations of fact stated in the Complaint or set out the reasons the Respondent cannot admit or deny those allegations (any material allegation of fact that is not so dealt with will be deemed to be admitted); and
- (b) concisely state the matters of fact and law relied upon by the Respondent by way of defense.

---

**Section 4. Default.** The Commission may *motu proprio* declare the Respondent in default for its failure (without reasonable justification) to file an Answer with the Registrar within the time required by Section 3, in which case that failure will be deemed to constitute a waiver by the Respondent of the Respondent's right to appear and participate in the proceedings and to authorize the Commission, without further notice to the Respondent, to find the facts to be as alleged in the Complaint and to make such orders against the Respondent on the basis of that finding as the Commission considers to be appropriate.

**Section 5. Amended Complaint.** Within 10 days of the filing of an Answer with the Registrar in accordance with Section 3, the Investigating Officer may serve an amended Complaint on the Respondent.

The amended Complaint must:

- (a) comply with the requirements relating to the Complaint as set out in Section 2; and
- (b) state that the Respondent is entitled to file an amended Answer with the Registrar within 10 days of the service of the amended Complaint on the Respondent.

The amendments made to the Complaint that was served on the Respondent under Section 1 must be properly indicated and emphasized by appropriate marks. Without limiting the amendments that may be made to a Complaint pursuant to this Section, such amendments may include the addition, modification or striking out of an allegation or the correction of a mistake in the name of the Respondent. However, a Complaint must not be amended pursuant to this Section so as to allege a violation by the Respondent of a provision or provisions of the Competition Rules where such violation occurs after the date the Complaint was served on the Respondent. The amended Complaint must also comply with Section 7 except that, where such affidavits and documents have already been served on the Respondent under Section 1, the amended Complaint need not be accompanied by those affidavits and documents but must instead contain a statement to that effect which clearly identifies each of those affidavits and documents by reference.

**Section 6. Amended Answer.** Within 10 days of the service of an amended Complaint on the Respondent in accordance with Section 5, the Respondent may file an amended Answer with the Registrar.

The amended Answer must comply with the requirements of Section 3(a) and (b) and the amendments made to the Answer that was filed with the Registrar under Section 3 must be properly indicated and emphasized by appropriate marks. The amended Answer must also comply with Section 7 except that, where such affidavits and documents have already been filed with the Registrar under Section 3, the amended Answer need not be accompanied by those affidavits and documents but must instead contain a statement to that effect which clearly identifies each of those affidavits and documents by reference.

**Section 7. Verification of Pleadings.** All Pleadings must be verified or accompanied by affidavits and by such documents as would reasonably tend to establish prima facie the truth of the factual allegations contained in them. A Pleading is verified by an affidavit stating that the person verifying has read the Pleading and that the allegations of fact contained in it are true to that person's own personal knowledge. A verification based on "knowledge, information and belief" is sufficient.

---

**Section 8. Amendment of Pleadings to state case in more detail.** The Commission may, at any time, on its own motion or upon the motion of a Party, direct a Party to amend its Pleading in order to state that Party's case more fully or in a more detailed or specific manner. If:

- (a) the Pleading is a Complaint, then the amended Complaint, with the amendments made being indicated by appropriate marks, must be served by the Investigating Officer on the Respondent within such time as is ordered by the Commission; or
- (b) the Pleading is an Answer, then the amended Answer, with the amendments made being indicated by appropriate marks, must be filed by the Respondent with the Registrar within such time as is ordered by the Commission.

**Section 9. Amendment of Pleadings to conform to or authorize presentation of evidence.** When, at a hearing under Rule 14, issues not raised by the Pleadings are introduced by express or implied consent of the Parties, they will be treated in all respects as if they had been raised in the Pleadings. If evidence upon a new issue is objected to on the ground that the issue is not among those raised in the Pleadings, the Commission may allow the Pleadings to be amended and receive such evidence when it appears that the presentation of the merits of the proceedings will be served thereby without prejudicing the rights of any Party. The Commission may grant a continuance to enable the objecting Party to meet such evidence.

**Section 10. Amendments by leave of the Commission.** A Party may only amend its Pleading other than pursuant to Sections 5, 6, 8 or 9, and submit additional supporting affidavits or other documents, with the leave of the Commission, which leave may be granted on such terms and conditions as the Commission considers appropriate and only after the other Party has been given an opportunity to be heard.

**Section 11. Effect of amended Pleading.** An amended Pleading supersedes the Pleading that it amends.

**Section 12. Form of Pleadings.** All Pleadings must be in a form prescribed by the ERC.

## **Rule 10 – Motions**

---

**Section 1. Motions in general.** A Party may only apply for any procedural or interlocutory relief or ruling, or for the dismissal of a Complaint or the discontinuance of a proceeding, by way of a motion.

**Section 2. Contents.** A motion must state the ruling or relief sought and the grounds upon which it is based, and if necessary must be accompanied by supporting affidavits and other documents.

All motions must be in writing except motions for continuance made in the presence of the other Party or those made in the course of a hearing.

**Section 3. Hearing of motion.** All written motions must be filed with the Registrar and served on the other Party:

- (a) in the case of a motion for an extension of any time period or the suspension or deferral of any proceedings - at least 5 days before the hearing of the motion; and

- 
- (b) in the case of any other motion not otherwise dealt with in these Complaint Procedure Rules – at least 15 days before the hearing of the motion.

A written motion must contain a notice setting the hearing of the motion at a specified date and time. However, for good cause shown, the Commission may hear a motion on shorter notice.

**Section 4. Proof of service necessary.** The Commission must not act upon any motion without proof of service of notice of the motion on the other Party, except when the Commission is satisfied that the rights of the other Party are not adversely affected.

**Section 5. Motion during hearings.** Motions made during hearings may be stated orally upon the record unless the Commission requires that such motions be reduced to writing, in which case Sections 3 and 4 will apply.

**Section 6. Opposition to motion.** The other Party may:

- (a) in the case of a motion for an extension of any time period or the suspension or deferral of any proceedings – within 3 days of being served with the motion; and
- (b) in the case of any other motion not otherwise dealt with in these Complaint Procedure Rules - within 10 days of being served with the motion,

file with the Registrar, and serve on the Party bringing the motion, an opposition to the motion, accompanied by any necessary supporting affidavits and documents.

**Section 7. Form.** All written motions and oppositions to such motions must be in a form prescribed by ERC.

**Section 8. Interlocutory order.** At any time after the filing of a Complaint with the Registrar, the Commission may (after notice and hearing) grant on motion of the Investigating Officer the orders sought (or any other orders the Commission considers appropriate), without prejudice to a final decision after completion of the hearing, should the Commission find that the Complaint (together with the supporting affidavits and documents and such additional evidence as may have been presented) substantially supports the making of such orders and should there exist an urgent and compelling reason for the making of such orders.

**Section 9. Extension of time.** A motion for an extension of any time period or the suspension or deferral of any proceedings may only be made where there is a justifiable reason for that extension, suspension or deferral.

## **Rule 11 – Motion for pre-emptive order**

---

**Section 1. Source.** Rule 10, Section 5 of the Competition Rules empowers the ERC to make an order requiring a person not to engage in certain conduct if it has reason to believe it likely that the person is about to engage in that conduct.

**Section 2. Form; Contents.** The Investigating Officer may only apply for an order as described in Section 1 by way of a motion. Such a motion must:

- (a) be in writing;
- (b) state the order sought and the grounds upon which it is based;

- 
- (c) be in a form prescribed by the ERC;
  - (d) if necessary, be accompanied by supporting affidavits and other documents;
  - (e) contain a notice setting the hearing of the motion at a specified date and time; and
  - (f) be served on the person against whom the order is sought at least 5 days before the hearing of the motion (although, for good cause shown, the motion may be heard on shorter notice).

**Section 3. Hearing; Proof of service necessary.** The application for a motion under this Rule must be heard by a quorum of the Members, but they must not act upon any motion allowed by this Rule without proof of service of notice of the motion on the person against whom the order the subject of the motion is sought.

**Section 4. Opposition.** The person against whom the order the subject of the motion is sought may, within 3 days of being served with the motion, file with the Registrar an opposition to the motion, accompanied by any necessary supporting affidavits and documents. Such an opposition to a motion must be in a form prescribed by the ERC.

**Section 5. Applicability of other provisions.** The provisions of Parts III and IV of these Complaint Procedure Rules (other than Rule 9) apply in relation to a motion under this Rule, and any proceedings arising out of such a motion, as if the motion were a Complaint, the person against whom the order the subject of the motion is sought were a Respondent and the opposition to the motion (if any) were an Answer.

## **Rule 12 – Filing and service**

---

**Section 1. When to file.** The Investigating Officer must file a Pleading, summons, written motion or other document with the Registrar (together with proof of its service on the Respondent) as soon as practicable after it has been served on the Respondent.

**Section 2. When deemed service on the Investigating Officer.** For the purposes of Part III of these Complaint Procedure Rules, the filing of a Pleading, written motion or other document with the Registrar is deemed to be service of that document on the Investigating Officer and, as soon as practicable after a Pleading, written motion or other document is so filed, the Registrar must provide a copy of it to the Investigating Officer.

**Section 3. Number of copies; Assignment of docket number.** Unless the ERC requires otherwise, every Party filing a Pleading, written motion or other document with the Registrar must file an original and five conformed copies of that document. Upon the filing of a Complaint, the Registrar must assign a docket number to the case.

**Section 4. Manner of filing.** The filing of Pleadings, summonses, written motions, orders, rulings, decisions, resolutions and other documents is made by:

- (a) delivering the original to the Registrar – in which case the Registrar will endorse on the document the date and hour of filing; or
- (b) sending the original by registered mail, properly addressed to the Registrar and with postage prepaid – in which case the date of the mailing of the document as

---

shown by the post office stamp on the envelope will be considered as the date of filing.

**Section 5. Effect of filing.** Acceptance of a Pleading, summons, written motion or other document for filing is not a waiver of a failure to comply with these Complaint Procedure Rules and such failure may be a cause for striking all or any part of a Pleading, summons, written motion or other document.

**Section 6. Service upon a natural person.** Subject to Section 8, a Pleading, summons, written motion, order, ruling, decision, resolution or other document may be served on a Respondent who is a natural person by:

- (a) delivering a copy of it to the Respondent or to the Respondent's attorney of record (in which case a verified return by the individual delivering it, describing the manner of service, will be proof of such service); or
- (b) sending a copy of it by registered mail, return receipt requested, properly addressed and with postage prepaid, to the Respondent at the Respondent's residence or principal office or place of business or to the Respondent's attorney of record at that attorney's office (in which case the return post office receipt of delivery will be proof of such service).

**Section 7. Service upon a juridical person.** Subject to Section 8, a Pleading, summons, written motion, order, ruling, decision, resolution or other document may be served on a Respondent who is not a natural person by:

- (a) delivering a copy of it to the president, managing partner, general manager, corporate secretary, in-house counsel or other equivalent officer of the Respondent, or to the Respondent's attorney of record (in which case a verified return by the individual delivering it, describing the manner of service, will be proof of such service); or
- (b) delivering a copy of it to the principal office or place of business of the Respondent, marked to the attention of the president, managing partner, general manager, corporate secretary, in-house counsel or other equivalent officer of the Respondent, or to the office of the Respondent's attorney of record (in which case a verified return by the individual delivering it, describing the manner of service, will be proof of such service); or
- (c) sending a copy of it by registered mail, return receipt requested, properly addressed and with postage prepaid, to the president, managing partner, general manager, corporate secretary, in-house counsel or other equivalent officer of the Respondent at the Respondent's principal office or place of business or to the Respondent's attorney of record at that attorney's office (in which case the return post office receipt of delivery will be proof of such service).

**Section 8. Service upon counsel.** If a Respondent's attorney has filed a written notice of appearance under Rule 8, Section 2, service upon that Respondent must be made by service upon that attorney.

**Section 9. Substituted service.** If service of a Pleading, summons, written motion or other document on a Respondent cannot be effected by the Investigating Officer under Sections

---

6, 7 or 8, such service may be effected by delivering the copy to the Registrar together with proof of failure of service.

**Section 10. Other modes of service.** Notwithstanding Sections 6, 7 and 8, a quorum of the Members may:

- (a) upon application by the Investigating Officer, and for good cause shown, grant leave for the Investigating Officer to effect service of a Pleading, summons, written motion or other document on a Respondent in any manner they consider appropriate in the circumstances, provided that such manner is likely to be such as to give the Respondent notice of the Pleading, summons, written motion or other document; and
- (b) upon application by the Registrar, and for good cause shown, grant leave for the Registrar to effect service of an order, ruling, decision, resolution or other document on a Respondent in any manner they consider appropriate in the circumstances, provided that such manner is likely to be such as to give the Respondent notice of the order, ruling, decision, resolution or other document.

The power under this Section must not be exercised if it is reasonably practicable to effect service of the relevant Pleading, summons, written motion, order, ruling, decision, resolution or other document on the Respondent under Sections 6, 7 or 8.

**Section 11. Completion of service.** Service of a Pleading, summons, written motion, order, ruling, decision, resolution or other document on a Respondent is complete:

- (a) where it is effected under Sections 6(a) or 7(a) or (b) – upon actual delivery of the copy of it;
- (b) where it is effected under Sections 6(b) or 7(c) – upon actual receipt of the copy of it by the addressee or five days from the date the addressee received the first notice from the postmaster (whichever is the earlier);
- (c) where it is effected under Section 9 – upon actual delivery of the copy of it to the Registrar; and
- (d) where it is effected under Section 10 – when it is determined to be complete by a quorum of the Members.

## **Rule 13 – Pre-hearing conference**

---

**Section 1. When conducted.** Prior to the first hearing of the Commission relating to a Complaint, and except where the Commission otherwise determines, the Registrar must set a pre-hearing conference before the CAS for the purpose of considering ways and means of expediting the proceedings, including:

- (a) the possibility and advisability of a consented decree, voluntary compliance or desistance on certain terms and conditions;
- (b) the simplification of the issues;
- (c) the exchange and acceptance of service of exhibits to be offered in evidence;

- 
- (d) the obtaining of admissions as to, or stipulation of, facts not remaining in dispute or the authenticity of documents which might properly shorten the hearing;
  - (e) the limitation of the number of witnesses; and
  - (f) such other matters as may facilitate the orderly and efficient conduct of the proceedings.

**Section 2. Requirement prior to pre-hearing conference.** Prior to such a pre-hearing conference, the Parties or their attorneys must meet to discuss ways and means of expediting the proceedings.

**Section 3. Appearance of Parties.** Both of the Parties and their attorneys must attend the pre-hearing conference unless (in the case of a Party) that Party's attorney is authorized to enter into an agreement on such ways or means of expediting the proceedings as may be considered at the pre-hearing conference. Any such authority must be conferred in writing, either by way of a power of attorney or certified board resolution, and must be provided to the CAS and the other Party on request.

**Section 4. Requirement relating to evidence.** At the pre-hearing conference, the Parties must inform each other of the nature and character of the evidence that they propose to offer, indicating the purpose of each item of evidence.

**Section 5. Judgment on the Pleadings.** If, at the pre-hearing conference, the CAS finds that uncontested facts exist upon which a decision on the Pleadings may be made, the Commission, upon the recommendation of the CAS, may render such decision on the Pleadings as justice may require.

**Section 6. Record of pre-hearing conference.** After a pre-hearing conference, the CAS must make an order that recites the matters taken up in the pre-hearing conference, the action taken in relation to those matters, and the agreements made by the Parties as to any of the matters considered. Such order will limit the issues for hearing to those not disposed of by admissions and agreements of the Parties or their attorneys, and when limited controls the subsequent course of the proceedings unless modified before the hearing to prevent manifest injustice.

**Section 7. Effect of failure to attend.** The Commission, upon the recommendation of the CAS, may *motu proprio* declare the Respondent in default for the failure of the Respondent or the Respondent's attorney (without reasonable justification) to attend a pre-hearing conference, in which case that failure will be deemed to constitute a waiver by the Respondent of the Respondent's right to appear and participate in the proceedings and to authorize the Commission, without further notice to the Respondent, to find the facts to be as alleged in the Complaint and to make such orders against the Respondent on the basis of that finding as the Commission considers to be appropriate.

**Section 8. Offer for a settlement of the case.** The Respondent may, at any time, make an offer to the CAS, conditionally or otherwise, for a consented decree, voluntary compliance or desistance and other settlement of the case. Any such offer, and any or all of the ultimate facts upon which the offer is based, is for settlement purposes only and cannot be used as evidence against the Respondent for any other purpose and does not constitute an admission by the Respondent of any violation of the Competition Rules.

---

## Rule 14 – Hearings

---

**Section 1. How conducted.** A hearing before the Commission must only be conducted after notice of the time, date and place of the hearing has been served on the Respondent, such notice being served on the Respondent at least 5 days before the date of the hearing. The Commission may *motu proprio* declare that any Party who fails to attend any hearing (without reasonable justification) has waived that Party's presence and may allow the Party present to present evidence *ex parte*.

**Section 2. Consolidation.** The Commission may, of its own motion or on motion of any Party, consolidate or hold a joint hearing or proceedings on matters involving common questions of law or fact in which case, if there are two or more Respondents, these Complaint Procedure Rules will apply *mutatis mutandis*. However, upon motion of a Respondent, a separate hearing may be held on issues peculiar only to that Respondent.

**Section 3. Requirement on a Party.** A Party appearing before the Commission must endeavour to present its case in concise form, avoiding cumulative and repetitious evidence and arguments to avoid unnecessary and prejudicial delay.

**Section 4. Record of hearings.** Hearings must be stenographically recorded by the official stenographer of the ERC and the transcript of stenographic notes will be part of the record and the sole official transcript of the proceedings. Corrections to the transcript may only be made with the approval of the Commission upon notice and after opportunity for hearing objections. The Respondent is entitled to be provided with a copy of the transcript upon the payment of reasonable charges for the transcription.

**Section 5. Conduct during hearings.** A person must not:

- (a) engage in conduct that results in the obstruction or hindering of the Commission in the performance or exercise of any of the Commission's functions and powers; or
- (b) engage in conduct that results in the disruption of proceedings before the Commission.

If the Commission determines, after due notice and hearing, that a person has violated the preceding paragraph, it may make an order requiring the person to pay to the ERC a fine or penalty of not more than P5,000,000.00.

## Rule 15 – Provision of information, production of documents and attendance of witnesses

---

**Section 1. Subpoena.** At the request of a Party, or on its own initiative, the Commission may exercise such powers as it has to require the provision of information, the production of documents or the giving of evidence, including its powers under Rule 12, Section 1 of the Competition Rules. A request by a Party for the exercise of any such powers must be in writing and must describe the person against whom the powers are sought to be exercised, and the information, documents or evidence the provision, production or giving of which is sought to be required, with sufficient particularity as to enable the Commission to determine the relevance of the facts intended to be proven thereby.

---

Upon motion of a Party or the person against whom the powers are, or are sought to be, exercised, the Commission may refuse to exercise, or to continue exercising, those powers if it is satisfied that to do so would be unreasonable, oppressive or capricious.

**Section 2. Form of Rule 12 Notice.** A Rule 12 Notice which is given by the Commission must be signed by a Member or a duly authorized representative of the ERC.

## **Rule 16 – Evidence**

---

**Section 1. Order of hearing.** As far as practicable, the following order must be followed in the presentation of evidence before the Commission:

- (a) the presentation of evidence must commence with the Investigating Officer presenting his evidence;
- (b) the Respondent must then present its evidence;
- (c) presentation of further evidence may be allowed at the discretion of the Commission; and
- (d) when the presentation of evidence is concluded, the Parties may be required or allowed to submit their respective memoranda in support of their cases.

**Section 2. Requirement of oath or affirmation.** A witness whose testimony is to be taken must be sworn or must affirm concerning the matter about which the witness will testify, before the witness's testimony may be taken in evidence.

**Section 3. Right to counsel.** Any person who is required to give evidence in proceedings before the Commission may be accompanied, represented and advised by an attorney.

**Section 4. Statement of reason for refusal, failure to be sworn/affirmed or answer.** If a person who appears before the Commission:

- (a) refuses or fails to be sworn or affirmed when such is required by the presiding member of the Commission; or
- (b) refuses or fails to answer a question when required to do so by the presiding member of the Commission,

that person (or that person's attorney) must state for the record the reason for that refusal or failure.

**Section 5. Objection to a question.** A person who appears before the Commission (or that person's attorney) may object on the record to any question, in whole or in part, and must state for the record the reason for that objection.

**Section 6. Cross-examination.** At all hearings, each Party has the right to conduct such cross-examination of witnesses as may be necessary subject to the materiality or relevance of the evidence as well as the competence of the witness to answer the question. The Commission may also, from time to time, propound such questions as will elicit the full and true disclosure of the facts of the case or clarify certain points at issue.

---

## Rule 17 – Powers and duties of Commission

---

### Section 1. Power of the Commission. The Commission:

- (a) has control over the entire conduct of all proceedings before it; and
- (b) may give directions from time to time concerning the conduct of such proceedings.

Without limiting the foregoing, the Commission may:

- (a) give directions abridging or extending any time period specified in or prescribed by these Complaint Procedure Rules;
- (b) give directions about the issues to be addressed before the Commission;
- (c) give directions about -
  - (i) the manner in which a matter may be presented, either orally or in writing, to the Commission; and
  - (ii) the duration of the time in which a person may address the Commission or give evidence in proceedings before the Commission;
- (d) permit a person to amend or withdraw information, documents or evidence provided, produced or given for the purposes of any proceedings;
- (e) direct that proceedings be suspended for a period determined by the Commission;
- (f) direct that proceedings be deferred until a day determined by the Commission; and
- (g) direct that a person whose behaviour has a disruptive effect on proceedings be removed or excluded from those proceedings.

### Section 2. Duties of the Commission. In the performance of its functions and the exercise of its powers, the Commission:

- (a) is not bound by the rules of evidence except to the extent that section 12 of Book VII of Executive Order No.292 (otherwise known as the Administrative Code of 1987) otherwise requires;
- (b) must consider all relevant information contained in -
  - (i) written or verbal presentations that are made to the Commission; and
  - (ii) other evidence that is given to the Commission;
- (c) must act fairly, impartially and reasonably; and
- (d) must act in accordance with the requirements of due process and, subject to those requirements, with as little formality and technicality, and as much expedition, as a proper consideration of the matters before the Commission permits.

---

## Rule 18 – Orders

---

### Section 1. General.

- (a) All orders, rulings, decisions and resolutions of the Commission in relation to a matter must be reached with the concurrence of a majority of the members constituting the Commission for the purposes of that matter.

- 
- (b) All orders, rulings, decisions and resolutions of the Commission determining the merits of a matter (including any dissent therefrom by a member of the Commission) must be in writing, stating clearly and distinctly the facts and the law on which they are based.
  - (c) The Commission must decide each case within 30 days of the completion of the presentation of evidence in that case.
  - (d) Each order, ruling, decision and resolution of the Commission determining the merits of a matter must be filed with the Registrar who must, within 3 days of filing, serve a copy of such order, ruling, decision or resolution upon the Respondent.
  - (e) All orders, rulings, decisions and resolutions of the Commission determining the merits of a matter must be published by the Registrar in at least one newspaper of general circulation and made available for public inspection.
  - (f) The Registrar must compile the final decisions, orders, rulings and resolutions of the Commission.

**Section 2. Effectivity of decisions.**

- (a) Except as otherwise provided by law, all decisions, orders, rulings and resolutions of the Commission will take effect immediately unless otherwise specified by the Commission.
- (b) The Commission may, if it considers it appropriate, stay the operation of any decision, order, ruling or resolution made by it.

## **Rule 19 – Motion for reopening or reconsideration**

---

**Section 1. Grounds of and period for filing motion for reopening.** A Party may move for the reopening of any proceedings in relation to a matter at any time after the presentation of evidence in those proceedings has been completed, but before the promulgation by the Commission of a final decision, order, ruling or resolution which determines the merits of that matter, if, during that period, transactions, events or matters (whether factual or legal) arise which result in a substantial change of situation of a Party. Any such motion must be filed with the Registrar prior to the promulgation of the relevant decision, order, ruling or resolution.

**Section 2. Grounds of and period for filing motion for reconsideration.** A Party may move for a reconsideration by the Commission of a final decision, order, ruling or resolution made by the Commission which determines the merits of a matter. Any such motion must be filed with the Registrar within 30 days of the relevant decision, order, ruling or resolution being filed with the Registrar (where the relevant Party is the Investigating Officer) or served on the relevant Party (where the Party is not the Investigating Officer). Except with the leave of the Commission, each Party may only file one motion for reconsideration.

**Section 3. Form; Contents of motions.** The motions allowed by this Rule must:

- (a) be in writing;
- (b) state the ruling or relief sought and the grounds upon which it is based;

- 
- (c) be in a form prescribed by the ERC;
  - (d) if necessary, be accompanied by supporting affidavits and other documents;
  - (e) contain a notice setting the hearing of the motion at a specified date and time; and
  - (f) be served on the other Party at least 10 days before the hearing of the motion (although, for good cause shown, the motion may be heard on shorter notice).

**Section 4. Proof of service necessary.** The Commission must not act upon any motion allowed by this Rule without proof of service of notice of the motion on the other Party.

**Section 5. Opposition.** The other Party may, within 15 days of being served with the motion, file with the Registrar, and serve on the Party bringing the motion, an opposition to the motion, accompanied by any necessary supporting affidavits and documents. Such an opposition to a motion must be in a form prescribed by the ERC.

## **PART IV – MISCELLANEOUS**

### **Rule 20 – Notices under Rule 12, Section 1 of the Competition Rules**

---

**Section 1. Application.** This Rule applies to Rule 12 Notices which are given by the Investigating Officer as described in Rule 6 or the Commission as described in Rule 15.

**Section 2. Service upon a natural person.** Where a Rule 12 Notice is directed at a natural person, it must be served on that person by:

- (a) delivering it to that person (in which case a verified return by the individual delivering it, describing the manner of service, will be proof of such service); or
- (b) sending it by registered mail, return receipt requested, properly addressed and with postage prepaid, to that person at that person's residence or principal office or place of business (in which case the return post office receipt of delivery will be proof of such service).

**Section 3. Service upon a juridical person.** Where a Rule 12 Notice is directed at a person other than a natural person, it must be served on that person by:

- (a) delivering it to the president, managing partner, general manager, corporate secretary, in-house counsel or other equivalent officer of that person (in which case a verified return by the individual delivering it, describing the manner of service, will be proof of such service); or
- (b) delivering it to the principal office or place of business of that person and marked to the attention of the president, managing partner, general manager, corporate secretary, in-house counsel or other equivalent officer of that person (in which case a verified return by the individual delivering it, describing the manner of service, will be proof of such service); or
- (c) sending it by registered mail, return receipt requested, properly addressed and with postage prepaid, to the president, managing partner, general manager, corporate secretary, in-house counsel or other equivalent officer of that person at that

---

person's principal office or place of business (in which case the return post office receipt of delivery will be proof of such service).

**Section 4. Requirement of sworn certificate.** The provision of information or production of documents pursuant to a Rule 12 Notice must be made under a sworn certificate, in such form as the notice designates, by:

- (a) if the person to whom the notice is directed is a natural person – that person; or
- (b) if the person to whom the notice is directed is a person other than a natural person – any person who has personal knowledge of the facts and circumstances relating to the provision of the information or the production of the documents (as the case may be) and who is authorized by the person to whom the notice is directed to swear that certificate,

to the effect that all of the information or documents referred to in the notice has been provided or have been produced (as the case may be).

**Section 5. Refusal or failure to comply.** If a person has a lawful excuse for refusing or failing to comply with a Rule 12 Notice, that person must give the reasons for such refusal or failure under a sworn certificate by:

- (a) if the person to whom the notice is directed is a natural person – that person; or
- (b) if the person to whom the notice is directed is a person other than a natural person – any person who has personal knowledge of the facts and circumstances relating to the refusal or failure and who is authorized by the person to whom the notice is directed to swear that certificate.

## **Rule 21 – Confidentiality**

---

**Section 1. Hearings must be in public.** Except as provided in Section 2, hearings before the Commission must be in public.

**Section 2. Exceptions.** Where the Commission determines that it is desirable to do so, it may, after giving the Parties an opportunity to make submissions in relation to the matter, do all or any of the following:

- (a) direct that a hearing or part of a hearing will take place in private and give directions as to the persons who may be present (except that, notwithstanding the foregoing, the Parties and the attorneys appearing on their behalf are entitled to be present at such a hearing);
- (b) give directions prohibiting or restricting the publication of matters raised before, or of evidence given to, the Commission or of matters contained in documents filed with the Registrar;
- (c) give directions prohibiting or restricting the use or disclosure of, or access to, information provided to the Commission (whether in evidence or otherwise) or information contained in documents filed with the Registrar.

**Section 3. Factors to consider.** In determining whether or not to give a direction under Section 2, the Commission must have regard to:

- 
- (a) whether information or evidence provided or given, or that may be provided or given, or a matter that has arisen or may arise, during the proceedings is of a confidential nature;
  - (b) any unfair prejudice to a person's reputation that would be likely to be caused unless the Commission exercises its powers under this Rule;
  - (c) whether it is in the public interest that the Commission exercises its powers under this Rule; and
  - (d) any other relevant matter.

**Section 4. Communications with the Commission.** Until the Commission has given its final decision on a matter (including any final decision consequent on an application for a reopening of any proceedings in relation to that matter, or for a reconsideration of a final decision, order, ruling or resolution which determines the merits of that matter, under Rule 19) the Investigating Officer, a member of the Investigatory Unit and any legal adviser retained to assist the ERC for the purpose of investigating that matter or conducting proceedings in relation to that matter must not make any communication to any member constituting the Commission for the purposes of that matter for the purposes of that matter where the communication is relevant to the merits of that matter except where such communication:

- (a) is required or permitted by or under a rule contained in Part III of these Complaint Procedure Rules; or
- (b) is made in the course of a hearing relating to that matter before the Commission.

**Section 5. Communications by the Commission.** Until the Commission has given its final decision on a matter (including any final decision consequent on an application for a reopening of any proceedings in relation to that matter, or for a reconsideration of a final decision, order, ruling or resolution which determines the merits of that matter, under Rule 19) a member constituting the Commission for the purposes of that matter must not make any communication to the Investigating Officer, a member of the Investigatory Unit or any legal adviser retained to assist the ERC for the purpose of investigating that matter or conducting proceedings in relation to that matter where that communication is relevant to the merits of that matter except where such communication:

- (a) is required or permitted by or under a rule contained in Part III of these Complaint Procedure Rules; or
- (b) is made in the course of a hearing relating to that matter before the Commission.

## **Rule 22 – Applicability of the Rules of Court**

---

The provisions of the Rules of Court applicable to proceedings before the Regional Trial Court, which are not inconsistent with these Complaint Procedure Rules, apply in an analogous and supplementary character whenever practicable and convenient, but such provisions are not controlling and, subject to the requirements of due process, the ERC and its delegates may adopt such procedures as they consider appropriate in the circumstances without regard to the rules of procedure and evidence prevailing in courts of law.

---

## **Rule 23 - Amendment**

---

Subject to the provisions of any other applicable law:

- (a) these Complaint Procedure Rules may be amended from time to time by the ERC but no such amendment may operate retrospectively; and
- (b) an amendment to these Complaint Procedure Rules takes effect 15 days after its publication in a newspaper of general circulation in the country.

---

## **Rule 24 – Interpretation**

---

In these Complaint Procedure Rules, unless the contrary intention appears:

- (a) the singular includes the plural and conversely;
- (b) where a term is defined, its other grammatical forms have a corresponding meaning;
- (c) a reference to any law or the rules and regulations issued implementing such a law or to any particular provision of a law or of any rules and regulations issued implementing such a law is taken to include any modification, consolidation, amendment, re-enactment, replacement or codification of the law, rules and regulations, or provisions; and
- (d) mentioning anything after include, includes or including does not limit what else might be included.

---

## **Rule 25 – Computation of time**

---

In computing any period of time prescribed or allowed by these Complaint Procedure Rules, or by a notice or order given or made under or as described in these Complaint Procedure Rules, the day of the act or event from which the designated period of time begins to run is to be excluded and the day of performance included provided that, if the last day of the period as so computed falls on a Saturday, a Sunday or a public holiday in Metro Manila, the period will instead be deemed to end on the next day that is not such a day.

---

## **Rule 26 – Separability**

---

If, for any reason, any rule or part of a rule of these Complaint Procedure Rules is declared unconstitutional or invalid, those provisions which are not thereby affected will continue to be in full force and effect.

---

## **Rule 27 – Effectivity**

---

These Complaint Procedure Rules take effect 15 days after their publication in a newspaper of general circulation in the country.

---

Pasig City, Philippines, [        ], [        ]

**MANUEL R. SANCHEZ**

Chairman

**MARY ANNE B. COLAYCO**

Commissioner

**OLIVER B. BUTALID**

Commissioner

**LETICIA V. IBAY**

Commissioner

**CARLOS R. ALINDADA**

Commissioner