

SENATE

S. No. 763

INTRODUCED BY SENATOR ENRILE

AN ACT PROVIDING THE RULES FOR THE IMPOSITION OF AN ANTI-DUMPING DUTY, AMENDING FOR THE PURPOSE SECTION 301, PART 2, TITLE II, BOOK 1 OF THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES, AS AMENDED BY REPUBLIC ACT NO. 7843, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Section 301, Part 2, Title II, Book 1 of the Tariff and
2 Customs Code, as amended by Republic Act No. 7843, is hereby further
3 amended to read as follows:

4 "SEC. 301. *Dumping Duty.* -

5 "[a. Whenever the Secretary of Finance or the
6 Secretary of Trade and Industry (hereinafter called the
7 "Secretary") received an anti-dumping petition from the
8 domestic industry or the Secretary has reason to believe,

1 from any invoice or other document or newspaper,
2 magazine or information or translation thereof by any
3 reputable language translator made available by any
4 government agency or interested party, that a specific kind
5 or class of foreign article, is being imported into, or sold or
6 is likely to be sold in the Philippines, at a price less than
7 its normal value, the importation or sale of which might
8 injure, retard the establishment of, or is likely to injure an
9 industry producing like articles in the Philippines, the
10 Secretary shall, within twenty (20) days from receipt of
11 such petition or information, determine a *prima facie* case
12 of dumping. Within five (5) days from such receipt, he
13 shall notify the protestee-importer and require him to
14 submit within ten (10) days from such notice evidence from
15 the producer of the imported article duly authenticated by
16 the Philippine consular or trade office to support the
17 normal value of such product. If no such evidence is
18 submitted within the prescribed period, the Secretary shall
19 base his decision on the available pertinent data.

20 "[Pending determination of a *prima facie* case of
21 dumping, the petitioner may petition that the release from
22 the Bureau of Customs of the alleged dumped product be
23 withheld. If the Secretary determines that on the face of
24 the petition and documents presented, there exists an
25 imminent danger of injury to a particular industry as a

1 result of the alleged dumping, he shall direct the
2 Commissioner of Customs to hold the release of the
3 questioned importation, upon filing by the petitioner of a
4 bond equal to the alleged margin of dumping. The bond
5 shall answer for damages which the importer may suffer as
6 a result of the holding of the release of the questioned
7 importation, in case the Secretary finds that there is no
8 *prima facie* case. However, the petitioner's liability for
9 damages shall not exceed the amount of his bond. This
10 bond shall be canceled once a *prima facie* case has been
11 determined by the Secretary.

12 "[The Secretary may, *motu proprio*, hold the release of
13 the questioned articles based on his information that an
14 imminent danger of injury exists to a particular industry as
15 a result of the alleged dumping.

16 "[The Secretary upon the determination of a *prima*
17 *facie* case of dumping shall so advise the Tariff
18 Commission (hereinafter called the 'Commission') and shall
19 instruct the Commissioner of Customs to hold the release
20 of the goods or articles in question, unless the protestee/
21 importer shall have filed a cash bond of not less than the
22 provisionally estimated dumping duty plus the applicable
23 regular duty based on the documentary evidence submitted
24 with the dumping protest to answer for the payment of
25 such duties, fees and charges if a dumping case is

1 established. If the protest is dismissed, the cash bond shall
2 be returned to the importer within ten (10) days from the
3 finality of the order.

4 "[The Secretary shall have the discretion to exclude
5 related parties from the domestic industry. A producer and
6 an exporter or importer are related if the producer directly
7 or indirectly controls the producer; a third party and there
8 is a reason to believe that the relationship causes the
9 producer to act differently than an unrelated producer
10 would act.

11 "[b. The Commission, upon receipt of the advice
12 from the Secretary shall conduct an investigation to:

13 "[1. Verify if the kind or class of article in question
14 is being imported into, or sold or is likely to be sold in the
15 Philippines at a price less than its normal value;

16 "[The normal value of an article shall be the
17 comparable price in the ordinary course of trade for the like
18 articles when destined for domestic consumption in the
19 exporting country which for purposes of this section means
20 the country of production or manufacture.

21 "[If the normal value of an article cannot be
22 determined, the following rules shall apply:

23 "[If the like article is not being sold in the ordinary
24 course of trade in the domestic market of the exporting
25 country or if the sale does not allow a fair comparison or

1 if the normal value is not available or unreliable because of
2 association or a compensatory arrangement between the
3 exporter and the importer or a third party or the agency
4 providing the normal value is state-controlled or jointly
5 owned by the state or the exporting country, or where
6 products are not imported directly from the country of
7 production then, the normal value shall be based on the
8 higher of values determined from any of the following
9 methods, such as but not limited to, the normal value of like
10 articles in a proxy country at the same stage of
11 development of the industry producing like products, or
12 the cost of production in the country of production or
13 manufacture or on the estimated landed cost in the country
14 of production or manufacture which is based on C and F
15 price of such articles including duties, surcharges, and
16 taxes when imported by an importer in the country of
17 production.

18 “[2. Ascertain the difference, if any, between the
19 export price and the normal value of the article.

20 “[3. Determine if, as a result thereof, a domestic
21 industry producing like articles in the Philippines suffers, or
22 will be threatened with, injury, or will suffer a material
23 retardation of the establishment of a domestic industry in
24 the Philippines: *Provided*, That in determining whether the
25 domestic industry has suffered or is being threatened with

1 injury, the Commission shall determine whether the
2 wholesale prices at which the domestic articles are sold are
3 reasonable, taking into account the cost of raw materials,
4 labor, overhead, a fair return on investment and the overall
5 efficiency of the industry; and/or whether a further
6 importation of such articles and/or like articles are clearly
7 foreseen and imminent considering such relevant factors
8 as:

9 “[(a) Rate of increase of importation of such article:
10 *Provided*, That in the determination of potential injury,
11 there should be at least three percent (3%) increase in the
12 volume of importation of such articles being dumped
13 relative to the average monthly volume of importation of
14 such like articles for the immediately preceding three (3)
15 months; or

16 “[(b) Reasonable likelihood of increased
17 importations; or

18 “[(c) Freely disposable or increased capacity of the
19 exporter of such imported articles; or

20 “[(d) Import prices which will have a significant
21 depressing or suppressing effect on domestic prices:
22 *Provided, further*, That in determining whether a domestic
23 industry that will produce like articles is being retarded in
24 its establishment, there must be evidence of the
25 forthcoming commercial operation of the industry:

1 *Provided, finally*, That in determining injury, the following
2 shall also be considered:

3 “[i. Whether or not the imported articles under
4 consideration are identical or alike in all respect to articles
5 produced by the domestic industry or substantially of the
6 same material or although of different composition or
7 material serves the same or similar purpose such as
8 substitute as the articles produced in the Philippines in
9 quantities sufficient to supply at least ten percent (10%) of
10 local consumption (arrived at by taking the sum of the
11 average local production and average importation and
12 subtracting therefrom average exportation) for the
13 immediately preceding three (3) months prior to the filing of
14 the dumping protest;

15 “[ii. The volume of dumped imports and their effects
16 on prices in the domestic market for like articles: *Provided*,
17 That the Commission shall determine the consequent
18 impact of these imports on domestic producers by
19 considering relevant economic factors and indices such as:

20 “[a) Five percent (5%) decline in sales volume or
21 decline in sales price of at least two percent (2%) as
22 compared to the average monthly sales for the immediately
23 preceding three (3) months; or

24 “[b) Five percent (5%) decline in the volume of
25 production as compared to the average monthly volume of

1 production for the immediately preceding three (3) months;
2 or

3 “[c) Actual and potential negative effects on
4 employment and inventories of the subject articles.

5 “[Within five (5) days from the receipt of the advice
6 from the Secretary of Finance, the Commission shall
7 identify all parties concerned and require them to submit
8 their respective memoranda within fifteen (15) days from
9 notice.

10 “[C. The Commission shall terminate its investigation
11 within ninety (90) days from receipt of the aforesaid advice
12 and shall submit its findings to the Special Committee on
13 Anti-Dumping (hereinafter referred to as “Special
14 Committee”) within sixty (60) days from their termination of
15 its investigation: *Provided*, That the Commission shall give
16 notice to interested parties of such findings submitted to
17 the special committee.

18 “[In case any or all of the parties on record fail to
19 submit their respective memoranda within the period
20 prescribed above, the Commission shall base its findings
21 on the best available evidence.

22 “[The Commission shall *motu proprio* terminate its
23 investigation if the provisionally estimated margin of
24 dumping is less than two percent (2%) of export price or
25 the volume of dumped imports is negligible. The volume

1 of dumped imports from a particular country accounts for
 2 less than three percent (3%) of the average monthly
 3 imports of the like articles in the Philippines unless
 4 countries which individually account for less than three
 5 percent (3%) of the average monthly imports of the like
 6 articles in the Philippines collectively account for more than
 7 seven percent (7%) of total average monthly imports of that
 8 article.

9 “[D. The Special Committee shall, within fifteen (15)
 10 days after receipt of the report of the Commission, decide
 11 whether the article in question is being imported in
 12 violation of this section and shall give due notice of such
 13 decision. In case the decision of dumping is in the
 14 affirmative, the special committee shall direct the
 15 Commissioner of Customs to cause the dumping duty, to be
 16 levied, collected and paid, as prescribed in this section, in
 17 addition to any other duties, taxes and charges imposed by
 18 law on such article, and on the articles of the same specific
 19 kind or class subsequently imported under similar
 20 circumstances coming from the specific country.

21 “[In the event that the Special Committee fails to
 22 decide within the period prescribed herein, the
 23 recommendation of the Commission shall be deemed
 24 approved and shall be final and executory.

25 “[E. The ‘dumping duty’ as provided for in sub-

1 section D hereof shall be equal to the difference between
 2 the actual export price and the normal value of the article
 3 as determined in the dumping decision. All importations of
 4 like articles within one hundred fifty (150) days immediately
 5 preceding the filing protest are covered by the
 6 investigation. However, in cases of subsequent
 7 importations of same kind or class of article from the
 8 specific country named in the protest, the dumping duty
 9 shall be equal to the difference between the actual export
 10 price and the normal value actually existing at the time of
 11 importation as determined by the Commission from the
 12 supporting documents submitted or from other reliable
 13 sources.

14 “[F. Pending investigation and final decision of the
 15 case, the article in question, and articles of the same
 16 specific kind or class subsequently imported under similar
 17 circumstances, shall be released to the owner, importer,
 18 consignee or agent upon the giving of a case bond in an
 19 amount not less than the provisionally estimated difference
 20 between the actual export price and the normal value
 21 including the applicable regular duty prescribed in
 22 paragraph 'a' above.

23 “[G. For purposes of this section, the parties
 24 concerned including the protestant, domestic producers/
 25 manufacturers, importers and the protestee shall be

1 afforded with the Commission and the Secretary and avail
2 of any technical information and the data necessary to
3 sustain its case.

4 "[H. Any interested party of record who is
5 dissatisfied with a decision in a dumping protest may file
6 a motion for reconsideration with the Special Committee
7 within thirty (30) days from the notice of such decision:
8 *Provided*, That no motion for extension of time to file a
9 motion of reconsideration under this sub-section shall be
10 allowed.

11 "[I. Any aggrieved party may appeal only the
12 amount of the dumping to the Court of Appeals in the same
13 manner and within the same period as provided for by law
14 in the case of appeal from decision of the Commissioner of
15 Customs. The findings of fact in a dumping case shall be
16 final and conclusive.

17 "[J. (1) The article, if it has not been previously
18 released under cash bonds as provided for in sub-section
19 "F" hereof, shall be released after payment by the party
20 concerned of the corresponding dumping duty in addition
21 to any ordinary duties, taxes, and charges, if any, or
22 reexported by the owner, importer, consignee or agent, at
23 his option and expense, upon the filing of a such cash bond
24 in an amount not less than the provisionally estimated
25 difference between the actual export price and the normal

1 value plus the applicable regular duty conditioned upon
2 presentation of landing certificate issued by a consular
3 officer of the Philippines at the country of destination: or

4 "[2) If the article has been previously released under
5 cash bond, as provided in sub-section "F" hereof, the party
6 concerned shall be required to pay the corresponding
7 dumping duty in addition to any ordinary duties, taxes, and
8 charges, if any.

9 "[K. Any investigation to be conducted by the
10 Commission under this section shall include a public
11 hearing or hearings where the owner, importer, consignee
12 or agent, of the imported article, the local producers or
13 manufacturers of a like article, other parties directly
14 affected, and such other parties as the judgment of the
15 Commission are entitled to appear, shall be given an
16 opportunity to be heard and to present evidence bearing on
17 the subject matter.

18 "[L. The established dumping duty shall be subject
19 to adjustment based on whichever is higher of the
20 prevailing normal values as defined in paragraph b-1. The
21 commission shall conduct quarterly examination and/or
22 verification of the normal value to determine the necessity
23 of adjustment. Should the Special Committee, upon receipt
24 of the report of the Commission, find that there is a need
25 for an adjustment after a public hearing it shall advice the

1 Commissioner of Customs so that he may effect the
2 necessary adjustment in dumping duty.

3 “[The Philippine Finance Attache or, in the absence
4 thereof, the Commercial Attache or, Trade Attache or in the
5 absence thereof, the diplomatic officer or consular officer
6 aboard shall be advised by the Special Committee of any
7 article covered by dumping decision. The concerned
8 Attache or the Officer shall submit quarterly report on
9 normal values of said articles to the Special Committee.

10 “[M. Whenever the Commission, on its own motion
11 or upon application of any interested party, finds after a
12 public hearing that any of the conditions which
13 necessitated the imposition of the dumping duties has
14 ceased to exist, it shall submit the necessary
15 recommendation to the Special Committee for the
16 discontinuance or modification of such dumping duty and
17 shall so advice the Commissioner of Customs. Any
18 decision or order made under this Section by the Special
19 Committee shall be published in the Official Gazette and/or
20 in a newspaper of general circulation.

21 “[N. Any dumping decision promulgated by the
22 Special Committee shall be effective for a period of five (5)
23 years from the time of its promulgation except upon the
24 representation of the interested party of the necessity to
25 continue the implementation of said decision, in which case

1 the Special Committee shall advise the Commission to
2 conduct an investigation to determine whether any of the
3 conditions in paragraph b-1 and b-3 still exists. The action
4 for extension shall be brought before the Special Committee
5 at least six (6) months before the expiration of the period.

6 “[The findings of the Commission shall be submitted
7 to the special committee at least three (3) months before the
8 expiration of the period but in no case shall it exceed one
9 (1) month after receipt of the advice from the Special
10 Committee.

11 “[The period of extension shall, in no case, exceed
12 twenty-four (24) months or two (2) years.

13 “[O. For the purpose of this Section, the term:

14 “[1. “Comparable price” shall mean the domestic price
15 in the exporting country at the same level of trade which is
16 sold or offered for sale at wholesale on the date of
17 exportation to the Philippines;

18 “[2. “Cost of production” of an imported article shall
19 be the sum of:

20 “[a) The cost of materials of, and of fabrication,
21 manipulation or other process employed in manufacturing
22 or producing, like articles, at a time preceding the date of
23 shipment of the particular article under consideration which
24 would ordinarily permit the manufacture or production of
25 the particular article under consideration in the usual

1 course of business;

2 “[(b) The actual administrative, selling and general
3 expenses at least ten percent (10%) of production costs
4 incurred by the exporter or producer of articles and/or like
5 articles;

6 “[(c) The cost of all containers and coverings, and all
7 other costs, charges and expenses incident to placing the
8 particular article under consideration in condition, packed
9 ready for shipment to the Philippines but not less than one
10 percent (1%) of production costs; and

11 “[(d) A reasonable amount for profit not less than
12 eight percent (8%) of the sum of the amounts referred to
13 in the preceding sub-paragraphs a,b, and c.

14 “[3. “Domestic industry” shall refer to the domestic
15 producers of like articles as a whole or to those whose
16 collective output of the products constitute a significant
17 share of the total domestic production of those products in
18 the industries concerned. Except, when producers are
19 related to the exporters or importers, the term “domestic
20 industry” may be interpreted as referring to the rest of the
21 producers;

22 “[4. “Export price” of an imported article shall be the
23 price at which such article has been purchased or agreed
24 to be purchased, prior to the time of exportation, by the
25 person by whom or for whose account the article is

1 imported, plus, when not included in such price;

2 “[(a) The case of all containers and covering and all
3 other costs, charges and expenses incident to placing the
4 article in condition, packed ready for shipment to the
5 Philippines;

6 “[(b) The amount of any import duties imposed by
7 the country of exportation which have not been collected,
8 by reason or the exportation of the articles to the
9 Philippines; and

10 “[(c) The amount of any taxes imposed in the
11 country of exportation upon the manufacturer, producer or
12 seller, in respect to the manufacture, production or sale of
13 the article which have been rebated, or which have not
14 been collected by reasons of the exportation of the articles
15 to the Philippines.

16 “[Any additional costs, charges and expenses
17 incident to bringing the article from the place of shipment
18 in the country of exportation to the place of delivery in the
19 Philippines, and Philippine customs duties’ imposed
20 thereon shall not be included.

21 “[5. “Like article” shall mean a product which is
22 identical or alike in all respect to the article under
23 consideration or one substantially of the same material or
24 although of different composition or material serves the
25 same or similar purpose, such as a substitute, as the articles

1 produced in the Philippines;

2 "[6. A special committee on anti-dumping is hereby
3 created to decide whether the article in question is being
4 imported in violation of this Act, and shall be composed of
5 three (3) members: The Secretary of Finance as chairman;
6 the Secretary of Trade and Industry; and either the
7 Secretary of Agriculture, if the article in question is an
8 agricultural product; or the Secretary of Labor, if the article
9 is a non-agricultural product.

10 "[P. The Secretary of Finance in consultation with the
11 special committee on anti-dumping and the Commission
12 shall promulgate all rules and regulations necessary to
13 carry out their respective functions under this Section.]"

14 "(A) WHENEVER ANY PRODUCT, COMMODITY OR
15 ARTICLE OF COMMERCE IS IMPORTED INTO THE
16 COUNTRY AT LESS THAN ITS NORMAL VALUE IN
17 THE ORDINARY COURSE OF TRADE, FOR THE LIKE
18 PRODUCT, COMMODITY OR ARTICLE DESTINED FOR
19 CONSUMPTION IN THE EXPORTING COUNTRY OR THE
20 COUNTRY OF ORIGIN, AND IS CAUSING OR IS
21 THREATENING TO CAUSE MATERIAL INJURY TO A
22 DOMESTIC INDUSTRY, OR MATERIALLY RETARDING
23 THE ESTABLISHMENT OF SUCH AN INDUSTRY
24 PRODUCING LIKE PRODUCTS AS DETERMINED BY THE
25 SECRETARY OF TRADE AND INDUSTRY, IN THE CASE

1 OF NON-AGRICULTURAL PRODUCT, COMMODITY OR
2 ARTICLE; OR BY THE SECRETARY OF AGRICULTURE,
3 IN THE CASE OF AGRICULTURAL PRODUCT,
4 COMMODITY OR ARTICLE (BOTH OF WHOM ARE
5 HEREINAFTER SIMPLY REFERRED TO AS 'THE
6 SECRETARY' AS THE CASE MAY BE) AFTER FORMAL
7 INVESTIGATION AND AFFIRMATIVE FINDING OF THE
8 TARIFF COMMISSION (HEREINAFTER REFERRED TO
9 AS 'THE COMMISSION') TO HAVE CAUSED OR
10 THREATENS A MATERIAL INJURY TO A DOMESTIC
11 INDUSTRY, OR MATERIALLY RETARDS THE
12 ESTABLISHMENT OF SUCH A DOMESTIC INDUSTRY
13 PRODUCING LIKE PRODUCTS, A DUMPING DUTY
14 SHALL BE LEVIED AND COLLECTED ON SUCH
15 PRODUCT, COMMODITY OR ARTICLE THEREAFTER
16 IMPORTED TO THE PHILIPPINES UNDER SIMILAR
17 CIRCUMSTANCES, IN ADDITION TO ORDINARY
18 DUTIES, TAXES AND CHARGES IMPOSED BY LAW ON
19 THE IMPORTED PRODUCT, COMMODITY OR ARTICLE.

20 "FOR THE PURPOSE OF THIS ACT, NORMAL
21 VALUE IS DEFINED AS: A) THE COMPARABLE PRICE
22 OF THE LIKE PRODUCT DESTINED FOR
23 CONSUMPTION IN THE EXPORTING COUNTRY; B) IF
24 THE INFORMATION ABOUT (A) IS NOT AVAILABLE
25 THE COMPARABLE PRICE OF THE LIKE PRODUCT

1 WHEN EXPORTED TO A THIRD COUNTRY; OR C) IF
2 THE INFORMATION IN (B) IS NOT AVAILABLE, THE
3 PRICE OF THE LIKE IMPORTED PRODUCT WHEN FIRST
4 RESOLD TO AN INDEPENDENT BUYER.

5 "B) INITIATION OF ACTION. - AN ANTI-
6 DUMPING INVESTIGATION SHALL BE INITIATED BY
7 ANY PERSON WHETHER NATURAL OR JURIDICAL
8 UPON FILING A VERIFIED PETITION WHICH SHALL BE
9 ACCOMPANIED BY DOCUMENTS CONTAINING
10 INFORMATION SUPPORTING THE FACTS THAT ARE
11 ESSENTIAL TO ESTABLISH THE PRESENCE OF THE
12 ELEMENTS REQUIRED FOR THE IMPOSITION OF AN
13 ANTI-DUMPING DUTY, AND SHALL FURTHER STATE,
14 AMONG OTHERS: 1) THE IDENTITY OF THE
15 APPLICANT AND A DESCRIPTION OF THE VOLUME
16 AND THE VALUE OF THE DOMESTIC PRODUCT OR
17 THE LIKE PRODUCT OF THE APPLICANT; 2) A
18 COMPLETE DESCRIPTION OF THE ALLEGED DUMPED
19 PRODUCT, THE NAMES OF THE COUNTRY OR
20 COUNTRIES OF ORIGIN OR EXPORT, THE
21 IDENTITY OF EACH KNOWN EXPORTER OR FOREIGN
22 PRODUCER AND A LIST OF KNOWN PERSONS
23 IMPORTING THE PRODUCT IN QUESTION; 3)
24 INFORMATION ON THE NORMAL VALUE OF THE
25 PRODUCT IN QUESTION IN THE COUNTRY OR

1 COUNTRIES OF ORIGIN OR EXPORT; AND 4)
2 INFORMATION ON THE EVOLUTION OF THE VOLUME
3 OF THE ALLEGED DUMPED IMPORTS, THE EFFECT OF
4 THESE IMPORTS ON PRICES OF LIKE PRODUCT IN THE
5 DOMESTIC MARKET AND THE CONSEQUENT IMPACT
6 OF THE IMPORTS ON THE DOMESTIC INDUSTRY.

7 THE APPLICATION SHALL BE CONSIDERED TO
8 HAVE BEEN MADE 'BY OR ON BEHALF OF THE
9 DOMESTIC INDUSTRY' IF IT IS SUPPORTED BY THOSE
10 DOMESTIC PRODUCERS WHOSE COLLECTIVE OUTPUT
11 CONSTITUTES MORE THAN FIFTY PERCENT (50%) OF
12 THE TOTAL PRODUCTION OF THE LIKE PRODUCT
13 PRODUCED BY THAT PORTION OF THE DOMESTIC
14 INDUSTRY EXPRESSING EITHER SUPPORT FOR OR
15 OPPOSITION TO THE APPLICATION. HOWEVER, NO
16 INVESTIGATION SHALL BE INITIATED WHEN
17 DOMESTIC PRODUCERS EXPRESSLY SUPPORTING THE
18 APPLICATION ACCOUNT FOR LESS THAN TWENTY-
19 FIVE PERCENT (25%) OF TOTAL PRODUCTION OF THE
20 LIKE PRODUCT PRODUCED BY THE DOMESTIC
21 INDUSTRY.

22 "IF, IN SPECIAL CIRCUMSTANCES, THE
23 AUTHORITIES CONCERNED DECIDE TO INITIATE AN
24 INVESTIGATION WITHOUT HAVING RECEIVED A
25 WRITTEN APPLICATION BY OR ON BEHALF OF A

1 DOMESTIC INDUSTRY FOR THE INITIATION OF SUCH
2 INVESTIGATION, THEY SHALL PROCEED ONLY IF THEY
3 HAVE SUFFICIENT EVIDENCE OF DUMPING, INJURY
4 AND A CAUSAL LINK, TO JUSTIFY THE INITIATION OF
5 AN INVESTIGATION.

6 "TRADE OR FINANCE ATTACHÉS AND OTHER
7 CONSULAR OFFICIALS OR ATTACHÉS IN THE
8 EXPORTING MEMBER COUNTRIES ABROAD ARE
9 MANDATED TO ASSIST THE APPLICANT IN
10 OBTAINING THE PERTINENT INFORMATION/
11 DOCUMENTS TO SUPPORT HIS COMPLAINT.

12 "C) NOTICE TO EXPORTING MEMBER-COUNTRY.
13 - THE SECRETARY SHALL AVOID, UNLESS A DECISION
14 HAS BEEN MADE TO INITIATE AN INVESTIGATION,
15 ANY PUBLICIZING OF THE APPLICATION FOR THE
16 INITIATION OF THE INVESTIGATION. HOWEVER,
17 AFTER RECEIPT OF A PROPERLY DOCUMENTED
18 APPLICATION AND BEFORE PROCEEDING TO INITIATE
19 AN INVESTIGATION, THE SECRETARY SHALL NOTIFY
20 THE GOVERNMENT OF THE EXPORTING MEMBER-
21 COUNTRY ABOUT THE IMPENDING ANTI-DUMPING
22 INVESTIGATION AND SHALL CAUSE THE
23 PUBLICATION OF SUCH NOTICE IN A NEWSPAPER OF
24 GENERAL CIRCULATION. HOWEVER, FAILURE BY THE
25 SECRETARY TO CAUSE SUCH PUBLICATION SHALL

1 NOT BE A BAR TO THE SUCCESSFUL PROSECUTION OF
2 THE ANTI-DUMPING INVESTIGATION.

3 "D) NOTICE TO THE SECRETARY OF FINANCE -
4 UPON RECEIPT OF THE PETITION, THE SECRETARY
5 SHALL, WITHOUT DELAY, NOTIFY THE SECRETARY
6 OF FINANCE AND FURNISH HIM WITH A COMPLETE
7 COPY OF THE PETITION, INCLUDING ITS ANNEXES, IF
8 ANY, AND THE LATTER SHALL IMMEDIATELY
9 INFORM THE COMMISSIONER OF CUSTOMS
10 REGARDING THE FILING AND PENDENCY OF THE
11 PETITION. THE COMMISSIONER OF CUSTOMS SHALL
12 FORTHWITH GATHER, HOLD AND SECURE ALL
13 IMPORT ENTRIES COVERING SUCH PRODUCT,
14 COMMODITY OR ARTICLE WITHOUT LIQUIDATION;
15 AND TO SUBMIT A REPORT IMMEDIATELY TO THE
16 SECRETARY THROUGH THE SECRETARY OF FINANCE,
17 AND TO MAKE SUCH SIMILAR ADDITIONAL REPORTS
18 EVERY TEN (10) DAYS THEREAFTER.

19 "E) NOTICE TO AND ANSWER OF THE
20 IMPORTER. - WITHIN FIVE (5) DAYS FROM HIS
21 RECEIPT OF THE PETITION, THE SECRETARY SHALL
22 NOTIFY THE IMPORTER AND SHALL FURNISH HIM
23 WITH A COPY OF THE PETITION AND ITS ANNEXES,
24 IF ANY, EITHER BY PERSONAL DELIVERY OR BY
25 REGISTERED MAIL, WHICHEVER IS MORE

1 CONVENIENT AND EXPEDITIOUS.

2 "THE IMPORTER SHALL, NOT LATER THAN TEN
3 (10) DAYS FROM HIS RECEIPT OF THE NOTICE, SUBMIT
4 HIS ANSWER, INCLUDING SUCH RELEVANT EVIDENCE
5 OR INFORMATION AS ARE REASONABLY AVAILABLE
6 TO HIM TO CONTROVERT THE ALLEGATIONS OF THE
7 PETITION, EITHER BY PERSONAL DELIVERY OR BY
8 REGISTERED MAIL. IF THE IMPORTER FAILS TO
9 SUBMIT HIS ANSWER, HE SHALL BE DECLARED IN
10 DEFAULT, IN WHICH CASE, THE SECRETARY SHALL
11 MAKE SUCH PRELIMINARY DETERMINATION OF THE
12 CASE ON THE BASIS OF THE FACTS ALLEGED IN THE
13 PETITION AND THE SUPPORTING INFORMATION AND
14 DOCUMENTS SUPPLIED BY THE PETITIONER.

15 "F) PRELIMINARY DETERMINATION. - NOT
16 LATER THAN TEN (10) DAYS FROM HIS RECEIPT OF
17 THE ANSWER OF THE RESPONDENT IMPORTER, THE
18 SECRETARY SHALL, ON THE BASIS OF THE PETITION
19 OF THE AGGRIEVED PARTY AND THE ANSWER OF
20 THE RESPONDENT IMPORTER AND THEIR RESPECTIVE
21 SUPPORTING DOCUMENTS OR INFORMATION, MAKE
22 A PRELIMINARY DETERMINATION WHETHER OR NOT
23 A *PRIMA FACIE* CASE EXISTS FOR THE IMPOSITION
24 OF AN ANTI-DUMPING DUTY ON THE IMPORTED
25 PRODUCT, COMMODITY OR ARTICLE.

1 "UPON DETERMINATION BY THE SECRETARY OF
2 THE EXISTENCE OF A *PRIMA FACIE* CASE, HE SHALL,
3 WITHOUT DELAY, SECURE A WRITTEN SUPPORT FOR
4 THE INITIATION OF THE FORMAL ANTI-DUMPING
5 INVESTIGATION FROM THE AFFECTED DOMESTIC
6 INDUSTRY PRODUCING TWENTY-FIVE PERCENT (25%)
7 OR MORE OF LIKE PRODUCTS, AND
8 THEREAFTER TRANSMIT THE RECORDS OF THE CASE
9 CONSISTING OF THE PETITION, THE ANSWER AND
10 THE WRITTEN SUPPORT OF THE DOMESTIC
11 INDUSTRY, INCLUDING ALL THE RELEVANT
12 DOCUMENTS INFORMATION AND THE PERIODIC
13 REPORTS OF THE COMMISSIONER OF CUSTOMS, TO
14 THE COMMISSION FOR ITS IMMEDIATE FORMAL
15 INVESTIGATION OF THE CASE. THE SECRETARY
16 SHALL, IN ADDITION, IMMEDIATELY ISSUE,
17 THROUGH THE SECRETARY OF FINANCE, A WRITTEN
18 INSTRUCTION TO THE COMMISSIONER OF CUSTOMS
19 AUTHORIZING THE RELEASE OF THE PRODUCT,
20 COMMODITY OR ARTICLE UPON THE PAYMENT OF
21 THE CORRESPONDING ORDINARY DUTIES, TAXES
22 AND OTHER CHARGES IMPOSED BY THE LAW ON
23 SUCH PRODUCT, COMMODITY OR ARTICLE AND
24 ALSO UPON POSTING OF A CASH BOND EQUAL TO
25 THE PROVISIONALLY ESTIMATED MARGIN OF

1 DUMPING. THE CASH BOND SHALL BE DEPOSITED
2 WITH THE GOVERNMENT DEPOSITORY BANK AND
3 SHALL BE HELD IN TRUST FOR THE RESPONDENT
4 IMPORTER.

5 "IF NO *PRIMA FACIE* CASE EXISTS, THE
6 SECRETARY SHALL DISMISS THE PETITION WITH
7 COST TO THE PETITIONER AND SHALL PROPERLY
8 NOTIFY ALL THE PARTIES CONCERNED, INCLUDING
9 THE COMMISSIONER OF CUSTOMS THROUGH THE
10 SECRETARY OF FINANCE, REGARDING SUCH
11 DISMISSAL.

12 "G) INVESTIGATION OF THE COMMISSION. -
13 IMMEDIATELY UPON ITS RECEIPT OF THE RECORDS
14 OF THE CASE FROM THE SECRETARY, THE
15 COMMISSION SHALL FORTHWITH SET THE CASE FOR
16 FORMAL INVESTIGATION AND SHALL ACCORDINGLY
17 NOTIFY IN WRITING THE AGGRIEVED PARTY AND THE
18 RESPONDENT IMPORTER AND, IN ADDITION, GIVE
19 PUBLIC NOTICE OF THE EXACT INITIAL DATE, TIME
20 AND PLACE OF THE FORMAL INVESTIGATION
21 THROUGH THE PUBLICATION OF SUCH PARTICULARS
22 AND A CONCISE SUMMARY OF THE PETITION IN TWO
23 (2) NEWSPAPERS OF GENERAL CIRCULATION.

24 "THE COMMISSION IS HEREBY AUTHORIZED TO
25 REQUIRE ANY INTERESTED PARTY TO ALLOW

1 ACCESS TO, OR OTHERWISE PROVIDE, NECESSARY
2 INFORMATION TO ENABLE THE COMMISSION TO
3 EXPEDITE THE INVESTIGATION.

4 "IN CASES IN WHICH ANY INTERESTED PARTY
5 REFUSES ACCESS TO, OR OTHERWISE DOES NOT
6 PROVIDE, NECESSARY INFORMATION WITHIN A
7 REASONABLE PERIOD OF TIME OR SIGNIFICANTLY
8 IMPEDES THE INVESTIGATION, PRELIMINARY AND
9 FINAL DETERMINATIONS, AFFIRMATIVE OR
10 NEGATIVE, MAY BE MADE ON THE BASIS OF THE
11 FACTS AVAILABLE.

12 "IN THE FORMAL INVESTIGATION, THE
13 COMMISSION SHALL ESSENTIALLY DETERMINE: 1)
14 THE PRESENCE AND EXTENT OF MATERIAL INJURY
15 OR THE THREAT THEREOF TO DOMESTIC INDUSTRY,
16 OR THE MATERIAL RETARDATION OF THE
17 ESTABLISHMENT OF SUCH AN INDUSTRY PRODUCING
18 LIKE OR DIRECTLY COMPETING PRODUCT; 2) THE
19 EXISTENCE OF A CAUSAL RELATIONSHIP BETWEEN
20 THE ALLEGEDLY DUMPED PRODUCT, COMMODITY OR
21 ARTICLE AND THE MATERIAL INJURY OR THREAT OF
22 MATERIAL INJURY TO THE AFFECTED DOMESTIC
23 INDUSTRY, OR MATERIAL RETARDATION OF THE
24 ESTABLISHMENT OF SUCH AN INDUSTRY; 3) THE
25 ANTI-DUMPING DUTY TO BE IMPOSED; AND 4) THE

1 DURATION OF THE IMPOSITION OF THE ANTI-
2 DUMPING DUTY.

3 "THE FORMAL INVESTIGATION SHALL BE
4 CONDUCTED IN A SUMMARY MANNER. NO
5 DILATORY TACTICS NOR UNNECESSARY OR
6 UNJUSTIFIED DELAYS SHALL BE ALLOWED AND THE
7 TECHNICAL RULES OF EVIDENCE SHALL NOT BE
8 APPLIED STRICTLY.

9 "THE COMMISSION SHALL COMPLETE THE
10 FORMAL INVESTIGATION AND SUBMIT ITS REPORT
11 TO THE SECRETARY NOT LATER THAN SIXTY (60)
12 DAYS FROM THE DATE OF ITS RECEIPT OF THE
13 RECORDS OF THE CASE FROM THE SECRETARY.

14 "H) DETERMINATION OF MATERIAL INJURY OR
15 THREAT THEREOF. - THE PRESENCE AND EXTENT OF
16 MATERIAL INJURY OR THE PRESENCE AND DEGREE
17 OF THE THREAT OF MATERIAL INJURY TO DOMESTIC
18 INDUSTRY, AS A RESULT OF THE DUMPED IMPORTS
19 SHALL BE DETERMINED BY THE COMMISSION ON THE
20 BASIS OF POSITIVE EVIDENCE AND SHALL REQUIRE
21 AN OBJECTIVE EXAMINATION OF: 1) THE RATE AND
22 AMOUNT OF IMPORTS, EITHER IN ABSOLUTE TERMS
23 OR RELATIVE TO PRODUCTION OR CONSUMPTION IN
24 THE DOMESTIC MARKET; 2) THE EFFECT OF THE
25 DUMPED IMPORTS ON PRICES IN THE DOMESTIC

1 MARKET FOR LIKE PRODUCT, COMMODITY OR
2 ARTICLE, THAT IS, WHETHER THERE HAS BEEN A
3 SIGNIFICANT PRICE UNDERCUTTING BY THE DUMPED
4 IMPORTS AS COMPARED WITH THE PRICE OF LIKE
5 PRODUCT, COMMODITY OR ARTICLE IN THE
6 DOMESTIC MARKET, OR WHETHER THE EFFECTS OF
7 SUCH IMPORTS IS OTHERWISE TO DEPRESS PRICES TO
8 A SIGNIFICANT DEGREE OR PREVENT PRICE
9 INCREASES, WHICH OTHERWISE WOULD HAVE
10 OCCURRED, TO A SIGNIFICANT DEGREE; AND 3) THE
11 RESULTING EFFECT OF THE DUMPED IMPORTS ON
12 THE DOMESTIC PRODUCERS OR THE RESULTING
13 RETARDATION OF THE ESTABLISHMENT OF A
14 DOMESTIC INDUSTRY MANUFACTURING LIKE
15 PRODUCT, COMMODITY OR ARTICLE, INCLUDING AN
16 EVALUATION OF ALL RELEVANT ECONOMIC
17 FACTORS AND INDICES HAVING A BEARING ON THE
18 STATE OF THE DOMESTIC INDUSTRY CONCERNED,
19 SUCH AS, BUT NOT LIMITED TO, ACTUAL OR
20 POTENTIAL DECLINE IN OUTPUT SALES, MARKET
21 SHARE, PROFITS, PRODUCTIVITY, RETURN ON
22 INVESTMENTS, OR UTILIZATION OF CAPACITY;
23 OTHER FACTORS AFFECTING DOMESTIC PRICES; THE
24 MAGNITUDE OF DUMPING; ACTUAL AND POTENTIAL
25 NEGATIVE EFFECTS ON CASH FLOW, INVENTORIES,

1 EMPLOYMENT, WAGES, GROWTH, AND ABILITY TO
2 RAISE CAPITAL OR INVESTMENTS.

3 "I) VOLUNTARY PRICE UNDERTAKINGS. - ANTI-
4 DUMPING INVESTIGATIONS MAY BE SUSPENDED OR
5 TERMINATED WITHOUT THE IMPOSITION OF
6 PROVISIONAL MEASURES OR ANTI-DUMPING DUTIES
7 UPON RECEIPT OF THE SECRETARY OF A
8 SATISFACTORY VOLUNTARY PRICE UNDERTAKING
9 EXECUTED BY THE EXPORTER UNDER OATH THAT IT
10 HAS REVISED OR INCREASED ITS PRICES; OR HAS
11 CEASED EXPORTS TO THE PHILIPPINES AT DUMPED
12 PRICES, THEREBY ELIMINATING THE MATERIAL
13 INJURY TO THE DOMESTIC INDUSTRY PRODUCING
14 LIKE PRODUCTS. PRICE INCREASES UNDER SUCH
15 UNDERTAKINGS SHALL NOT BE HIGHER THAN
16 NECESSARY TO ELIMINATE THE MARGIN OF
17 DUMPING.

18 "PRICE UNDERTAKINGS FROM EXPORTERS
19 SHALL BE ACCEPTED BY THE SECRETARY ONLY
20 AFTER HIS DETERMINATION OF THE EXISTENCE OF A
21 *PRIMA FACIE* CASE OF DUMPING.

22 "J) CUMULATION OF IMPORTS. - WHEN
23 IMPORTS OF PRODUCTS, COMMODITIES OR ARTICLES
24 FROM MORE THAN ONE COUNTRY ARE
25 SIMULTANEOUSLY THE SUBJECT OF AN ANTI-

1 DUMPING INVESTIGATION, THE COMMISSION MAY
2 CUMULATIVELY ASSESS THE EFFECTS OF SUCH
3 IMPORTS ONLY IF THE COMMISSION IS CONVINCED
4 THAT: 1) THE MARGIN OF DUMPING ESTABLISHED IN
5 RELATION TO THE IMPORTS FROM EACH COUNTRY IS
6 MORE THAN *DE MINIMIS* AS DEFINED IN EXISTING
7 INTERNATIONAL TRADE AGREEMENTS OF WHICH
8 THE REPUBLIC OF THE PHILIPPINES IS A PARTY; 2)
9 THE VOLUME OF SUCH IMPORTS FROM EACH
10 COUNTRY IS NOT NEGLIGIBLE; AND 3) A
11 CUMULATIVE ASSESSMENT OF THE EFFECTS OF
12 SUCH IMPORTS IS WARRANTED IN THE LIGHT OF THE
13 CONDITIONS OF COMPETITION BETWEEN THE
14 IMPORTED PRODUCTS, COMMODITIES OR ARTICLES
15 AND THE LIKE DOMESTIC PRODUCTS, COMMODITIES
16 AND ARTICLES.

17 "THE MARGIN OF DUMPING SHALL BE
18 CONSIDERED TO BE *DE MINIMIS* IF THIS MARGIN IS
19 LESS THAN TWO PERCENT (2%), EXPRESSED AS A
20 PERCENTAGE OF THE EXPORT PRICE. THE VOLUME
21 OF DUMPED IMPORTS SHALL NORMALLY BE
22 REGARDED AS NEGLIGIBLE IF THE VOLUME OF
23 DUMPED IMPORTS FROM A PARTICULAR COUNTRY
24 IS FOUND TO ACCOUNT FOR LESS THAN THREE
25 PERCENT (3%) OF IMPORTS OF LIKE PRODUCT IN THE

1 IMPORTING MEMBER, UNLESS COUNTRIES WHICH
2 INDIVIDUALLY ACCOUNT FOR LESS THAN THREE
3 PERCENT (3%) OF THE IMPORTS OF THE LIKE
4 PRODUCT IN THE IMPORTING MEMBER
5 COLLECTIVELY ACCOUNT FOR MORE THAN SEVEN
6 PERCENT (7%) OF IMPORTS OF THE LIKE PRODUCT IN
7 THE IMPORTING MEMBER.

8 "K) THE COMMISSION SHALL, BEFORE A FINAL
9 DETERMINATION IS MADE, INFORM ALL THE
10 INTERESTED PARTIES OF THE ESSENTIAL FACTS
11 UNDER CONSIDERATION WHICH FORM THE BASIS
12 FOR THE DECISION TO APPLY DEFINITIVE
13 MEASURES. SUCH DISCLOSURE SHOULD TAKE
14 PLACE WITHIN A PERIOD OF FIVE (5) DAYS, FOR THE
15 PARTIES TO DEFEND THEIR INTERESTS.

16 "L) IMPOSITION OF THE ANTI-DUMPING DUTY.
17 - THE SECRETARY SHALL, WITHIN TEN (10) DAYS
18 FROM RECEIPT OF THE FAVORABLE REPORT OF THE
19 COMMISSION, ISSUE A DEPARTMENT ORDER
20 IMPOSING AN ANTI-DUMPING DUTY ON THE
21 IMPORTED PRODUCT, COMMODITY, OR ARTICLE,
22 UNLESS HE HAS EARLIER ACCEPTED A PRICE
23 UNDERTAKING FROM THE EXPORTER.

24 "IN CASE OF A FAVORABLE REPORT OF THE
25 COMMISSION, THE CASH BOND IMPOSED AT THE

1 INITIATION OF THE INVESTIGATION SHALL BE
2 APPLIED. IF THE CASH BOND IS GREATER THAN THE
3 IMPOSED ANTI-DUMPING DUTY, AFTER THE FORMAL
4 INVESTIGATION, THE REMAINDER SHALL BE
5 RETURNED TO THE IMPORTER IMMEDIATELY. THE
6 REMAINDER WHICH IS TO BE RETURNED TO THE
7 IMPORTER SHALL NOT EARN ANY INTEREST. IF THE
8 CASH BOND IS NOT ENOUGH TO COVER THE ANTI-
9 DUMPING DUTY, THE RESPONDENT IMPORTER
10 SHALL BE IMMEDIATELY ASSESSED FOR THE
11 DEFICIENCY AND SHALL PAY THE SAME WITHIN
12 FIFTEEN (15) DAYS FROM THE RECEIPT OF THE
13 DEFICIENCY ASSESSMENT.

14 "M) COMPUTATION OF ANTI-DUMPING DUTY.
15 - THE AMOUNT OF ANTI-DUMPING DUTY SHALL BE
16 EQUAL TO THE DIFFERENCE BETWEEN THE NORMAL
17 VALUE AND THE ACTUAL EXPORT PRICE OF THE
18 IMPORTED PRODUCT, COMMODITY OR ARTICLE ON
19 THE BASIS OF THE APPLICABLE PROVISION OF THIS
20 CODE ON ASSESSMENT OF DUTY. THE
21 COMMISSIONER OF CUSTOMS SHALL SUBMIT TO THE
22 SECRETARY, THROUGH THE SECRETARY OF FINANCE,
23 HIS ORDER ON THE IMPOSITION OF CASH BONDS
24 AND A CERTIFIED COMPUTATION OF EACH CASE OF
25 ANTI-DUMPING DUTY.

1 "N) DURATION AND REVIEW OF THE ANTI-
 2 DUMPING DUTY. - AS A GENERAL RULE, THE
 3 IMPOSITION OF AN ANTI-DUMPING DUTY SHALL
 4 REMAIN IN FORCE ONLY AS LONG AND TO THE
 5 EXTENT NECESSARY TO COUNTERACT DUMPING
 6 WHICH IS CAUSING OR THREATENING TO CAUSE
 7 MATERIAL INJURY TO DOMESTIC INDUSTRY, OR
 8 MATERIAL RETARDATION OF THE ESTABLISHMENT
 9 OF SUCH INDUSTRY.

10 "HOWEVER, THE NEED FOR THE CONTINUED
 11 IMPOSITION OF THE ANTI-DUMPING DUTY MAY BE
 12 REVIEWED BY THE COMMISSION UPON THE
 13 DIRECTION OF THE SECRETARY, TAKING INTO
 14 CONSIDERATION THE NEED TO PROTECT EXISTING
 15 OR SOON TO BE ESTABLISHED DOMESTIC INDUSTRY.

16 "ANY INTERESTED PARTY MAY ALSO PETITION
 17 THE SECRETARY FOR A REVIEW OF THE CONTINUED
 18 IMPOSITION OF THE ANTI-DUMPING DUTY:
 19 *PROVIDED*, THAT A REASONABLE PERIOD OF TIME
 20 HAS ELAPSED SINCE THE IMPOSITION OF THE ANTI-
 21 DUMPING DUTY, AND UPON THE NEED FOR A
 22 REVIEW. INTERESTED PARTIES SHALL HAVE THE
 23 RIGHT TO REQUEST THE SECRETARY TO EXAMINE: 1)
 24 WHETHER THE CONTINUED IMPOSITION OF THE
 25 ANTI-DUMPING DUTY IS NECESSARY TO OFFSET THE

1 MATERIAL INJURY OR THREAT THEREOF TO
 2 DOMESTIC INDUSTRY OR SOON TO BE ESTABLISHED
 3 INDUSTRY; AND 2) WHETHER THE INJURY WOULD
 4 LIKELY CONTINUE OR RECUR IF THE ANTI-DUMPING
 5 DUTY WERE REMOVED OR MODIFIED, OR BOTH.

6 "IF AS A RESULT OF THE REVIEW BY THE
 7 COMMISSION, THE SECRETARY DETERMINES THAT
 8 THE ANTI-DUMPING DUTY IS NO LONGER
 9 NECESSARY OR WARRANTED, THE IMPOSITION OF
 10 THE ANTI-DUMPING DUTY SHALL BE TERMINATED
 11 IMMEDIATELY AND ALL PARTIES CONCERNED
 12 SHALL BE NOTIFIED ACCORDINGLY OF SUCH
 13 TERMINATION, INCLUDING AND ESPECIALLY THE
 14 COMMISSIONER OF CUSTOMS THROUGH THE
 15 SECRETARY OF FINANCE.

16 "THE DURATION OF THE ANTI-DUMPING DUTY
 17 INCLUDING ITS PROVISIONAL MEASURES AND THE
 18 TIME EXTENSIONS SHALL NOT EXCEED FIVE (5)
 19 YEARS.

20 "THE PROCEDURE AND EVIDENCE GOVERNING
 21 THE DISPOSITION OF THE PETITION FOR THE
 22 IMPOSITION OF THE ANTI-DUMPING DUTY SHALL
 23 APPLY WITH EQUAL MEASURE TO ANY REVIEW
 24 CARRIED OUT UNDER THIS SECTION, AND ANY SUCH
 25 REVIEW SHALL BE CARRIED OUT EXPEDITIOUSLY

1 AND SHALL BE CONCLUDED NOT LATER THAN ONE
2 HUNDRED FIFTY (150) DAYS FROM THE DATE OF THE
3 INITIATION OF SUCH REVIEW.

4 "O) JUDICIAL REVIEW. - ANY INTERESTED
5 PARTY WHO IS ADVERSELY AFFECTED BY A FINAL
6 RULING OF THE SECRETARY IN CONNECTION WITH
7 THE IMPOSITION OF A DUMPING DUTY MAY FILE
8 WITH THE COURT OF TAX APPEALS, EITHER BY
9 PERSONAL DELIVERY OR BY REGISTERED MAIL, A
10 PETITION FOR THE REVIEW OF SUCH RULING WITHIN
11 THIRTY (30) DAYS FROM HIS RECEIPT OF NOTICE OF
12 THE FINAL RULING OF THE SECRETARY: *PROVIDED*,
13 *HOWEVER*, THAT THE FILING OF SUCH PETITION FOR
14 REVIEW SHALL NOT IN ANY WAY STOP, SUSPEND OR
15 OTHERWISE TOLL THE IMPOSITION OR
16 COLLECTION, AS THE CASE MAY BE, OF THE ANTI-
17 DUMPING DUTY ON THE IMPORTED PRODUCT,
18 COMMODITY OR ARTICLE.

19 "THE PETITION FOR REVIEW SHALL COMPLY
20 WITH THE SAME REQUIREMENTS AND SHALL
21 FOLLOW THE SAME RULES OF PROCEDURE AND
22 SHALL BE SUBJECT TO THE SAME DISPOSITION AS IN
23 APPEALS IN CONNECTION WITH ADVERSE RULINGS
24 ON TAX MATTERS TO THE COURT OF APPEALS."

25 SEC. 2. *Rules and Regulations.* - The Secretary of Trade and
26 Industry in the case of non-agricultural product, commodity or article

1 and the Secretary of Agriculture in the case of agricultural product,
2 commodity or article shall issue all rules and regulations, that may be
3 necessary for the effective and proper implementation of this Act.

4 SEC. 3. *Repealing Clause.* - All laws, decrees, ordinances, rules
5 and regulations, executive or administrative orders, and such other
6 presidential issuances as are inconsistent with any of the provisions of
7 this Act are hereby repealed, amended or otherwise modified
8 accordingly.

9 SEC. 4. *Separability Clause.* - If any of the provisions of this
10 Act is declared invalid by a competent court, the remainder of this Act
11 or any provisions not affected by such declaration of invalidity shall
12 remain in full force and effect.

13 SEC. 5. *Effectivity Clause.* - This Act shall take effect after fifteen
14 (15) days following its publication in at least two (2) newspapers of
15 general circulation.

Approved,