


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

'04 JUN 30 P2:39

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SENATE

S. No. 210


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Introduced by Senator S. R. Osmeña III

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## EXPLANATORY NOTE

The present administration has reaffirmed its commitment to a policy of economic liberalization. Salutary effects are still evident in industries such as shipping, airlines telecommunications, which benefited from liberalization measures undertaken during the Ramos administration in the early 1990's. The increased efficiency through competition in these sectors needs to be replicated in other sectors especially as we seek to open our economy to foreign investments and free trade.

This bill consolidates all anti-trust laws and establishes the Fair Trade Commission to promote competitive vigor in our economy. This bill defines absolute and relative monopolies and trusts, which in themselves constitute prima facie violations of the law, in order to facilitate its enforcement. The main enabling mechanisms are:

- a) recourse given to complaints initiated by private citizens who are aggrieved by abuses committed by companies exercising market power; and
- b) the authority vested in the Fair Trade Commission to initiate investigations, impose penalties for violations of the law, and to establish anti-trust mechanisms.

This bill will provide the unifying framework that will promote subsequent liberalization measures and ensure that domestic markets are accessible to all would-be entrants and participants and free from the stifling control of any single powerful monopoly.

In view of the foregoing, early passage of this bill is earnestly requested.

  
 SERGIO OSMEÑA III  
 Senator

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AN ACT  
CREATING THE FAIR TRADE COMMISSION, PRESCRIBING ITS POWERS  
AND FUNCTIONS IN REGULATING TRADE COMPETITION AND  
MONOPOLIES AND FOR OTHER PURPOSES

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

1 SECTION 1. **Title.** -- This Act shall be known as the "Fair Trade Act of  
2 2004".

3 SECTION 2. **Declaration of Policy.** – The efficiency of free market  
4 competition and free trade in the allocation of goods and services is a well-  
5 received premise in domestic and international economies. The state finds  
6 that the measures undertaken to liberalize the key sectors of the economy  
7 need to be reinforced by mechanisms that will ensure competitive conditions as  
8 far as practicable. The state also finds that the development of the  
9 entrepreneurial spirit among the people is well served by measures that  
10 ensure equal opportunities for all, encouraging private investments,  
11 facilitating technology development and transfer, and enhancing resource  
12 productivity. Free competition also serves the best interest of the consumer by  
13 empowering him with the exercise of his right of choice over goods and  
14 services offered for sale in the market. It is therefore the declared policy of the  
15 State to promote the process of competition and free market participation through

1 the prevention and elimination of monopolies, monopolistic practices and other  
2 restraints on the efficient operation of markets for goods and services.

3 For this purpose, the State recognizes the need to consolidate the laws  
4 governing trade, competition, monopolies and free market participation and to  
5 establish the body that will enforce the law and regulate the conduct of  
6 competition in the economy.

7 SECTION 3. **Coverage** --- All economic agents shall be subject to the  
8 provisions of this Act, whether they are individuals or corporations, agencies or  
9 entities of the national or local governments, associations, professional groups,  
10 trusts, or any form of participation in business activities.

11 Agencies and bodies responsible for the regulation of strategic sectors do  
12 not constitute monopolies. However, the same bodies and agencies shall be  
13 subject to the provisions of this Act in regard to acts which are not specifically  
14 included within strategic sectors.

15 SECTION 4. **Price Regulation by the State** -- In order to fix maximum  
16 prices of products and services that are essential for the domestic economy or  
17 mass consumption, the following shall apply:

18 (a) The President through the Department of Trade and Industry shall be  
19 exclusively responsible for determining through a decree what goods  
20 and services may be subject to maximum prices;

21 (b) The Department may arrange and coordinate with producers and  
22 distributors the necessary actions in this connection, without such  
23 procedure being interpreted as a violation of this law, and it shall try to  
24 minimize their effects on competition and free market participation.

25 (c) The Bureau of Trade Regulation and Consumer Protection, under the  
26 supervision of the Department shall be responsible for the inspection,  
27 surveillance and penalization in respect to the maximum prices

1 determined pursuant to this Section, in accordance with the Consumer  
2 Protection Act.

3 SECTION 5. **Monopolies** – Monopolies and cartels are prohibited, as  
4 are practices which pursuant to this law diminish, impair or prevent competition  
5 and free participation in the production, processing distribution and marketing of  
6 goods and services.

7 SECTION 6. **Definition of Absolute Monopoly** -- Absolute monopolistic  
8 practices are contracts, agreements, arrangements or cartels of economic agents  
9 competing among themselves, whose aim or effect is any of the following:

10 (a) To lower, raise, fix or manipulate the sale or purchase price of goods  
11 or services at which they are supplied or demanded on the market, or  
12 the exchange of information which has the same purpose or effect;

13 (b) To establish an obligation not to produce, process, distribute or market  
14 but a restricted or limited amount of goods or a restricted or limited  
15 type, volume or frequency of service;

16 (c) To divide, distribute, assign or impose portions or segments of a  
17 present or potential market of goods and services, on the basis of  
18 certain customers, suppliers, time or space of those to be determined;  
19 or

20 (d) To establish, rig or coordinate bids or to abstain from submitting  
21 proposals in tender competitions or bidding in public auctions.

22 The acts referred to in this Section shall have no legal force and the  
23 economic agents which engage in them shall be subject to penalties established  
24 by this law, regardless of any criminal liability that may ensue.

25 SECTION 7. **Definition of Relative Monopoly** -- Relative monopolistic  
26 practices are considered to be those acts, contracts, agreements or cartels  
27 whose purpose or effect is or could be to wrongfully displace other agents from the

1 market, substantially impede their access thereto or to establish exclusive  
2 advantages in favor of one or several entities in the following cases:

3 (a) between economic agents that do not compete with one another, the  
4 fixing, imposition or establishment of exclusive distribution of goods or  
5 services, by reason of a certain entity, geographic location or period of  
6 time, including the division, distribution or assignment of customers or  
7 suppliers; as well as the imposition of the obligation to not manufacture  
8 or distribute goods or render services for a certain period of time or a  
9 period of time subject to determination;

10 (b) the imposition of a price or other conditions which a distributor or supplier  
11 must comply with when selling or distributing goods or offering services;

12 (c) the sale or transaction contingent on the purchase, acquisition, sale or  
13 supply of another additional normally different or distinguishable  
14 product or service, or on the basis of reciprocity;

15 (d) the sale or transaction contingent on not using or acquiring, selling or  
16 providing the goods or services produced, processed, distributed or  
17 marketed by a third party;

18 (e) a unilateral action consisting of refusing to sell or supply certain  
19 agents with available goods or services, normally offered to third  
20 parties;

21 (f) the agreement between several economic agents or an invitation  
22 extended to them to exert pressure on a certain customer or supplier,  
23 for the purpose of dissuading it from a certain practice, to retaliate or  
24 force it to act in a certain manner; or

25 (g) any act in general that unduly impairs or impedes the process of  
26 competition and free participation in the production, processing,  
27 distribution and marketing of goods and services.

1 SECTION 8. **Presumptions of Violations of this Act** -- In order to  
2 constitute the practices referred to in the preceding Section, as prima facie  
3 violations of this Act, it must be proven:

4 (a) that the presumed responsible party has substantial power over the  
5 relevant market; and

6 (b) that they are carried out in connection with goods or services pertaining  
7 to the relevant market in question.

8 SECTION 9. **Relevant Market** - In order to determine the relevant  
9 market, the following criteria must be taken into account:

10 (a) the possibilities of substituting the goods or services in question, with  
11 others of domestic or foreign origin, bearing in mind the technological  
12 possibilities, the extent to which substitutes are available to consumers  
13 and the time required for such substitution;

14 (b) the cost of distribution of the product itself, its raw materials; its  
15 supplements and substitutes from other areas and from abroad, taking  
16 into consideration freight, insurance, import duties and non-tariff  
17 restrictions, the restrictions imposed by economic agents or by their  
18 associations and the time required to supply the market from those areas;

19 (c) the cost and probability of users or consumers seeking other markets;  
20 and

21 (d) national, local or international restrictions which limit access by users  
22 or consumers to alternate sources of supply or the access of suppliers to  
23 alternate consumers.

24 SECTION 10. **Determination of Substantial Power** -- In order to  
25 determine whether a business entity has substantial market power on the relevant  
26 market, the following must be taken into consideration:

- 1 (a) its share of said market and whether it is able to fix prices unilaterally  
2 or to restrict supply on the relevant market without the competing  
3 agents being able, at present or potentially, to offset such power;
- 4 (b) the existence of barriers to entry and the elements which could  
5 foreseeably alter both said barriers and the supply from other  
6 competitors;
- 7 (c) the existence and power of its competitors
- 8 (d) the possibility of access by the business entity and its competitors to  
9 sources of input
- 10 (e) its recent conducts; and
- 11 (f) other criteria established by the regulations of this Act.

12 SECTION 11. **Investigations** -- The Commission may investigate ex-officio  
13 or at the request of the interested party, whether act referred to in the preceding  
14 Section are present, and as the case may be, declare their existence. Notice of  
15 said declaration shall be given to the appropriate parties. The aggrieved party  
16 may file an appeal with the Department of Trade and Industry.

17 SECTION 12. **Exemptions** --- The following do not constitute monopolies  
18 punishable under this Act:

- 19 (a) Associations of workers formed in accordance with the relevant  
20 legislation to protect their interests.
- 21 (b) Privileges granted to authors and artists for the production of their  
22 works for a certain period of time and those granted for the exclusive  
23 use of their inventions to inventors and persons engaged in the  
24 perfecting of an improvement
- 25 (c) Associations or cooperatives which sell their products directly abroad,  
26 provided that: i) said products are the principal source of wealth of the  
27 region in which they are produced, or are not essential products; ii)  
28 they are neither sold nor distributed in the Philippines; and iii)

1 membership is voluntary and members are free to join or resign; and  
2 iv) In each case their incorporation is authorized by the existing laws  
3 corresponding to their corporate domicile;

4 (d) Monopolies authorized by law

5 SECTION 13. **Trusts** --- For purposes of this law, a trust shall be  
6 understood to mean a merger, acquisition of control or any act whereby  
7 companies, partnerships, shares, equity, trusts or assets in general are  
8 concentrated among competitors, suppliers, customers or any other business  
9 entity. The Commission shall challenge and penalize those trusts whose purpose  
10 or effect is to diminish, impair or impede competition and free market participation  
11 in regard to equal, similar or substantially related goods or services.

12 SECTION 14. **Grounds for Prima Facie Case** --- When investigating  
13 trusts, the Commission must interpret as evidence of a situation referred to in the  
14 preceding section, when the act or attempt:

15 (a) bestows or may bestow on the merging party, the acquirer or the  
16 business entity resulting from the trust, the power to fix prices  
17 unilaterally or substantially restrict the stock or supply on the relevant  
18 market, without the competing economic agents being able, at present  
19 or potentially to offset said power;

20 (b) intends or may intend to wrongfully displace other economic agents or  
21 to prevent their access to the relevant market; and

22 (c) intends or has the effect of substantially facilitating the participants in  
23 said act or attempt to engage in monopolistic practices referred to in  
24 SECTION 6 hereof.

25 SECTION 15. **Evaluation of a Trust** --- In order to determine whether a  
26 trust should be opposed or penalized pursuant to this Act, the Commission must  
27 take the following factors into consideration:

28 (a) the relevant market, in accordance with SECTION 9 hereof;



1 (b) the identification of the economic agents that supply the market in  
2 question, an analysis of their market power on the relevant market, in  
3 accordance with SECTION 10 hereof and the degree of concentration  
4 in said market; and

5 (c) other criteria or instruments of analysis contained in the regulations of  
6 this Act.

7 SECTION 16. **Intervention by the Commission** --- If, as a result of the  
8 investigation and review of the procedure established herein, it becomes clear  
9 that the trust constitutes an act contemplated in this chapter, in addition to  
10 imposing the appropriate legal measures or penalties, the Commission may:

11 (a) make such act contingent upon compliance with the conditions  
12 established by the Commission

13 (b) order a partial or total breaking up of the trust which has been  
14 wrongfully created, the end to the control or the elimination of the act,  
15 as required.

16 SECTION 17. **Notification requirements** --- The Commission must be  
17 apprised of the following trusts before they are formed:

18 (a) If the value of a single transaction or a series of transactions amounts  
19 to over twelve million (12,000,000) times the minimum daily wage  
20 prevailing in Metro Manila;

21 (b) If a single transaction or a series of transactions implies an  
22 accumulation of thirty-five percent (35%) or more of the assets or  
23 shares of an economic agent, whose assets or sales amount to more  
24 than twelve million (12,000,000) times the minimum daily wage  
25 prevailing in Metro Manila; or

26 (c) If two or more economic agents take part in the transaction and their  
27 assets or annual volume of sales, jointly or separately total more than  
28 forty-eight million (48,000,000) times the minimum daily wage prevailing

1 in the region, and said transaction implies an additional accumulation  
2 of assets or capital stock in excess of four million eight hundred  
3 thousand (4,800,000) times the minimum daily wage prevailing in Metro  
4 Manila.

5 In order to register the acts which in accordance with their nature  
6 should be listed with the Registrar of Deeds, the economic agents referred  
7 to in subsection (a) through (b) must establish that they have received a  
8 favorable ruling from the Commission or that they have given the notice  
9 referred to in this Section, without the Commission having issued a  
10 decision within the time limit stipulated in the following Section.

11 SECTION 18. **Notification Procedures** --- For purposes of the preceding  
12 Section, the following shall apply:

13 (a) The notice shall be given in writing, together with a draft of the legal act in  
14 question, which shall include the names or corporate names of the  
15 economic agents involved, their financial statements for the latest fiscal  
16 year, their market share and other details, to permit an evaluation of the  
17 intended transaction.

18 (b) The Commission may request additional information or documents within  
19 twenty (20) calendar days following the reception of the notice. This  
20 information must be submitted by the interested parties within fifteen  
21 (15) calendar days. This time limit may be extended in duly justified  
22 cases;

23 (c) The Commission shall have forty-five (45) calendar days following the  
24 reception of the notice or of the additional documents requested, as the  
25 case may be in order to issue a decision. Once said time limit has  
26 expired and no decision has been handed down, it shall be understood  
27 that the Commission has no objections whatsoever;

1 (d) In exceptionally complex cases, the Chairman of the Commission  
2 may, on his own responsibility extend the time limit referred to in  
3 Subsections (b) and (c) for up to another sixty (60) calendar days;

4 (e) The decision of the Commission must be duly justified and explained;  
5 and

6 (f) A favorable decision shall not prejudice the execution of other  
7 monopolistic practices prohibited by this Act; therefore it does not relieve  
8 the economic agents involved from other responsibilities.

9 SECTION 19. **Non-contestable Acts** --- The following may not be  
10 challenged under this Act:

11 (a) Trusts that have received a favorable ruling, except when such ruling  
12 was obtained on the basis of false information; and

13 (b) In case of trusts that do not require prior notification, a year after their  
14 establishment.

15 SECTION 20. **Creation of The Fair Trade Commission** - The Fair  
16 Trade Commission is hereby created as an administrative body of the  
17 Department of Trade and Industry. It shall be technically and operationally  
18 autonomous and its responsibilities shall include the prevention, investigation and  
19 combating of monopolies, monopolistic practices and trusts under the terms of  
20 this Act. It shall be free to issue its own decisions.

21 SECTION 21. **Powers of the Commission** --- The Commission shall  
22 have the following powers:

23 (a) to investigate the existence of monopolies, cartels, practices or trusts  
24 prohibited by this Act, to which end it may require individuals and other  
25 economic agents to provide the relevant information or documents;

26 (b) to establish mechanisms of coordination to combat and prevent  
27 monopolies, cartels trusts and illicit practices;

- 1 (c) to solve cases within its area of responsibility and to impose  
2 administrative penalties for the infringement of this Act and to report to  
3 the Solicitor General criminal practices in matters of competition and  
4 free market participation;
- 5 (d) To issue opinions concerning adjustments in programs and policies of  
6 the Executive Branch whose effects may be damaging to competition  
7 and free market participation;
- 8 (e) To issue opinions when requested by the President, through the  
9 Secretary of the Department of Trade and Industry in regard to the  
10 suitability of proposed laws and regulations in connection with aspects  
11 of competition and free market competition;
- 12 (f) To issue opinions, when it considers pertinent, on the subject of  
13 competition and free market participation, in regard to laws, regulations,  
14 agreements, circulars and administrative acts, without such opinions  
15 having any legal effect and without the Commission being under any  
16 obligation to issue an opinion;
- 17 (g) To prepare and enforce internally organization and procedure manuals;
- 18 (h) To participate with the appropriate bodies in the execution of  
19 international treaties, agreements or pacts in connection with regulations  
20 or policies involving competition and free market participation, of which  
21 the Republic of the Philippines is or intends to be a party;
- 22 (i) To deputize any law enforcement agency and instrumentality of the  
23 government for assistance in the implementation and enforcement of its  
24 functions and orders;
- 25 (j) To enlist the assistance or services of the Department of Justice of  
26 the Office of the Solicitor General; and
- 27 (k) Such other powers vested in it by this and other laws and regulations.

1           SECTION 22. **Members of the Commission** --- The Commission shall  
2 consist of five members, including its Chairman. It shall conduct its debates as  
3 a body and its decisions shall be reached by a majority vote with the Chairman  
4 casting the deciding ballot in the event of a tie.

5           The commissioners shall be appointed by the President to serve in their  
6 capacities for renewable periods of six (6) years and they may only be removed  
7 from office for duly justified serious reasons; Provided That, In no case shall any  
8 person be a member of the Commission for more than two (2) terms. They  
9 must meet the following requirements:

10           (a) They must be Filipino citizens, professionally qualified in matters related  
11           to the purposes of this Act, over thirty-five (35) and under seventy-two  
12           (72) years of age;

13           (b) They must have distinguished themselves professionally in public or  
14           academic service substantially related to the purposes of this Act.

15           The commissioners must refrain from engaging in any other employment, work  
16 or public or private activity, except in a teaching capacity. Furthermore, they shall  
17 be disqualified from deciding matters in which they may have a direct or indirect  
18 interest, in terms of the regulations.

19           The Commission shall have the necessary staff to expedite matters  
20 efficiently, in accordance with the authorized budget.

21           SECTION 23. **The Chairman of the Commission** --- The Chairman of  
22 the Commission shall be appointed by the President and he shall have the  
23 following powers:

24           (a) To coordinate the work of the Commission;

25           (b) To implement, enforce and supervise the established relevant internal  
26           policies;

1 (c) To issue and publish an annual report concerning the performance of  
2 the functions of the Commission, including the results of its actions in  
3 connection with competition and free market participation;

4 (d) To request from any authority in the Philippines or abroad information  
5 it may require in order to investigate possible infringements of this Act;

6 (e) To act as a representative of the Commission; to designate and  
7 remove personnel; to create the necessary technical units in accordance  
8 with the budget, as well as to delegate powers; and

9 (f) Such other powers as are vested in him by the laws and regulations.

10 SECTION 24. **Executive Secretary** --- The Commission shall have an  
11 Executive Secretary appointed by the Chairman of the Commission, who shall be  
12 responsible for operational and administrative coordination. The Executive  
13 Secretary will certify the act in which he shall take part.

14 SECTION 25. **Initiating Proceedings** --- Proceedings before the  
15 Commission shall be initiated ex-officio or at the request of the interested parties.

16 SECTION 26. **Power to issue subpoenas** --- When exercising its  
17 powers, the Commission may issue *subpoena duces tecum* to request the  
18 necessary information or documents in order to carry out its investigations, as  
19 well as *subpoena ad testificandum* to summon whoever may be involved in the  
20 cases in question. Failure to comply with any of the above, or any misconduct  
21 in the presence of the Commission or any of its Divisions in its vicinity as to  
22 seriously interrupt any hearing, session or proceedings before it, will be  
23 punishable for contempt by a fine not exceeding Five Thousand pesos (P5,000)  
24 or by imprisonment not exceeding thirty (30) days or both.

25 The information and documents obtained directly by the Commission in  
26 connection with its investigations, as well as those submitted to it shall be held in  
27 strictest confidence. Public servants shall be held responsible in case of any

1 disclosure of said information, except when responding to an order of the  
2 appropriate authority.

3 SECTION 27. **Complainants** --- In case of absolute monopolistic  
4 practices, anyone, or the affected parties in the case of other practices or trusts  
5 prohibited by this Act, may submit a written denunciation against the alleged  
6 guilty party before the Commission, indicating the nature of such practice or trust.

7 In case of relative monopolistic practices or trust, the complaint must  
8 include the elements which constitute the practices or trusts and, as the case may  
9 be, the factors that show that the complainant has sustained or may sustain  
10 substantial damage or loss.

11 SECTION 28. **Proceedings** -- Proceedings before the Commission shall  
12 be carried out as follows:

13 (a) the presumed guilty party shall be served summons, in which it shall be  
14 informed of the nature of the investigation, and if applicable, a copy of  
15 the accusation shall be included;

16 (b) the party so summoned shall have thirty (30) calendar days to submit  
17 arguments in its defense and to attach documentary evidence in its  
18 possession and to offer evidence worth reviewing;

19 (c) Once the evidence has been reviewed, the Commission shall set a  
20 time limit not exceeding thirty (30) calendar days for the submission of  
21 a plea either verbally or in writing; and

22 (d) Once the file has been completed, the Commission must hand down  
23 a decision within not more than sixty (60) calendar days.

24 Any matter not covered herein shall be governed by the regulations of this  
25 Act.

26 SECTION 29. **Legal Sanctions** --- In order to carry out its functions  
27 efficiently, the Commission may impose the following legal measures:

28 (a) admonition;

1 (b) A fine of up to the amount of One Thousand Five Hundred (1,500)  
2 times the minimum daily wage prevailing in Metro Manila, which amount  
3 may be imposed for each day of noncompliance with the order of the  
4 Commission;

5 SECTION 30. **Penalties** -- The Commission may impose the following  
6 penalties:

7 (a) It may order the suspension, correction or elimination of the practice or  
8 trust in question;

9 (b) It may order a partial or total breaking up of what wrongfully forms the  
10 trusts, regardless of any fine that may be applicable in such case;

11 (c) A fine up to seven thousand five hundred (7,500) times the minimum  
12 daily wage prevailing in Metro Manila, for having made false statements  
13 or for having submitted false information to the Commission, regardless  
14 of any criminal liability to which the guilty party may be subject;

15 (d) A fine of up to three hundred seventy five thousand (375,000) times  
16 the prevailing minimum daily wage for having engaged in an absolute  
17 monopolistic practice;

18 (e) A fine of up to two hundred twenty-five thousand (225,000) times the  
19 prevailing minimum daily wage for having engaged in any relative  
20 monopolistic practice, and of up to one hundred thousand (100,000)  
21 times the prevailing minimum daily wage in connection with the  
22 provisions contained in Section 7, hereof;

23 (f) A fine of up to two hundred twenty-five thousand (225,000) times the  
24 prevailing minimum daily wage for taking part in any trust prohibited by  
25 this Act, and a fine of up to one hundred thousand (100,000) times the  
26 prevailing minimum daily wage for failing to notify the Commission of the  
27 trust as mandated by the law; and



1 (g) A fine of up to seven thousand five hundred (7,500) times the  
2 prevailing minimum daily wage shall be imposed on individuals who  
3 engage directly in monopolistic practices or prohibited trusts on behalf or  
4 in representation and by order of corporations.

5 (h) In case of a repeated offense, an additional fine of up to double the  
6 initial amount may be imposed.

7 When imposing fines, the Commission must take into account the seriousness of  
8 the violation, the damage cause, the degree of intention, the violator's market  
9 share, the size of the market affected, the duration of the practice or trust and  
10 the violator's relapse or antecedents, as well as its financial capacity.

11 SECTION 31. **Special Cases** -- In case of infringements referred to in  
12 Section 30 Subparagraph (d) and (e), which in the opinion of the Commission  
13 are particularly serious, the Commission may impose, instead of the fines  
14 stipulated therein, a fine of up to ten percent (10%) of the annual sales obtained  
15 by the violator during the previous fiscal year, or of up to ten percent (10%) of the  
16 value of the violator's assets, whichever is higher.

17 SECTION 32. **Legal claims** -- The economic agents that have  
18 demonstrated during the proceedings that they have sustained damage and loss  
19 as a result of the monopolistic practice or illicit trust, may file a legal claim to  
20 obtain compensation of the damage and loss. In such case, the legal body may  
21 take into consideration the damage and loss as estimated by the Commission.

22 No legal administrative action based on this Act shall be in order unless it  
23 has been established therein.

24 SECTION 33. **Appeal for Review** -- Pursuant to this Act, an appeal for  
25 a reversal may be filed with the Department of Trade and Industry, in  
26 connection with decisions handed down by the Commission, within fifteen (15)  
27 working days following the date of notification of said decisions.

1 The appeal shall be filed in a document addressed to the Secretary of the  
2 Department of Trade and Industry, showing the name and address of the  
3 appellant and the offense. It must include evidence considered necessary, as  
4 well as proof of the legal status of the petitioner.

5 The filing of the appeal shall suspend the enforcement of the contested  
6 decision. In case of a suspension of penalties referred to in Paragraphs (a) and  
7 (b) of Section 30, and where third parties may sustain damage or loss, the  
8 appeal shall be admitted if the petitioner provides sufficient guarantees to restore  
9 the damage and to compensate the losses, if it does not receive a favorable  
10 ruling.

11 SECTION 34. **Effect on Existing Law and Repealing Clause.** -- The rights  
12 and remedies provided by this Act shall be in addition to any and all rights and  
13 remedies that may now exist, but no person permitted to maintain a suit for damages  
14 under the provisions of this Act shall recover, through satisfaction of judgment in one  
15 or more actions, a total amount in excess of his actual damages on account of the  
16 act complained of.

17 All laws, Acts, parts of Acts, Rules of Court, Executive Orders, and  
18 administrative regulations which are inconsistent with this Act are hereby repealed.

19 SECTION 35. **Separability.** - If any provision of this Act shall be held invalid,  
20 the remainder of the Act shall not be affected thereby.

21 SECTION 36. **Effectivity Clause.** - This Act shall take effect fifteen (15) days  
22 from the date of its publication in at least two (2) newspapers of general publication in  
23 the Philippines.

24 Approved,