



REPUBLIC OF THE PHILIPPINES
KAGAWARAN NG KALAKALAN AT INDUSTRIYA
(Department of Trade and Industry)
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DEPARTMENT ADMINISTRATIVE ORDER NO. 3
Series of 1993

SUBJECT: Amending Department Order No. 124,
Series of 1992

SECTION 1. Section 1 of D.O. 124 is hereby amended to read as follows:

"SECTION 1. Designation of Acting Consumer Arbitration Officers of DTI Provincial Offices. - (a) Pending the appointment of Consumer Arbitration Officers under Article 160 of the Consumer Act of the Philippines (R.A. 7394), the Provincial Directors and Officers-in-Charge/Caretakers of Provincial Offices are hereby designated as Acting Consumer Arbitration Officers.

(b) Whenever a Provincial Office needs additional Acting Consumer Arbitration Officers, it shall request its Regional Director to designate one or more officers/employees belonging to the requesting Provincial Office or to another Provincial Office as Acting Consumer Arbitration Officers of the requesting Provincial Office. The request should have sufficient justification/s. The Regional Directors are hereby authorized to grant said requests of the Provincial Offices within their respective region.

On a case-to-case basis, the Regional Director may designate the Regional Legal Officers as additional Acting Consumer Arbitration Officers of the Provincial Offices within his jurisdiction."

SEC. 2. Section 2 of D.O. 124 is hereby amended to read as follows:

"SEC. 2. Jurisdiction. - The Acting Consumer Arbitration Officers of the DTI Provincial Offices shall have original and exclusive jurisdiction to mediate, hear and decide consumer cases arising from violations of the "trade and industry provisions" of the Consumer Act, which violations were committed within their respective province or any of the essential ingredients of the violations/offenses took place within their respective province.

When the essential ingredients of said violation/offense take place in more than one province, the complainant may file the case with the Provincial Office concerned chosen by him.

SEC. 3. Section 3 is hereby amended to read as follows:

"SEC. 3. Designation of Acting Consumer Arbitration Officers in the National Capital Region. - The Legal Officers of the Office of Legal Affairs, in addition to their duties as Hearing Officers under E.O. 913, are hereby designated as Acting Consumer Arbitration Officers whose functions shall be to formally hear and decide consumer cases. The Mediation of said cases shall be conducted by the Acting Consumer Arbitration Officers of DTI-NCR. The Regional Director of DTI-NCR is hereby authorized to designate the Acting Consumer Arbitration Officers of DTI-NCR.

They shall have original and exclusive jurisdiction to -

- a. mediate, and decide if proper - (as regards Consumer Arbitration Officers of DTI-NCR); and
- b. Hear and decide - (as regards Consumer Arbitration Officers of OLA),

consumer cases arising from violations of the "trade and industry provisions" of the Consumer Act, which violations were committed within

Metro Manila or any of the essential ingredients of said violations/offenses took place in Metro Manila.

When the essential ingredients of said violation/offense take place in Metro Manila and a province/s, the complainant may file the case with DTI-NCR or the Provincial Office concerned chosen by him.

If the complainant desires that the Mediation of the case shall also be conducted by the Acting Consumer Arbitration Officers of OLA, he shall file the case with OLA and not with DTI-NCR, in which case the OLA Acting Arbitration Officer assigned shall mediate, hear and decide the case."

SEC. 4. The following Section is added in D.O. 124:

"SEC. 3-A. Assignment, transfer, and temporary handling of consumer cases. - The Heads of the Provincial Offices, DTI-NCR, and OLA shall assign the consumer cases to the Acting Consumer Arbitration Officers within their respective Office. When an Acting Consumer Arbitration Officer inhibits himself from handling the case, or is absent, sick, on travel, on leave, resigns, ceases to be an Acting Consumer Arbitration Officer, or for other analogous reasons, the said Head shall transfer the case to another Acting Consumer Arbitration Officer in his Office or direct him to handle said case temporarily, as the case may be, so that no consumer case in his (Head's) Office will be left unattended."

SEC. 5. The following Section is added in D.O. 124:

"SEC. 3-B. Changes in designations. - Changes in the designations provided in Sections 1 and 3 hereof may be made by the Secretary of Trade and Industry through a Department Order and same need not be published."

SEC. 6. Section 4 is hereby replaced with the following provisions:

"SEC. 4. DTI's actions on violations of the "trade and industry provisions" of the Consumer Act. - (a) The DTI may conduct non-formal investigation, inspection, verification, inquiry, surveillance, buy-bust operation, and the like for the purpose of enforcing/checking compliance with the "trade and industry provisions" of the Consumer Act and to gather prima facie evidence of violations of said provisions with a view to an administrative/criminal prosecution of the violator. These actions may be conducted even without any petition or letter-complaint from a consumer. The conduct of these actions shall be in accordance with DTI guidelines, policies and instructions now existing or which may hereinafter be issued by the Secretary of Trade and Industry.

(b) As regards the administrative adjudication of violations of the "trade and industry provisions" of the Consumer Act -

1. if the complainant is a "consumer" as this term is defined under the Consumer Act, the procedure and penalties provided in the Consumer Act and D.O. 124 as amended by this Department Order shall apply. This case shall be adjudicated by the Acting Consumer Arbitration Officer.

The following Sections of M.O. 69, S. 1983 are hereby adopted as part of the procedure for consumer cases, to be used to the extent applicable:

3	26	38
4	27	39
6	28	40
7	29	41
8	30	42 (c)
12	31	49
16	32	51
18	33	52
19	34 (b) & (c)	53
20	35	56
22	36	61
23	37	

The caption of all Formal Charges, summons, orders, notices, decisions, etc. shall contain the phrase "(Under R.A. 7394)" to prevent confusion as to the procedure being applied.

R.A. 7394 is hereby included as a trade and industry law under E.O. 913 and Ministry Order No. 69, both Series of 1983.


In the event that there is a prima facie violation of this law and there is no consumer complaint or the complainant is a juridical person or the complainant is anonymous, the concerned DTI office may institute a formal charge against the violator and the case shall be mediated and adjudicated in accordance with procedure and penalties provided in E.O. 913 and M.O. 69 as amended.

The caption of the formal charge, summons, orders, notices, etc. shall contain the phrase "Under E.O. 913".

SEC. 7. Sections 9 and 10 of D.O. 124 are hereby repealed.

SEC. 8. This Department Administrative Order shall take effect fifteen days after publication in two newspapers of general circulation or once in the Official Gazette (at the option of the Undersecretary for the Regional and Domestic Group).

Makati, Metro Manila, June 30, 1993.


RIZALINO S. NAVARRO
Secretary

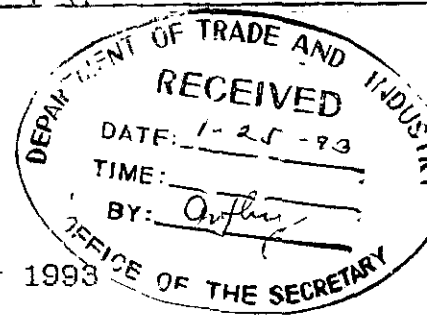
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BUREAU OF EXPORT TRADE PROMOTION



22 January 1993
ETFD/TIAG

MEMORANDUM for -

Secretary Rizalino S. Navarro

S U B J E C T : Proposed Department Administrative Order on the Handling of Export Trade-Related Complaints

Attached is the proposed guideline on the handling of export trade related complaints received by the Office which was formulated in coordination with DTI Office of Legal Affairs and the private sector.

Please note that we have duly noted the comments from your Office as specified in Items 3.2 and 3.4.

For your approval.

EDSEL T. CUSTODIO
Assistant Secretary

Encl.: a/s

ESF/fve

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