

INFORMATION SHEET

ON  
COMMITTEE REPORT NO. 11  
RE 1336  
Short Title COUNTERVAILING DUTIES  
Filed on 11 NOV 1998

'98 NOV 11 P4:57

RECEIVED BY: 

a) COMMITTEE(s) which reported out the bill(s)/resolution(s)/other matters:

WAYS AND MEANS (primary)  
TRADE AND COMMERCE (secondary)

CONSTITUTIONAL AMENDMENTS, REVISIONS OF CODES AND LAWS

b) BILL(s) and/or RESOLUTION(s)/OTHER MATTER(s) reported out and taken into consideration:

Bill/Resolution/others	Referred to the Cttee(s) on:	Author(s)
1. <u>SBN 87</u>	<u>Ways and Means</u>	<u>Sen. Flavier</u>
2. <u>SBN 765</u>	<u>Trade and Commerce</u>	<u>Sen. Enrile</u>
3. _____	<u>Const'l. Amendments, Revisions of Codes &amp; Laws</u>	

-Other bill(s)/resolution(s)/other matters of similar subject matter not included in this report:

N O N E

Reason(s): \_\_\_\_\_

c) ACTION TAKEN by the Committee(s):

Primary Committee

Secondary Committee

(If this is not a joint report)

☒ Recommending Approval ☐  
☐ with amendments ☐  
☐ without amendments ☐  
☒ in substitution of SBN 87 & 765  
☐ in consolidation with ☐  
☐ Laid on the Table/Archived ☐

☐ Pending in the  
Committee on \_\_\_\_\_

d) COMMITTEE MEETINGS/PUBLIC HEARINGS/TWG/OTHERS CONDUCTED:

Date: Aug. 14/98 Venue: \_\_\_\_\_ Date: \_\_\_\_\_ Venue: \_\_\_\_\_

e) Does this Bill/Resolution contain any REVENUE or APPROPRIATION Provision? \_\_\_\_\_

If Yes, has it been referred to the Finance or Ways and Means Committee and what were its recommendations? \_\_\_\_\_

f) RELATED/COUNTERPART MEASURE from the HOUSE OF REPRESENTATIVES:

Bill/Resolution No.(s)	Status in the House	Status in the Senate
<u>n o n e</u>	_____	_____

g) MEMBER(s) without signature in the report; and reason(s):

Sen. REvilla and Sen. Osmeña III (not around)

h) Additional remarks: \_\_\_\_\_

Submitted by: JULIE M. FONTIVEROS

Legislative Committee Secretary

Date submitted: November 11, 1998

'98 NOV 11 P4:57

ELEVENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

RECEIVED BY: G

SENATE  
Committee Report No. 11

Submitted jointly by the Committees on Ways and Means, Trade and Commerce, and Constitutional Amendments, Revision of Codes and Laws on 11 NOV 1998

Re : S. No. 133C, prepared by the Committees  
Recommending approval in substitution of S. Nos. 87 and 765

Sponsors : Senators Enrile, Magsaysay, Jr. and Roco

Mr. President:

The Committees on Ways and Means, Trade and Commerce, and Constitutional Amendments, Revision of Codes and Laws to which were referred S. No. 87, introduced by Senator Flavio, entitled:

AN ACT  
TO PROTECT DOMESTIC INDUSTRIES FROM UNFAIR COMPETITION  
BROUGHT ABOUT BY THE PRESENCE OF PRODUCTION AND/OR  
EXPORT SUBSIDIES AMENDING FOR THAT PURPOSE SECTION 302 ON  
COUNTERVAILING DUTY OF THE TARIFF AND CUSTOMS CODE OF THE  
PHILIPPINES

and S. No. 765, introduced by Senator Enrile, entitled:

AN ACT  
TO PROVIDE THE RULES FOR THE IMPOSITION OF COUNTERVAILING  
DUTIES ON THE IMPORTATION OF SUBSIDIZED PRODUCTS,  
COMMODITIES, OR ARTICLES OF COMMERCE, AMENDING FOR THE  
PURPOSE SECTION 302 OF THE TARIFF AND CUSTOMS CODE, AS  
AMENDED, AND FOR OTHER PURPOSES

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, S. No. 133C, entitled:

AN ACT  
TO PROVIDE THE RULES FOR THE IMPOSITION OF  
COUNTERVAILING DUTIES ON THE IMPORTATION OF SUBSIDIZED  
PRODUCTS, COMMODITIES OR ARTICLES OF COMMERCE,  
AMENDING FOR THE PURPOSE SECTION 302 OF THE TARIFF AND  
CUSTOMS CODE, AS AMENDED, AND FOR OTHER PURPOSES,

prepared by the Committees, be approved in substitution of S. Nos. 87 and 765, with Senators Flavio and Enrile as authors thereof.

Respectfully submitted:

  
JUAN PONCE ENRILE

Chairman  
Ways and Means

  
RAMON B. MAGSAYSAY, JR.

Chairman  
Trade and Commerce

  
RAUL S. ROCO


Chairman  
Constitutional Amendments,  
Revision of Codes and Laws

  
GREGORIO B. HONASAN

Vice-Chairman  
Ways and Means, and  
Constitutional Amendments,  
Revision of Codes and Laws

  
JOHN H. OSMEÑA

Vice-Chairman  
Ways and Means

  
ANNA DOMINIQUE M. L. COSETENG

Vice-Chairperson  
Trade and Commerce

  
ROBERT S. JAWORSKI

Vice-Chairman  
Trade and Commerce

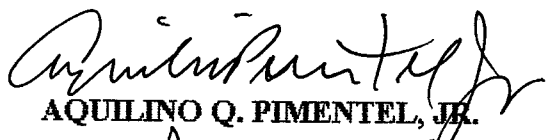
SERGIO R. OSMENA III

Vice-Chairman  
Trade and Commerce


#### MEMBERS

  
RODOLFO G. BIAZON

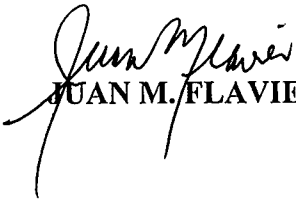
  
TERESA AQUINO-ORETA

  
AQUILINO Q. PIMENTEL, JR.

  
VICENTE C. SOTTO III

  
ROBERT Z. BARBERS


  
RENATO L. COMPAÑERO CAYETANO

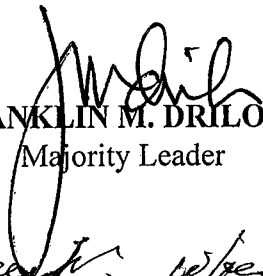
  
JUAN M. FLAVIER

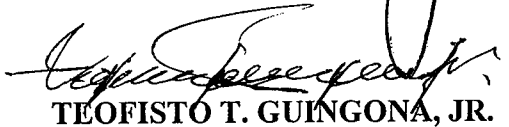
  
LOREN LEGARDA-LEVISTE

RAMON B. REVILLA

**EX-OFFICIO MEMBERS**

  
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President Pro-Tempore

  
FRANKLIN M. DRILON  
Majority Leader

  
TEOFISTO T. GUINGONA, JR.  
Minority Leader

The Honorable  
**MARCELO B. FERNAN**  
President of the Senate  
Senate of the Philippines  
Pasay City

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SENATE OF THE PHILIPPINES  
BILLS AND INDEX DIVISION

LEGISLATIVE HISTORY

SBN-1330, entitled:

"AN ACT TO PROVIDE THE RULES FOR THE IMPOSITION OF COUNTERVAILING DUTIES ON THE IMPORTATION OF SUBSIDIZED PRODUCTS, COMMODITIES OR ARTICLES OF COMMERCE, AMENDING FOR THE PURPOSE SECTION 302 OF THE TARIFF AND CUSTOMS CODE, AS AMENDED, AND FOR OTHER PURPOSES"

S T A T U S

[ First Regular Session, 11th Congress ]

[ 1998 ]

- Aug. 14 - Conducted committee meetings/hearings;
- Nov. 11 - Prepared jointly by the Committees on WAYS AND MEANS; TRADE AND COMMERCE; and CONSTITUTIONAL AMENDMENTS, REVISION OF CODES AND LAWS, with Senators FLAVIER, and ENRILE as authors thereof, per Committee Report No. 11, recommending its approval in substitution of SBNs. 82 and 765;
- 16 - Submitted said report to the Senate;
- Sponsors: Senators Enrile, Magsaysay Jr., and Roco;
- Dec. 1 - Assigned for consideration by Special Order;
- Sponsorship speech of Senator Enrile;
- 14 - Interpellation of Senator Guingona, Jr.;
- 15 - Interpellation of Senators Revilla and Santiago;
- Period of interpellation closed;
- Period of committee amendments closed;
- 16 - Period of individual amendments;
- Period of individual amendments closed;
- Approved on Second Reading with amendments;
- 17 - Printed copies were distributed to the Senators;
- 21 - Approved on Third Reading;
- In favor: (19) Barbers, Cayetano, Coseteng, Drilon, Enrile, Fernan, Flavier, Guingona, Jr., Honasan, Jaworski, Legarda-Leviste, Magsaysay, Jr., Ople, Pimentel, Jr., Revilla, Roco, Santiago, Sotto III, and Tatad;
- Against: None;
- Abstention: None;
- 22 - Sent to the House of Representatives requesting for concurrence;

[ 1999 ]

- May 6 - House of Representatives requested the Senate for a conference on the disagreeing provisions of SBN-1330 and HBN-7036, designating Representatives Suarez, Teves, Lapus, Salceda, Belmonte, Jr., Montemayor, Saludo, Jr., and Baculio as its conferees on April 28, 1999;
- Senate agreed to a conference on the disagreeing provisions of both Bills, designating Senators Enrile, Honasan, Barbers, Flavier and Cayetano as its conferees;
- 10 - Senator Jaworski was made as member of the Senate panel in the Conference Committee vice Senator Barbers;
- Jun. 2 - Conference Committee Report submitted, recommending that HBN-7036, in consolidation with SBN-1330 be approved as reconciled;
- Sponsorship speech of Senator Enrile on the Conference Committee report;
- Interpellation of Senator Guingona, Jr.;
- Conference Committee Report approved by the Senate;
- Jul. 5 - Enrolled copy received by the Senate for signature of the Senate Secretary and Senate President;
- 13 - Received by the Office of the President (FLLD);
- 14 - Conference Committee Report approved by the House of

Representatives on June 1, 1999;  
Aug. 7 - Consolidated with HBN-7036 which was approved and signed  
into law by the President of the Philippines and became  
REPUBLIC ACT NO. 8751.  
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ELEVENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )

S E N A T E

S. No. 1330

(In substitution of S. Nos. 87 and 765)

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Prepared by the Committees on Ways and Means; Trade and  
Commerce; and Constitutional Amendments, Revisions of Codes  
and Laws with Senators Flavier and Enrile as authors thereof  
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AN ACT  
TO PROVIDE THE RULES FOR THE IMPOSITION OF COUNTERVAILING  
DUTIES ON THE IMPORTATION OF SUBSIDIZED PRODUCTS,  
COMMODITIES OR ARTICLES OF COMMERCE, AMENDING FOR THE  
PURPOSE SECTION 302 OF THE TARIFF AND CUSTOMS CODE, AS  
AMENDED, AND FOR OTHER PURPOSES

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

1       SECTION 1. Section 302 of the Tariff and Customs Code  
2       as amended is hereby further amended as follows:  
3               "Section 302.     Countervailing Duty  
4               "[a.       Whenever any article is directly or  
5       indirectly granted any bounty, subsidy or subvention  
6       upon its production, manufacture or exportation in the  
7       country of origin and/or exportation and the  
8       importation of which has been determined by the  
9       Secretary, after investigation and report of the  
10      Commission, is likely to injure an established industry  
11      or prevent or considerably retard the establishment of  
12      an industry in the Philippines, there shall be levied a  
13      countervailing duty equal to the ascertained or  
14      estimated amount of such bounty, subsidy or subvention:  
15      *Provided*, That the injury criterion to a domestic  
16      industry shall be applied only in the case of imports  
17      from countries which adhere to the GATT Code on  
18      Subsidies and Countervailing Duties: *Provided, further*,  
19      That the exemption of any exported article from duty or

1 tax imposed on like articles when destined for  
2 consumption in the country of origin and/ or  
3 exportation or the refunding of such duty or tax, shall  
4 not be deemed to constitute a grant of a bounty,  
5 subsidy or subvention within the meaning of this  
6 subsection: *Provided, furthermore,* That should an  
7 article be allowed drawback by the country of origin  
8 and/or exportation, only the ascertained or estimated  
9 excess of the amount of the drawback over the total  
10 amount of the duties and/or internal taxes, if any,  
11 shall constitute a bounty, subsidy or subvention:  
12 *Provided, finally,* That petitions for imposition of  
13 countervailing duty shall be filed with the Secretary  
14 of Finance. Upon finding of a *prima facie* case of  
15 bounty, subsidy or subvention enjoyed by the imported  
16 article and injury to, or likelihood of injury to a  
17 domestic industry, the Secretary shall refer the case  
18 to the Tariff Commission for investigation and shall  
19 instruct the Commissioner of Customs to require the  
20 filing of countervailing bonds for importation entered  
21 during the pendency of countervailing proceedings;]

22 "[b. The Secretary shall after receipt of the  
23 reports of the Commission, decide whether the article  
24 in question is granted any bounty, subsidy or  
25 subvention and if so fix the countervailing duty equal  
26 to the ascertained or estimated bounty, subsidy or  
27 subvention. He shall give due notice of his decision  
28 and shall direct the Commissioner of Customs to cause  
29 the countervailing duty to be levied, collected and  
30 paid in addition to any ordinary duties, taxes and  
31 charges imposed by law on such articles and on articles



1 of the same specific kind of class subsequently  
2 imported under similar circumstances;]

3 "[c. Pending investigation and final decision  
4 of the case, the article in question shall be released  
5 from customs custody to the owner upon the filing of a  
6 bond equal to the ascertained or estimated amount of  
7 bounty, subsidy or subvention as provisionally  
8 determined by the Secretary and the Commission;]

9 "[d. The article, if not previously released  
10 under bond as provided for in this Section, shall be  
11 released after payment by the party concerned of the  
12 corresponding countervailing duty in addition to any  
13 ordinary duties, taxes and charges, if any, or re-  
14 exported upon the filing of a bond in an amount equal  
15 to the estimated dutiable values of the article or an  
16 amount not to exceed the amount of bounty, subsidy or  
17 subvention, conditioned upon the presentation of a  
18 landing certificate issued by a consular officer of the  
19 Philippines at the country of destination. If the  
20 article has been previously released under bond, the  
21 party concerned shall be required to pay the  
22 corresponding countervailing duty in addition to  
23 ordinary duties, taxes and other charges if any;]

24 "[e. Whenever the Commission, on its own  
25 motion or upon application of any interested party,  
26 finds that the conditions which necessitated the  
27 imposition of the countervailing duty has ceased to  
28 exist, it shall submit the necessary recommendation to  
29 the Secretary for the discontinuance of the imposition  
30 of that duty. Any order under this Section by the  
31 secretary shall be published in the *Official Gazette*  
32 and/or in a newspaper of general circulation;]

1            "[f.     Any countervailing decision promulgated  
2            by the Secretary shall be effective for a period of  
3            five (5) years from the time of its promulgation except  
4            upon the representation of the interested party of the  
5            necessity to continue the implementation of said  
6            decision, in which case the Secretary shall advise the  
7            Commission to conduct an investigation to determine  
8            whether the conditions in subsection 'a' still exist.  
9            The action for extension shall be brought before the  
10           Secretary at least six (6) months before the expiration  
11           of the period.]

12           "[The findings of the Commission shall be  
13           submitted to the Secretary at least three (3) months  
14           before the expiration of the period.]

15           "WHENEVER ANY PRODUCT, COMMODITY, OR ARTICLE OF  
16           COMMERCE IS GRANTED, DIRECTLY OR INDIRECTLY, BY THE  
17           GOVERNMENT IN THE COUNTRY OF ORIGIN OR EXPORTATION,  
18           ANY KIND OR FORM OF SPECIFIC SUBSIDY UPON THE  
19           PRODUCTION, MANUFACTURE, OR EXPORTATION OF SUCH  
20           PRODUCT, COMMODITY OR ARTICLE, AND THE IMPORTATION OF  
21           SUCH SUBSIDIZED PRODUCT, COMMODITY OR ARTICLE HAS BEEN  
22           DETERMINED BY THE SECRETARY OF TRADE AND INDUSTRY, IN  
23           THE CASE OF NON-AGRICULTURAL PRODUCT, COMMODITY OR  
24           ARTICLE, OR BY THE SECRETARY OF AGRICULTURE, IN THE  
25           CASE OF AGRICULTURAL PRODUCT, COMMODITY OR ARTICLE  
26           (BOTH OF WHOM ARE HEREINAFTER SIMPLY REFERRED TO AS  
27           "THE SECRETARY", AS THE CASE MAY BE) AFTER FORMAL  
28           INVESTIGATION AND AFFIRMATIVE FINDINGS BY THE TARIFF  
29           COMMISSION (HEREINAFTER REFERRED TO AS "THE  
30           COMMISSION"), TO HAVE CAUSED OR THREATEN TO CAUSE  
31           MATERIAL INJURY TO A DOMESTIC INDUSTRY, OR TO  
32           MATERIALLY RETARD OR THREATEN TO MATERIALLY RETARD THE  
33           GROWTH OR THE ESTABLISHMENT OF A DOMESTIC INDUSTRY, A

1 COUNTERVAILING DUTY EQUAL TO THE ASCERTAINED AMOUNT OF  
2 THE SUBSIDY SHALL BE LEVIED AND COLLECTED ON SUCH  
3 PRODUCT, COMMODITY OR ARTICLE AND ON IDENTICAL OR LIKE  
4 PRODUCT, COMMODITY OR ARTICLE THEREAFTER IMPORTED TO  
5 THE PHILIPPINES UNDER LIKE CIRCUMSTANCE, IN ADDITION TO  
6 ANY ORDINARY DUTIES, TAXES AND CHARGES IMPOSED BY LAW  
7 ON THE IMPORTED PRODUCT, COMMODITY OR ARTICLE.

8 "A. INITIATION OF ACTION. - ANY PERSON,  
9 WHETHER NATURAL OR JURIDICAL WHO HAS AN INTEREST TO  
10 PROTECT SHALL FILE A VERIFIED PETITION WITH THE  
11 SECRETARY, WHICH PETITION SHALL BE ACCOMPANIED BY  
12 DOCUMENTS IF ANY, WHICH ARE REASONABLY AVAILABLE TO  
13 THE PETITIONER AND WHICH CONTAIN INFORMATION SUPPORTING  
14 THE FACTS THAT ARE ESSENTIAL TO ESTABLISH THE PRESENCE  
15 OF THE ELEMENTS REQUIRED TO BE PRESENT FOR THE  
16 IMPOSITION OF A COUNTERVAILING DUTY, AND SHALL FURTHER  
17 STATE, AMONG OTHERS; (1) THE DOMESTIC INDUSTRY TO WHICH  
18 THE PETITIONER BELONGS AND THE PARTICULAR DOMESTIC  
19 PRODUCT, COMMODITY OR ARTICLE OR CLASS OF DOMESTIC  
20 PRODUCT, COMMODITY OR ARTICLE BEING PREJUDICED; (2) THE  
21 NUMBER OF PERSONS EMPLOYED, THE TOTAL CAPITAL INVESTED  
22 IN AND THE PRODUCTION AND SALES VOLUME AND THE  
23 AGGREGATE PRODUCTION CAPACITY OF THE DOMESTIC INDUSTRY  
24 THAT HAS BEEN MATERIALLY INJURED OR THREATENED TO BE  
25 MATERIALLY INJURED OR WHOSE GROWTH OR ESTABLISHMENT HAS  
26 BEEN MATERIALLY RETARDED OR THREATENED TO BE  
27 MATERIALLY RETARDED; (3) THE NAME AND ADDRESS OF THE  
28 IMPORTER (OR THE NAMES AND ADDRESSES OF THE IMPORTERS,  
29 IF THERE ARE SEVERAL), THE ESTIMATED AGGREGATE OR  
30 CUMULATIVE QUANTITY, THE PORT OR PORTS AND THE DATE OR  
31 DATES OF ARRIVAL, THE IMPORT ENTRY DECLARATIONS, THE  
32 VALUE PER IMPORT ENTRY DECLARATION OF THE IMPORTED

1 PRODUCT, COMMODITY OR ARTICLE AND THE ESTIMATED AMOUNT  
2 OF THE SUBSIDY THEREON; AND (4) SUCH OTHER PARTICULARS,  
3 FACTS OR ALLEGATIONS AS ARE NECESSARY TO JUSTIFY THE  
4 IMPOSITION OF COUNTERVAILING DUTY ON THE IMPORTED  
5 PRODUCT, COMMODITY OR ARTICLE.

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

18 "IN SPECIAL CIRCUMSTANCES, THE AUTHORITIES  
19 CONCERNED ARE HEREBY AUTHORIZED TO INITIATE AN  
20 INVESTIGATION WITHOUT HAVING RECEIVED A WRITTEN  
21 APPLICATION BY OR ON BEHALF OF A DOMESTIC INDUSTRY FOR  
22 THE INITIATION OF SUCH INVESTIGATION IN THE EVENT AND  
23 ONLY IF THEY HAVE SUFFICIENT EVIDENCE OF THE EXISTENCE  
24 OF A SUBSIDY, INJURY AND CAUSAL LINK, TO JUSTIFY THE  
25 INITIATION OF AN INVESTIGATION.

26 "B. NOTICE TO THE SECRETARY OF FINANCE. -  
27 UPON HIS RECEIPT OF THE PETITION, THE SECRETARY SHALL,  
28 WITHOUT DELAY, FURNISH THE SECRETARY OF FINANCE WITH A  
29 COMPLETE COPY OF THE PETITION, INCLUDING ITS ANNEXES,  
30 IF ANY, AND REQUEST THE LATTER TO IMMEDIATELY INFORM  
31 THE COMMISSIONER OF CUSTOMS REGARDING THE FILING AND  
32 PENDENCY OF THE PETITION FOR THE IMPOSITION OF  
33 COUNTERVAILING DUTY AND TO INSTRUCT HIM TO GATHER,

1 HOLD AND SECURE ALL IMPORT ENTRIES COVERING SUCH  
2 ALLEGEDLY SUBSIDIZED PRODUCT, COMMODITY OR ARTICLE  
3 WITHOUT LIQUIDATION, AND TO WITHHOLD THE RELEASE OF ANY  
4 OF SUCH PRODUCT, COMMODITY OR ARTICLE UNLESS SO  
5 INSTRUCTED OTHERWISE IN WRITING BY THE SECRETARY, AND  
6 TO SUBMIT TO THE SECRETARY, THROUGH THE SECRETARY OF  
7 FINANCE, A COMPLETE REPORT ON THE NUMBER, VOLUME, AND  
8 VALUE OF THE IMPORTATION OF THE ALLEGEDLY SUBSIDIZED  
9 PRODUCT, COMMODITY OR ARTICLE WITHIN TEN (10) DAYS  
10 FROM RECEIPT BY THE COMMISSIONER OF CUSTOMS OF THE  
11 INSTRUCTION OF THE SECRETARY OF FINANCE, AND TO MAKE  
12 SUCH SIMILAR ADDITIONAL REPORTS EVERY TEN (10) DAYS  
13 THEREAFTER.

14 "C. NOTICE TO AND ANSWER OF THE IMPORTER. -  
15 WITHIN FIVE (5) DAYS FROM HIS RECEIPT OF THE PETITION,  
16 THE SECRETARY SHALL NOTIFY THE IMPORTER AND SHALL  
17 FURNISH HIM WITH A COPY OF THE PETITION AND ITS  
18 ANNEXES, IF ANY, EITHER BY PERSONAL DELIVERY OR BY  
19 REGISTERED MAIL, WHICHEVER IS MORE CONVENIENT AND  
20 EXPEDITIOUS.

21 "THE IMPORTER SHALL, NOT LATER THAN TEN (10) DAYS  
22 FROM HIS RECEIPT OF THE NOTICE, SUBMIT HIS ANSWER,  
23 INCLUDING SUCH RELEVANT EVIDENCE OR INFORMATION AS ARE  
24 REASONABLY AVAILABLE TO HIM TO CONTROVERT THE  
25 ALLEGATIONS OF THE PETITION, EITHER BY PERSONAL  
26 DELIVERY OR BY REGISTERED MAIL. IF THE IMPORTER FAILS  
27 TO SUBMIT HIS ANSWER, HE SHALL BE DECLARED IN DEFAULT,  
28 IN WHICH CASE, THE SECRETARY SHALL MAKE SUCH  
29 PRELIMINARY DETERMINATION OF THE CASE ON THE BASIS OF  
30 THE FACTS ALLEGED IN THE PETITION AND THE SUPPORTING  
31 INFORMATION AND DOCUMENTS SUPPLIED BY THE PETITIONER.

1 "D. PRELIMINARY DETERMINATION. - NOT LATER  
2 THAN TEN (10) DAYS FROM HIS RECEIPT OF THE ANSWER OF  
3 THE RESPONDENT IMPORTER, THE SECRETARY SHALL, ON THE  
4 BASIS OF THE PETITION OF THE AGGRIEVED PARTY AND THE  
5 ANSWER OF THE RESPONDENT IMPORTER AND THEIR RESPECTIVE  
6 SUPPORTING DOCUMENTS OR INFORMATION, MAKE A  
7 PRELIMINARY DETERMINATION WHETHER OR NOT A *PRIMA FACIE*  
8 CASE EXISTS FOR THE IMPOSITION OF A COUNTERVAILING DUTY  
9 ON THE ALLEGEDLY SUBSIDIZED IMPORTED PRODUCT,  
10 COMMODITY OR ARTICLE.

11 "UPON DETERMINATION BY THE SECRETARY OF THE  
12 EXISTENCE OF A *PRIMA FACIE* CASE, HE SHALL, WITHOUT  
13 DELAY, TRANSMIT THE RECORDS OF THE CASE CONSISTING OF  
14 THE PETITION AND THE ANSWER, INCLUDING ALL THE RELEVANT  
15 DOCUMENTS, INFORMATION AND THE PERIODIC REPORTS OF THE  
16 COMMISSIONER OF CUSTOMS, TO THE COMMISSION FOR ITS  
17 IMMEDIATE FORMAL INVESTIGATION OF THE CASE. THE  
18 SECRETARY SHALL, IN ADDITION, IMMEDIATELY ISSUE,  
19 THROUGH THE SECRETARY OF FINANCE, A WRITTEN  
20 INSTRUCTION TO THE COMMISSIONER OF CUSTOMS AUTHORIZING  
21 THE RELEASE OF THE ALLEGEDLY SUBSIDIZED IMPORTED  
22 PRODUCT, COMMODITY OR ARTICLE UPON THE PAYMENT OF THE  
23 CORRESPONDING ORDINARY DUTIES, TAXES AND OTHER CHARGES  
24 IMPOSED BY LAW ON SUCH PRODUCT, COMMODITY OR ARTICLE  
25 AND UPON THE DEPOSIT WITH THE BUREAU OF CUSTOMS OF A  
26 CASH BOND EQUAL TO THE ESTIMATED COUNTERVAILING DUTY  
27 THAT MAY BE IMPOSED UPON SUCH ALLEGEDLY SUBSIDIZED  
28 IMPORTED PRODUCT, COMMODITY OR ARTICLE. THE CASH BOND  
29 SHALL BE DEPOSITED WITH A GOVERNMENT DEPOSITORY BANK  
30 AND SHALL BE HELD IN TRUST FOR THE RESPONDENT IMPORTER.

31 "IF NO *PRIMA FACIE* CASE EXISTS, THE SECRETARY  
32 SHALL DISMISS THE PETITION WITH COST TO THE PETITIONER  
33 AND SHALL PROPERLY NOTIFY ALL THE PARTIES CONCERNED,

1 INCLUDING THE COMMISSIONER OF CUSTOMS THROUGH THE  
2 SECRETARY OF FINANCE, REGARDING SUCH DISMISSAL .

3 "E. INVESTIGATION BY THE COMMISSION. -

4 IMMEDIATELY UPON ITS RECEIPT OF THE RECORDS OF THE CASE  
5 FROM THE SECRETARY, THE COMMISSION SHALL FORTHWITH SET  
6 THE CASE FOR FORMAL INVESTIGATION AND SHALL ACCORDINGLY  
7 NOTIFY IN WRITING THE AGGRIEVED PARTY AND THE  
8 RESPONDENT IMPORTER AND, IN ADDITION, GIVE PUBLIC  
9 NOTICE OF THE EXACT INITIAL DATE, TIME AND PLACE OF THE  
10 FORMAL INVESTIGATION THROUGH THE PUBLICATION OF SUCH  
11 PARTICULARS AND A CONCISE SUMMARY OF THE PETITION IN  
12 TWO (2) NEWSPAPERS OF GENERAL CIRCULATION.

13 THE COMMISSION IS HEREBY AUTHORIZED TO REQUIRE  
14 ANY INTERESTED PARTY TO ALLOW ACCESS TO, OR OTHERWISE  
15 PROVIDE, NECESSARY INFORMATION TO ENABLE THE  
16 COMMISSION TO EXPEDITE THE INVESTIGATION.

17 IN CASES IN WHICH ANY INTERESTED PARTY REFUSES  
18 ACCESS TO, OR OTHERWISE DOES NOT PROVIDE, NECESSARY  
19 INFORMATION WITHIN A REASONABLE PERIOD OF TIME OR  
20 SIGNIFICANTLY IMPEDES THE INVESTIGATION, PRELIMINARY  
21 AND FINAL DETERMINATIONS, AFFIRMATIVE OR NEGATIVE, MAY  
22 BE MADE ON THE BASIS OF THE FACTS AVAILABLE.

23 "IN THE FORMAL INVESTIGATION, THE COMMISSION SHALL  
24 ESSENTIALLY DETERMINE: (1) THE NATURE AND AMOUNT OF THE  
25 SUBSIDY BEING ENJOYED BY THE IMPORTED PRODUCT,  
26 COMMODITY OR ARTICLE IN QUESTION; (2) THE PRESENCE AND  
27 EXTENT OF THE MATERIAL INJURY SUFFERED BY OR THE  
28 PRESENCE AND DEGREE OF THE THREAT OF MATERIAL INJURY TO  
29 THE AFFECTED DOMESTIC INDUSTRY; AND (3) THE EXISTENCE  
30 OF A CAUSAL RELATIONSHIP BETWEEN THE ALLEGEDLY  
31 SUBSIDIZED IMPORTED PRODUCT, COMMODITY OR ARTICLE AND

1 THE MATERIAL INJURY OR THREAT OF MATERIAL INJURY TO THE  
2 AFFECTED DOMESTIC INDUSTRY.

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

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

11 "F. DETERMINATION OF THE EXISTENCE OF SUBSIDY. - A  
12 SUBSIDY IS DEEMED TO EXIST WHEN THE GOVERNMENT OR ANY  
13 PUBLIC BODY IN THE COUNTRY OF ORIGIN OR EXPORTATION OF  
14 THE IMPORTED PRODUCT, COMMODITY OR ARTICLE EXTENDS  
15 FINANCIAL CONTRIBUTION TO THE PRODUCER, A MANUFACTURER  
16 OR EXPORTER OF SUCH PRODUCT, COMMODITY OR ARTICLE IN  
17 THE FORMS OF (1) DIRECT TRANSFER OF FUNDS SUCH AS  
18 GRANTS, LOANS OR EQUITY INFUSION, OR (2) POTENTIAL  
19 DIRECT TRANSFER OF FUNDS SUCH AS LOAN GUARANTEES, OR  
20 (3) FORGONE OR UNCOLLECTED GOVERNMENT REVENUE THAT IS  
21 OTHERWISE DUE FROM THE PRODUCER, MANUFACTURER OR  
22 EXPORTER OF THE PRODUCT, COMMODITY OR ARTICLE, OR (4)  
23 GOODS OR SERVICES OTHER THAN GENERAL INFRASTRUCTURE  
24 PROVIDED BY THE GOVERNMENT IN THE COUNTRY OF ORIGIN OR  
25 EXPORTATION TO THE PRODUCER, MANUFACTURER OR EXPORTER,  
26 OR (5) PURCHASES OF GOODS FROM THE PRODUCER,  
27 MANUFACTURER OR EXPORTER BY THE GOVERNMENT OF THE  
28 COUNTRY OF ORIGIN OR EXPORTATION IN ORDER TO STRENGTHEN  
29 THE COMPETITIVE ECONOMIC AND FINANCIAL CAPACITY OF SUCH  
30 PRODUCER, MANUFACTURER OR EXPORTER, OR (6) WHEN THE  
31 GOVERNMENT IN THE COUNTRY OF ORIGIN OR EXPORTATION  
32 MAKES PAYMENTS TO A FUNDING MECHANISM, OR ENTRUSTS OR  
33 DIRECTS A PRIVATE BODY TO CARRY OUT ONE OR MORE OF THE



1 ACTIVITIES MENTIONED IN THE PRECEDING NUMBERS, OR (7)  
2 WHEN THERE IS ANY FORM OF INCOME OR PRICE SUPPORT GIVEN  
3 DIRECTLY OR INDIRECTLY BY THE GOVERNMENT OR ANY PUBLIC  
4 BODY IN THE COUNTRY OF ORIGIN OR EXPORTATION TO THE  
5 PRODUCER, MANUFACTURER OR EXPORTER OF THE IMPORTED  
6 PRODUCT, COMMODITY OR ARTICLE.

7 "G. DETERMINATION OF MATERIAL INJURY. - THE  
8 PRESENCE AND EXTENT OF MATERIAL INJURY OR THE PRESENCE  
9 AND DEGREE OF THE THREAT OF MATERIAL INJURY TO DOMESTIC  
10 INDUSTRY BECAUSE OF THE SUBSIDIZED IMPORTS, SHALL BE  
11 DETERMINED BY THE COMMISSION ON THE BASIS OF POSITIVE  
12 EVIDENCE AND SHALL REQUIRE AN OBJECTIVE EXAMINATION OF  
13 (1) THE VOLUME OF THE SUBSIDIZED IMPORTS, THAT IS,  
14 WHETHER THERE HAS BEEN A SIGNIFICANT INCREASE IN  
15 SUBSIDIZED IMPORTS, EITHER IN ABSOLUTE TERMS OR  
16 RELATIVE TO PRODUCTION OR CONSUMPTION IN THE DOMESTIC  
17 MARKET; (2) THE EFFECT OF THE SUBSIDIZED IMPORTS ON  
18 PRICES IN THE DOMESTIC MARKET FOR LIKE PRODUCT,  
19 COMMODITY OR ARTICLE, THAT IS, WHETHER THERE HAS BEEN A  
20 SIGNIFICANT PRICE UNDERCUTTING BY THE SUBSIDIZED  
21 IMPORTS AS COMPARED WITH THE PRICE OF A LIKE PRODUCT,  
22 COMMODITY OR ARTICLE IN THE DOMESTIC MARKET, OR  
23 WHETHER THE EFFECT OF SUCH IMPORTS IS OTHERWISE TO  
24 DEPRESS PRICES TO A SIGNIFICANT DEGREE OR TO PREVENT  
25 PRICE INCREASES, WHICH OTHERWISE WOULD HAVE OCCURRED,  
26 TO A SIGNIFICANT DEGREE; AND (3) THE RESULTING EFFECT  
27 OF THE SUBSIDIZED IMPORTS ON THE DOMESTIC PRODUCERS OR  
28 MANUFACTURERS OF LIKE PRODUCT, COMMODITY OR ARTICLE,  
29 INCLUDING AN EVALUATION OF ALL RELEVANT ECONOMIC  
30 FACTORS AND INDICES HAVING A BEARING ON THE STATE OF  
31 THE DOMESTIC INDUSTRY CONCERNED, SUCH AS, BUT NOT  
32 LIMITED TO, ACTUAL AND POTENTIAL DECLINE IN OUTPUT,

1 SALES, MARKET SHARE, PROFITS, PRODUCTIVITY, RETURN ON  
2 INVESTMENTS, OR UTILIZATION OF CAPACITY; OTHER FACTORS  
3 AFFECTING DOMESTIC PRICES; THE ACTUAL OR POTENTIAL  
4 NEGATIVE EFFECTS OF SUCH SUBSIDIZED IMPORTS ON THE CASH  
5 FLOW, INVENTORIES, EMPLOYMENT, WAGES, GROWTH, ABILITY  
6 TO RAISE CAPITAL OR INVESTMENT IN THE AFFECTED DOMESTIC  
7 INDUSTRY; THE VOLUMES AND PRICES OF NON-SUBSIDIZED  
8 IMPORTS OF THE PRODUCT, COMMODITY OR ARTICLE IN  
9 QUESTION; CONTRACTION IN DOMESTIC DEMAND OR CHANGES IN  
10 THE PATTERNS OF DOMESTIC CONSUMPTION; TRADE RESTRICTIVE  
11 PRACTICES OF AND COMPETITION BETWEEN THE FOREIGN AND  
12 DOMESTIC PRODUCERS OR MANUFACTURERS; DEVELOPMENT OF  
13 TECHNOLOGY AND THE PRODUCTIVITY OF THE DOMESTIC  
14 INDUSTRY; ANY KNOWN FACTORS OTHER THAN THE SUBSIDIZED  
15 IMPORTS WHICH AT THE SAME TIME ARE INJURING THE  
16 DOMESTIC INDUSTRY; AND, IN THE CASE OF AGRICULTURE,  
17 WHETHER THERE HAS BEEN AN INCREASED BURDEN ON THE  
18 SUPPORT PROGRAMS OF THE NATIONAL GOVERNMENT.

19 "H. CUMULATION OF IMPORTS. - WHEN IMPORTS OF  
20 PRODUCTS, COMMODITIES OR ARTICLES FROM MORE THAN ONE  
21 COUNTRY ARE SIMULTANEOUSLY THE SUBJECT OF AN  
22 INVESTIGATION FOR THE IMPOSITION OF COUNTERVAILING  
23 DUTY, THE COMMISSION MAY CUMULATIVELY ASSESS THE  
24 EFFECTS OF SUCH IMPORTS ONLY IF THE COMMISSION IS  
25 CONVINCED THAT (1) THE AMOUNT OF SUBSIDIZATION  
26 ESTABLISHED IN RELATION TO THE IMPORTS FROM EACH COUNTRY  
27 IS MORE THAN *DE MINIMIS* AS DEFINED IN EXISTING  
28 INTERNATIONAL TRADE AGREEMENTS OF WHICH THE REPUBLIC  
29 OF THE PHILIPPINES IS A PARTY; (2) THE VOLUME OF SUCH  
30 IMPORTS FROM EACH COUNTRY IS NOT NEGLIGIBLE; AND (3) A  
31 CUMULATIVE ASSESSMENT OF THE EFFECTS OF SUCH IMPORTS IS  
32 WARRANTED IN THE LIGHT OF THE CONDITIONS OF COMPETITION  
33 BETWEEN THE IMPORTED PRODUCTS, COMMODITIES OR ARTICLES

1 AND THE CONDITIONS OF COMPETITION BETWEEN THE IMPORTED  
2 PRODUCTS, COMMODITIES OR ARTICLES AND THE LIKE  
3 DOMESTIC PRODUCTS, COMMODITIES OR ARTICLES.

4 "I. THE COMMISSION SHALL, BEFORE A FINAL  
5 DETERMINATION IS MADE, INFORM ALL THE INTERESTED  
6 PARTIES OF THE ESSENTIAL FACTS UNDER CONSIDERATION  
7 WHICH FORM THE BASIS FOR THE DECISION TO APPLY  
8 DEFINITIVE MEASURES. SUCH DISCLOSURE SHOULD TAKE PLACE  
9 IN SUFFICIENT TIME FOR THE PARTIES TO DEFEND  
10 THEIR INTERESTS.

11 "J. IMPOSITION OF COUNTERVAILING DUTY. - THE  
12 SECRETARY, SHALL WITHIN TEN (10) DAYS FROM HIS RECEIPT  
13 OF THE FAVORABLE REPORT OF THE COMMISSION, ISSUE A  
14 DEPARTMENT ORDER IMPOSING THE COUNTERVAILING DUTY ON  
15 THE SUBSIDIZED IMPORTED PRODUCT, COMMODITY OR ARTICLE.

16 "IN CASE OF A FAVORABLE REPORT OF THE COMMISSION,  
17 THE CASH BOND SHALL BE APPLIED TO THE COUNTERVAILING  
18 DUTY ASSESSED. IF THE CASH BOND IS IN EXCESS OF THE  
19 COUNTERVAILING DUTY ASSESSED, THE REMAINDER SHALL BE  
20 RETURNED TO THE IMPORTER IMMEDIATELY. IF THE CASH BOND  
21 IS NOT ENOUGH TO COVER THE COUNTERVAILING DUTY  
22 ASSESSED, THE RESPONDENT IMPORTER SHALL BE  
23 IMMEDIATELY ASSESSED FOR THE DEFICIENCY AND SHALL PAY  
24 THE SAME WITHIN FIFTEEN (15) DAYS FROM HIS RECEIPT OF  
25 THE DEFICIENCY ASSESSMENT.

26 "IF THE RULING OF THE SECRETARY IN A PETITION FOR  
27 A COUNTERVAILING DUTY IS UNFAVORABLE TO THE PETITIONER,  
28 THE SECRETARY SHALL, AFTER THE LAPSE OF THE PERIOD FOR  
29 THE PETITIONER TO APPEAL TO THE COURT OF TAX APPEALS,  
30 ISSUE, THROUGH THE SECRETARY OF FINANCE, A DEPARTMENT  
31 ORDER FOR THE IMMEDIATE RELEASE OF THE CASH BOND TO THE

1           IMPORTER UNLESS THE COURT OF TAX APPEALS ORDERS  
2           OTHERWISE.

3           "K. DURATION AND REVIEW OF COUNTERVAILING DUTY. -  
4           AS A GENERAL RULE, ANY IMPOSITION OF COUNTERVAILING  
5           DUTY SHALL REMAIN IN FORCE ONLY AS LONG AS AND TO THE  
6           EXTENT NECESSARY TO COUNTERACT A SUBSIDIZATION WHICH IS  
7           CAUSING OR THREATENING TO CAUSE MATERIAL INJURY.

8           "HOWEVER, THE NEED FOR THE CONTINUED IMPOSITION OF  
9           THE COUNTERVAILING DUTY MAY BE REVIEWED BY THE  
10          COMMISSION, WHEN WARRANTED, UPON DIRECTION OF THE  
11          SECRETARY.

12          "ANY INTERESTED PARTY MAY ALSO PETITION THE  
13          SECRETARY FOR A REVIEW OF THE CONTINUED IMPOSITION OF  
14          THE COUNTERVAILING DUTY: PROVIDED, THAT A REASONABLE  
15          PERIOD OF TIME HAS ELAPSED SINCE THE IMPOSITION OF THE  
16          COUNTERVAILING DUTY, AND UPON SUBMISSION OF POSITIVE  
17          INFORMATION SUBSTANTIATING THE NEED FOR A REVIEW.  
18          INTERESTED PARTIES SHALL HAVE THE RIGHT TO REQUEST THE  
19          SECRETARY TO EXAMINE (1) WHETHER THE CONTINUED  
20          IMPOSITION OF THE COUNTERVAILING DUTY IS NECESSARY TO  
21          OFFSET THE SUBSIDIZATION; AND (2) WHETHER THE INJURY  
22          WOULD LIKELY CONTINUE OR RECUR IF THE COUNTERVAILING  
23          DUTY WERE REMOVED OR MODIFIED, OR BOTH.

24          " IF AS A RESULT OF THE REVIEW BY THE COMMISSION,  
25          THE SECRETARY DETERMINES THAT THE COUNTERVAILING DUTY  
26          IS NO LONGER NECESSARY OR WARRANTED, THE IMPOSITION OF  
27          THE COUNTERVAILING DUTY SHALL BE TERMINATED IMMEDIATELY  
28          AND ALL PARTIES CONCERNED SHALL BE NOTIFIED ACCORDINGLY  
29          OF SUCH TERMINATION, INCLUDING AND ESPECIALLY THE  
30          COMMISSIONER OF CUSTOMS THROUGH THE SECRETARY OF  
31          FINANCE.

1 "NOTWITHSTANDING THE PROVISIONS OF THE PRECEDING  
2 PARAGRAPHS OF THIS SECTION, ANY COUNTERVAILING DUTY  
3 SHALL BE TERMINATED ON A DATE NOT LATER THAN FIVE (5)  
4 YEARS FROM THE DATE OF ITS IMPOSITION (OR FROM THE DATE  
5 OF THE MOST RECENT REVIEW IF THAT REVIEW HAS COVERED  
6 BOTH SUBSIDIZATION AND MATERIAL INJURY), UNLESS THE  
7 COMMISSION HAS DETERMINED, IN A REVIEW INITIATED AT  
8 LEAST SIX (6) MONTHS PRIOR TO THE TERMINATION DATE  
9 UPON THE DIRECTION OF THE SECRETARY OR UPON A DULY  
10 SUBSTANTIATED REQUEST MADE BY OR ON BEHALF OF THE  
11 AFFECTED DOMESTIC INDUSTRY, THAT THE TERMINATION OF  
12 THE COUNTERVAILING DUTY WOULD LIKELY LEAD TO THE  
13 CONTINUATION OR RECURRENCE OF THE SUBSIDIZATION AND  
14 MATERIAL INJURY.

15 "THE PROCEDURE AND EVIDENCE GOVERNING THE  
16 DISPOSITION OF THE PETITION FOR THE IMPOSITION OF  
17 COUNTERVAILING DUTY SHALL APPLY WITH EQUAL MEASURE TO  
18 ANY REVIEW CARRIED OUT UNDER THIS SECTION, AND ANY SUCH  
19 REVIEW SHALL BE CARRIED OUT EXPEDITIOUSLY AND SHALL BE  
20 CONCLUDED NOT LATER THAN ONE HUNDRED FIFTY (150) DAYS  
21 FROM THE DATE OF THE INITIATION OF SUCH A REVIEW.

22 "L. JUDICIAL REVIEW. - ANY INTERESTED PARTY WHO  
23 IS ADVERSELY AFFECTED BY A FINAL RULING OF THE  
24 SECRETARY IN CONNECTION WITH THE IMPOSITION OF  
25 COUNTERVAILING DUTY MAY FILE WITH THE COURT OF TAX  
26 APPEALS, EITHER BY PERSONAL DELIVERY OR BY REGISTERED  
27 MAIL, A PETITION FOR THE REVIEW OF SUCH RULING WITHIN  
28 FIFTEEN (15) DAYS FROM HIS RECEIPT OF NOTICE OF THE  
29 FINAL RULING OF THE SECRETARY: PROVIDED, HOWEVER, THAT  
30 THE FILING OF SUCH PETITION FOR REVIEW SHALL NOT IN ANY  
31 WAY STOP, SUSPEND OR OTHERWISE TOLL THE IMPOSITION AND  
32 COLLECTION OF THE COUNTERVAILING DUTY ON THE IMPORTED  
33 PRODUCT, COMMODITY OR ARTICLE.

1 "THE PETITION FOR REVIEW SHALL COMPLY WITH THE  
2 SAME REQUIREMENTS AND SHALL FOLLOW THE SAME RULES OF  
3 PROCEDURE AND SHALL BE SUBJECT TO THE SAME DISPOSITION  
4 AS IN APPEALS IN CONNECTION WITH ADVERSE RULINGS ON TAX  
5 MATTERS TO THE COURT OF TAX APPEALS.

6 "M. COSTS OF SUIT. - THE COSTS OF THE  
7 PROCEEDINGS, INCLUDING THE FORMAL INVESTIGATION BY THE  
8 COMMISSION, SHALL BE BORNE BY THE LOSING PARTY."

9 SEC. 2. *Rules and Regulations.* - The Secretary of  
10 Trade and Industry in the case of non-agricultural product,  
11 commodity or article and the Secretary of Agriculture in the  
12 case of agricultural product, commodity or article shall  
13 issue all rules and regulations, that may be necessary for  
14 the effective and proper implementation of this Act.

15 SEC. 3. *Separability Clause.* - If any of the  
16 provisions of this Act is declared invalid by a competent  
17 court, the remainder of this Act or any provision not  
18 affected by such declaration of invalidity shall remain in  
19 force and effect.

20 SEC. 4. *Repealing Clause.* - All laws, decrees,  
21 ordinances, rules and regulations, executive or  
22 administrative orders, and such other presidential issuances  
23 as are inconsistent with any of the provisions of this Act  
24 are hereby repealed, amended or otherwise modified  
25 accordingly.

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

Approved,