

SEVENTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Second Regular Session }



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SENATE  
P.S Resolution No. 412

RECEIVED BY: \_\_\_\_\_

Introduced by Senator Lacson

#### RESOLUTION

**DIRECTING THE SENATE COMMITTEE ON TRADE, COMMERCE AND ENTREPRENEURSHIP TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION ON THE REPORTED IMPORTATION AND SALE OF STEEL BARS DESPITE NON-COMPLIANCE WITH THE SAMPLING REQUIREMENTS OF THE PHILIPPINE NATIONAL STANDARDS (PNS) 49:2002, WITH THE END IN VIEW OF PROTECTING PUBLIC SAFETY THRU THE ENACTMENT OF REMEDIAL MEASURES THAT WILL STOP THE PROLIFERATION OF SUBSTANDARD AND UNCERTIFIED STEEL BARS IN THE COUNTRY.**

*Whereas*, a rebar or reinforcing steel bar is a steel building material used to reinforce concrete by imparting structures with tensile strength and is used in all sorts of civil work, including infrastructure, housing, commercial property development, and utility and industry construction;

*Whereas*, considering that our country is geographically located in the seismic region in the Pacific Ring of Fire and is often visited by an average of twenty (20) tropical cyclones a year, the use of steel bar is critical to public safety and should be subjected to standards determined by experts;

*Whereas*, cognizant of this fact, a group of experts composed of Structural Engineers, Academe, Steel Manufacturers, DOST-MIRDC and Consumer Association known as the Bureau of Philippine Standards' Technical Committee on Steel (BPS/TC11), through its Subcommittee on Steel for Long Products, crafted the Philippine National Standard (PNS) 49:2002 laying down the standards that must be complied with in the manufacture and testing of steel bars for concrete reinforcement;

*Whereas*, to determine the strength of the rebar being used in the country, PNS 49:2002 mandates under A.1.2 of Annex A (Sampling) that deformation measurements shall be made on representative bars taken at selected points of at least one (1) bar from each size rolled from every lot of twenty (20) tons or fraction thereof;

*Whereas*, contrary to the mandate of PNS 49:2002 Annex A on Sampling, the Implementing Guidelines for the Mandatory Certification of Steel Bars covered by PNS 49:2002 issued by the DTI in 2008 states that "a duly authorized DTI/BPS representative shall draw two (2) sets of samples per diameter per grade. One (1) set of samples shall be sent to BPS Testing Center and/or to BPS designated/recognized testing laboratory for independent testing. The other set is to be tested in plant (if manufacturer) or it will serve as reference sample (if importer) for future use". Moreover, according to the implementing guidelines, a set of sample shall consist of three (3) pieces by one (1) meter per diameter per grade;

*Whereas*, the glaring conflict between PNS 49:2002 and its implementing guidelines was highlighted in 2016 when the Philippine Iron & Steel Institute (PISI), the umbrella organization of the steel industry, questioned the importation of Mannage Resources Trading Corporation (MRTC) of 5,000 tons of rebar thru the Port of Subic on the ground, among others, that only one (1) sample was tested in violation of the PNS 49:2002;

*Whereas*, this was followed by the issuance on November 29, 2016 of an Import Commodity Clearance (ICC) by DTI Regional Office III to MRTC for a 20,000-ton shipment of 10 mm and 12 mm rebars;

*Whereas*, in order to comply with PNS 49:2002, the DTI and BPS should have tested 1000 samples out of the 20,000 tons of steel rebars and not merely two (2) sets of samples per diameter per grade, as provided in the implementing guidelines;

*Whereas*, subsequently, the ICC for said shipment was withdrawn on December 09, 2016 on the ground that *“upon further review of the documents relative to the post-shipment inspection of the subject products, DTI Regional Office III and the Bureau of Philippine Standards are duty bound to recall or withdraw the above-mentioned ICC to ensure that the objective of the applicable laws/rules/standards on traceability, quality and safety are met”*;

*Whereas*, in March 2017, DTI Regional Office III and the BPS reinstated the formerly withdrawn ICC arguing that *“As the verification testing of the required samples showed compliance with the standard, there is no longer any basis for the recall or withdrawal of the Import Commodity Clearance (ICC), hence its reinstatement is in order”*;

*Whereas*, PISI continues to oppose such importation based on the following grounds: the number of samples was not compliant with PNS 49:2002, sampling was not done in a transparent manner, and that documents pertaining to ICC application and test results remained inaccessible;

*Whereas*, in April 2017, DTI Secretary Ramon Lopez stated that a new Department Administrative Order (DAO) will be issued to change the sampling size because they feel that regardless of how big the shipment is, the three (3)-piece sample is not the right sampling size and is not representative of the entire shipment;

*Whereas*, this Representation has already dealt with the issue of substandard construction materials in my capacity as then Presidential Assistant on Rehabilitation and Recovery. In 2014, I requested the DTI and the Criminal Investigation and Detection Group (CIDG) of the Philippine National Police (PNP) to look into reports about the proliferation of substandard steel, which subsequently resulted in several successful operations against peddler of said products;

*Whereas*, considering that our country has suffered from an inexhaustible number of deadly typhoons, earthquakes, volcano eruptions and other natural calamities, it is imperative that our structures are sturdy and disasters resilient;

***NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED***, by the Senate of the Philippines, to direct as it hereby directs, the Senate Committee on Trade, Commerce and Entrepreneurship to conduct an investigation, in aid of legislation, on the reported importation and sale of steel bars in the country despite non-compliance with the provisions of Philippine National Standards 49:2002 which deals with steel bars for concrete reinforcements, in order to determine the veracity of said reports and if proper and necessary to enact remedial legislation/s that will further protect the buying public from substandard and uncertified construction materials.

**Adopted;**

PANFILO M. LACSON  
*Senator*