

Rule 12. TECHNICAL FILE

12.1. The importer/manufacture and CABs shall maintain a technical file (hard and/or soft copy) for each of the products under this technical regulation, for no less than three (3) years. It shall contain the following:

12.1.1 PS License, and/or Import Commodity Clearance Certification/ SOC;

12.1.2 Copy of the test report/s;

12.1.3 Photographs of the actual cement packed in 40 kg bag; and,

12.2. The importer or manufacturer shall furnish all distributors/retailers with a certified true copy of the Statement of Confirmation and/or PS License, which shall be made available for verification/validation by consumers and authorized DTI personnel.

Rule 13. PRODUCT IDENTIFICATION AND TRACEABILITY

To establish identification and traceability of the products, importers/ manufacturers are required to declare and submit to BPS the following:

13.1. List of batch/serial numbers;

13.2. Production lot/batch code of each individual product of the lot/batch being imported/manufactured, duly certified by the manufacturers of the product overseas;

Rule 14. PRODUCT CERTIFICATION MARK

All products under technical regulation shall bear the Product Certification Mark before it can be supplied, distributed or sold in the Philippine market.

14.1. PS License holders and importers shall be responsible for ensuring that their products are affixed with the Certification Mark before they are supplied, distributed or sold in the market.

14.2. The Certification Mark shall be affixed on the cement bag, sling bag or jumbo bag, whichever is applicable.

14.3. The design of the Product Certification Mark shall be prescribed by the BPS.

14.4. BPS reserves the right to change the format, text or any identifying marks of the certification instrument, at any given time, without prior notice to the public to protect the integrity of its product certification marks/certificate from forgery and any other criminal acts.

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Rule 15. TERMS AND CONDITIONS OF THE PS LICENSE

The PS License holders and importers shall abide by the following terms and conditions:

- 15.1. Consistently abide by R.A. No. 4109, E.O. No. 133: 1987, E.O. No. 913: 1983 and R.A. No. 7394 and their implementing rules and regulations, and orders which the BPS issues in pursuance with its authority under the law.
- 15.2. Ensure that the certified product conforms at all times to a specific standard and its implementing rules and regulations.
- 15.3. Warrant that it has the authority to use the brand name, trade name and trademarks indicated in the application form.
- 15.4. Liable for any damages that its product might cause to their consumers.
- 15.5. The Product Certification Mark shall not be affixed on any products not certified by BPS.
- 15.6. Establish and maintain systems of product recall and of addressing complaints filed by its clients or customers concerning its certified products, and shall maintain records thereof.
- 15.7. Give duly-authorized representatives of the BPS or DTI Regional/Provincial Offices or, in the case of foreign companies, by BPS or BPS recognized CABs, access to the premises where the certified product is manufactured/assembled/stored; to relevant equipment, records, personnel and subcontractors for purposes of investigating complaints or evaluating consistency of compliance with the requirements of this technical regulation;
- 15.8. Submit itself to surveillance activities to ensure consistent compliance with the BPS requirements of the Product Certification Scheme.
- 15.9. In case of subcontracts, shall assume full responsibility for its sub-assemblies', semi-finished and finished products' conformance to the specific requirements.
- 15.10. Maintain a record of all complaints made known to it, relating to compliance with certification requirements and make these records available to the certification body when requested; take appropriate action with respect to such complaints and any deficiencies found affecting such product's conformance to the requirements for certification; and, document the action taken, subject to verification by the certification body.
- 15.11. Inform BPS in writing of any changes that might affect its ability to comply with BPS product certification requirements within fifteen (15) days from date the change is made, such as, but not limited to change in management, business name, and/or transfer of plant site. If the change involves addition of brand name and modification in the product's designs or specifications, BPS shall be notified to facilitate the conduct of appropriate product certification activity.
- 15.12. In case of transfer of plant site, the validity of the PS License shall be deemed suspended until or after satisfactory result of factory and product audit at the new site by BPS, DTI ROs/POs, or BPS recognized auditing bodies.

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- 15.13. Pay the applicable fees and other charges as billed or stipulated by BPS, its duly recognized inspection and/or certification bodies.
- 15.14. The PS License and Statement of Confirmation are non-transferable.
- 15.15. Any incorrect references to the certification scheme; misleading use of PS licenses, Statement of Confirmation, marks or any other mechanisms indicating that a product is certified found in documentation or publicity materials or any breach hereof, shall be a ground for the issuance of Show Cause Order.
- 15.16. Traders or retailers in possession of covered products whose PS Licenses have expired or have been suspended, recalled, withdrawn, revoked or cancelled shall be notified in writing of such suspension, recall, withdrawal, revocation or cancellation.
- 15.17. Upon suspension, recall, withdrawal, cancellation or revocation of the PS License, the holder shall discontinue the manufacture and/or use of covered products including advertising materials relevant thereto and shall take action as may be required by the BPS.

Any infractions of the foregoing shall be a ground for the suspension, withdrawal or cancellation of the license and/or certificate.

Rule 16. REQUIREMENTS IN CASE OF NON-CONFORMANCE

For covered products that do not conform to the requirements of BPS rules and regulations/guidelines, the following shall apply:

- 16.1.A Show Cause Order shall be issued by BPS or DTI-ROs/POs giving the PS License holder or the importer opportunity to show cause why its surety bond shall not be forfeited in favor of DTI and/or why a formal charge shall not be filed.
- 16.2. A notice warning the public that such product is not compliant with the safety and/or quality requirements shall be issued and published by the manufacturer and/or importer;
- 16.3. An Order directing the owner/manager of the individual or company concerned who is in possession of non-conforming products to undertake the following:
 - 16.3.1 Cease or refrain from further supplying, distributing and selling such product in the Philippine market; and
 - 16.3.2 Issue, publish and implement a product recall in accordance with the provisions hereof, to account for the products that are already in circulation. The product recall shall specify the basis or ground therefor. The manufacturer/importer/distributor shall keep BPS informed in writing on the progress of the recall.

Rule 17. PROCEDURES AND REQUIREMENTS FOR PRODUCT RECALL

After the product is declared by the BPS to be non-conforming, a product recall shall be implemented by the manufacturer and/or importer in accordance with the following:

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- 17.1. The recall order shall be published in a newspaper of general circulation for at least two (2) consecutive Saturdays/Sundays;
- 17.2. The layout, content, font and size of the recall order shall be prescribed by the BPS;
- 17.3. The recall period shall be for a minimum of thirty (30) days from date of the second publication;
- 17.4. Proof of publication of the recall orders shall be submitted to the BPS or the DTI Regional/Provincial Office;
- 17.5. Inventory of the recalled products shall be submitted to BPS or DTI Regional/Provincial Office;

Rule 18. FILING OF PRODUCT CERTIFICATION APPLICATION

All product certification application shall be filed with the BPS or the nearest DTI RO/PO. If filed with DTI RO/PO, it shall conduct initial evaluation of the application together with supporting documents, and may recommend action on the application.

Certificate of Conditional Release shall be issued by the BPS or the DTI RO/PO where the application is filed. BPS shall approve and issue the PS License or Statement of Confirmation.

Rule 19. SUSPENSION, WITHDRAWAL, AND CANCELLATION OF PS LICENSE

19.1. A duly issued PS License may be suspended, recalled, withdrawn, cancelled or revoked based on any of the following grounds:

- 19.1.1 That the product bearing the PS Mark failed to conform to the requirements of a specific standard;
- 19.1.2 That licensee failed to comply with monitoring, surveillance or enforcement notices/directives/orders;
- 19.1.3 That the licensee failed to comply with the terms and conditions of the license;
- 19.1.4 That the licensee made false statements or alterations in connection with its application for or maintenance of the license;
- 19.1.5 That the licensee violated any of the provisions of this Order;
- 19.1.6 That an Order of Execution vis-a-vis a decision finding the licensee liable for violation of a trade and industry law/s or rules and regulations directing BPS to suspend/cancel or revoke the PS License issued in favor of said licensee;

19.2. If there is a final finding that a product does not conform to the specified technical requirements, the license shall, upon mere notice be immediately suspended, withdrawn, recalled, cancelled or revoked.

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19.3. Notwithstanding the preceding provisions, the Director may direct that a Formal Charge be filed against the party concerned pursuant to E.O. 913 Series of 1983, DAO No. 7, Series of 2006 and DAO No. 2, Series of 2007.

Rule 20. COMPLAINTS/APEAL HANDLING PROCESS

20.1. BPS shall implement a system of handling complaints/appeals related to the product certification process.

20.2. Appeal against the action or decision of a BPS personnel/chief/director relative to an Application for PS License may only be made based on the following:

20.2.1 If the application for PS License is denied, the applicant may file a motion for reconsideration with the BPS within ten (10) working days from receipt of the letter of denial.

20.2.2 If the PS License is suspended, recalled, withdrawn, cancelled, or revoked, a motion for reconsideration may be filed only once with the BPS by the applicant within ten (10) working days from receipt of the notice.

20.3. If the BPS Bureau Director or his duly authorized representative sustains his/her decision, an appeal may be filed with the DTI Secretary within fifteen (15) days from receipt of the letter of denial. The appeal shall be based solely on grounds of grave abuse of discretion amounting to lack or excess of jurisdiction committed by the official who rendered the decision.

20.4. The filing of a Motion for Reconsideration shall suspend the period within which to file an appeal.

Rule 21. PROHIBITED ACTS

21.1. Use of the Product Certification Mark in any misleading manner.

21.2. Sale, offer for sale using over the counter or on-line mode or any form of advertisement of any cement products not complying with the particular technical regulation or corresponding standards.

21.3. Non-compliance, neglect or resistance to effect the product recall as directed by BPS.

21.4. Misrepresentations, misleading or unauthorized statements and/or claims made in the application, letters/replies/forms in relation to product certification. Such include unauthorized reproduction of product certification documents, or any part thereof.

21.5. Non-compliance or failure to comply with the provisions hereof.

Rule 22. PENALTIES OR SANCTIONS

The following shall be imposed upon any Manufacturer, Importer, Foreign Testing Laboratory/ Facility, or any other person or entity found in violation of any provision hereof after due process, as may be appropriate:

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