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DEPARTMENT ADMINISTRATIVE ORDER NO. 14
Series of 1990

SUBJECT : Modifying Ministry Order No. 69
Series of 1983, to include provisions
of the New Civil Code on Warranties
of a Seller and Batas Pambansa Bilang 8
in the enumeration of "Trade and
Industry laws."

SECTION I. Pursuant to Executive Order No. 913, Series of 1983 and Executive Order No. 133, Series of 1987, and for the purpose of affording further protection to consumers, Batas Pambansa Bilang 8 and Arts. 1546-1547, 1562, 1564, 1566-1569 of R.A. No. 386, as amended, otherwise known as the New Civil Code are hereby incorporated in the enumeration of "trade and industry laws" to be implemented by the Department.

Section 1 (d) of Memorandum Order No. 69, Series of 1983, is therefore, hereby amended to read as follows::

- d. "Trade and industry law" means any Act, Commonwealth Act, Republic Act, Batas Pambansa, Presidential Decree, General Order, Letter of Instructions, Executive Order, and other similar issuances, which regulate trade and industry activities, the violation of which subjects the offender to criminal or administrative penalties or civil liability, or does not subject the offender to any penalty, sanction, or liability at all, and which laws or issuances are subject to the implementation, administration, execution or enforcement of the Ministry. The rules and regulations implementing the said laws and issuances are deemed included in the term "trade and industry law."

When a ministry, bureau, office, agency, local government unit, government-owned or controlled corporation including any of its subsidiaries, or any other government instrumentality deputizes the

the Ministry upon the latter's request, to perform some of its functions which are related to trade and industry, as provided under Section 15 of Executive Order No. 913, the regulatory laws and rules and regulations on which said functions are based shall be deemed "trade and industry laws" and therefore the violations thereof shall be subject to the adjudicatory power of the Minister.

The following are some of the laws covered by the term "trade and industry law":

1. Arts. 1-30, Code of Commerce - Law on registration of merchants;
2. Act No. 2333 - Law on untrue, deceptive or misleading advertisements.
3. Act No. 2728 as amended - Organic Act of the then Bureau of Commerce.
4. Act No. 3595 as amended - Law on the manufacture, importation, and sale of galvanized iron, barbed wire and nails.
5. Act No. 3596 - Law on the sale of paints and paint materials.
6. Act No. 3740 as amended - Law on fraudulent advertising, mislabeling and misbranding.
7. Art. 186, Act No. 3815 as amended - Law on monopolies and combinations in restraint of trade.
8. Art. 187, Act No. 3815 as amended - Law on importation and disposition of falsely-marked articles or merchandise made of gold, silver, or other precious metals or their alloys.
9. Art. 188, Act No. 3815 as amended - Law on substitution and alteration of trade-marks, trade names or service marks.
10. Art. 189, Act No. 3815 as amended - Law on unfair competition, fraudulent registration of trade mark, trade name or service mark, fraudulent designation of origin, and false description.
11. Act No. 3883 as amended - Law on business names
12. Act No. 3893 as amended - Law on bonded warehouses.

13. Act No. 3952 as amended - Law on bulk sales
14. R.A. No. 71 as amended - Law on price tags
15. R.A. No. 165 as amended - Law on patents
16. R.A. No. 166 as amended - Law on trade-
marks, trade names and service marks.
17. R.A. No. 623 as amended - Law on the use of
duly-stamped or marked containers for products.
18. R.A. No. 1180 as amended - Law on retail
trade nationalization.
19. Sec. 3, R.A. No. 1292 - Law requiring
importers of prime commodities to sell to
Filipino retailers at the same mark-up as
their sales through their present trade
channels at least 30% of their imports.
20. R.A. No. 3137 - Law on embroidery and
apparel.
21. R.A. No. 4109 - Law on product standards.
22. P.D. No. 94 as amended - Charter of the
Philippine Cement Industry Authority.
23. P.D. No. 165 as amended - Law Creating
the Philippine Shippers Council.
24. P.D. No. 218 as amended - Law on the estab-
lishment of regional headquarters of multi-
nationals.
25. P.D. No. 272 as amended - Charter of the
Iron and Steel Authority.
26. P.D. No. 279 - Charter of the Design Center
Philippines.
27. P.D. No. 488 as amended - Charter of the
then Ministry of Industry.
28. P.D. No. 721 - Charter of the then Ministry
of Trade.
29. P.D. No. 930 - Law on export procedure and
documentation.
30. P.D. No. 1167 - Law regulating the overseas
construction industry.

31. P.D. No. 1419 - Law on the establishment of regional warehouse of multi-nationals.
32. P.D. No. 1466 - Law on the utilization and services of Philippine flag vessels, in international trade.
33. P.D. No. 1572 - Law on accreditation of service and repair enterprises.
34. P.D. No. 1674 - Law on price stabilization of prime and essential commodities.
35. P.D. No. 1746 - Law creating the Construction Industry Authority of the Philippines (CIAP).
36. P.D. No. 1788 - Charter of the NACIDA.
37. P.D. No. 1820 - Law on International Gift-giving Program.
38. Ex. Or. No. 537 as amended - Charter of the Garments and Textile Export Board.
39. Ex. Or. No. 574 - Revised Charter of the then Ministry of Trade.
40. Ex. Or. No. 782 - Law on the importation of used trucks and engines.
41. Ex. Or. No. 843 - Law creating a Commission on Export Procedures.
42. LOI No. 444 - Law on trading with socialist and other centrally-planned economy countries.
43. LOI No. 1208 - Law on product qualification, product quality assurance and quality control schemes for electrical wires, materials, components and devices, as well as fire-fighting equipment, systems and devices.
44. LOI No. 1305 - Law on cement hoarding, price manipulation and profiteering.
45. LOI No. 1336 - Law requiring MTI (among other agencies) to ensure that all export proceeds are remitted.


46. LOI No. 1355 - Law modifying the International Gift-giving Program.
47. LOI No. 1359 - Law directing measures to prevent hoarding, profiteering and price manipulation of prime and essential commodities.
48. Arts. 1546-1547 of R.A. 386, as amended (the New Civil Code) - Law on Conditions and Warranties.
49. Arts. 1561-1564, 1566-1569 of R.A. 386, as amended (The New Civil Code) - Law on Warranty against Hidden Defects of, or Encumbrances upon the Thing Sold.
50. Batas Pambansa Bilang 8 - An Act Defining the Metric System and its Units, Providing for its Implementation and Other Purposes.

SECTION 2. This Department Administrative Order shall take effect 15 days following its publication in two (2) newspaper of general circulation.

Makati, Metro Manila, Nov. 28 1990.


JOSE S. CONCEPCION, JR.
Secretary

RECOMMENDED BY:


LUCIA A. AQUINO
Officer-In-Charge
Bureau of Trade Regulation &
Consumer Protection