

- 22.1. Administrative fine as per existing DTI Rules and Regulations/Department Administrative Orders and E.O. 913.
- 22.2. Cancellation or revocation of PS License pursuant to a final and executory decision rendered by an administrative agency or the regular courts.
- 22.3. Watch-listing and/or blacklisting of importers/manufacturers.
- 22.4. In any case of failure in product testing for post shipment verification or surveillance:
- 22.4.1 The manufacturer or importer concerned shall, in addition to the penalties provided herein including but not limited to product recall and/or forfeiture of surety bond, lose the option for pre-shipment testing in all subsequent shipment or importation which henceforth shall undergo post shipment testing by accredited Philippine testing facilities.
- 22.4.2 The foreign testing laboratory or facility concerned shall lose the recognition by BPS to conduct pre shipment testing.
- 22.5. Any other sanctions or penalties as provided under existing DTI rules and regulations.

Rule 23. ISSUANCE OF GUIDELINES/PROCEDURES

BPS may issue such guidelines/procedures as may be necessary in the implementation of this Order.

Rule 24. FEES, CHARGES, BOND REQUIREMENT AND OTHER EXPENSES

Fees and charges to be paid by the applicant in accordance with Annex A shall be as follows:

- 24.1. Application Fee;
- 24.2. Audit/inspection fees;
- 24.3. Transportation/travelling expenses, and board & lodging costs of auditor/s and inspector/s during audit/inspection, subject to existing rules and regulations or third party provision;
- 24.4. Processing Fee of Statement of Confirmation on imported products (non-refundable, payable upon filing of the application on per product, per shipment, per Bill of Lading/Airway Bill basis, assessed by the BPS based on the amount declared in the Invoice);
- 24.5. PS License fee for manufactured products;
- 24.6. For imported cement, a Surety Bond shall be posted on a per shipment basis equivalent to Ten percent (10%) of the declared value or dutiable value of the imported product in Philippine Peso, whichever is higher to guarantee that the applicant shall perform its duties and obligations stated herein.

K.F. 0-06

24.7. Any violation of the terms and conditions of the Product Certification Scheme shall, upon notice, result in the *motu proprio* forfeiture of the bond.

Rule 25. REQUIRED CAPITALIZATION

All cement importers shall submit to BPS and/or DTI RO/PO proof showing the following:

- 25.1 Minimum paid in capitalization of Twenty Million Pesos (PhP20,000,000.00), for corporation.
- 25.2 Minimum capitalization of Twenty Million Pesos (PhP20,000,000.00), for single proprietorship.

Rule 26. DISPOSAL OF SAMPLES

- 26.1. All remaining samples, which were drawn for testing purposes, and complied with the requirements of the standard, shall be claimed by the importer/ manufacturer within five (5) days upon receipt of the PS License and Statement of Confirmation. If the importer/manufacturer fails to claim the samples after receipt of PS License and Statement of Confirmation or opted not to retrieve the sample at all, the laboratory shall dispose the samples as it may deem necessary, at the expense of the importer/manufacturer.
- 26.2. Samples which fail to comply with the specified requirements shall be stored for at least six (6) months in the laboratory to ensure their availability in the event the importer/manufacturer contests the result of the test including those subject of litigation.

Rule 27. REPEALING CLAUSE

The provision of Section 4 of DAO 17-05:2017 exempting local manufacturer/s with Integrated Cement Plant (ICP) from the additional requirement of Import Commodity Clearance is hereby repealed effective immediately from publication hereof.

All other Department Administrative Orders, Circulars, and Guidelines inconsistent with the provisions of this Administrative Order are hereby repealed subject to the transitory provisions below.

Rule 28. TRANSITORY PROVISIONS

The provisions hereof shall apply prospectively subject to the following:

- 28.1. PS Licenses issued prior to the effectivity of this DAO shall remain valid until the date of expiration thereof unless voluntarily withdrawn or sooner revoked. However, the new surveillance requirements and procedures both for local and foreign-based PS License holders shall take effect immediately after effectivity hereof.
- 28.2. For existing PS License holders with multiple brands/importers, the authority to import for existing importers shall be valid until the expiration of the License unless sooner revoked or superseded. For new/additional importer, new PS application shall be required.

AY-P

28.3. For purposes of pre-shipment testing, test reports issued by a third-party testing laboratory accredited by an ILAC/APLAC-signatory accreditation body shall be accepted by BPS no later than sixty (60) days from date of effectivity hereof. After which, the requirement on CAB Recognition under Rule 11 shall be implemented.

28.4. All PS applications received and/or licenses issued after the effectivity of this Order shall be subject to the requirements, procedures and terms and conditions prescribed herein.

28.5. All other provisions not covered by this transitory provision shall take effect immediately upon effectivity hereof.

Rule 29. SEPARABILITY CLAUSE

Should any provision of this Order or any part thereof be declared invalid, the other provisions, so far as they are separable from the invalid ones, shall remain in force and effect.

Rule 30. EFFECTIVITY

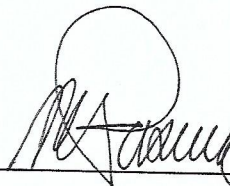
This Order, except for paragraph one (1) of Rule 27 thereof, shall take effect fifteen (15) days after its publication in a national newspaper of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register.

Done in the City of Makati this 13th day of November in the year 2017.

Recommended by:

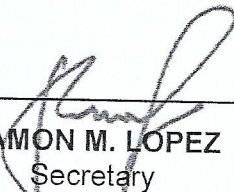


ATTY. ERNESTO V. PEREZ
Assistant Secretary, CPG
Officer-in-Charge, BPS



ATTY. TEODORO C. PASCUA
Undersecretary, CPG

Approved:



RAMON M. LOPEZ
Secretary

PERTICIAH TOME BORTACOPY
MA. CARLA YVETTE L. ILARDE
Head, Records Section
Department of Trade & Industry