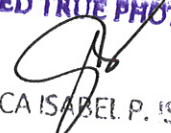


- 17.1.1 That the product bearing the PS Mark failed to conform to the requirements of a specific PNS as amended/updated;
- 17.1.2 That licensee failed to comply with monitoring, surveillance or enforcement notices/directives/orders;
- 17.1.3 That the licensee failed to comply with the terms and conditions of the license;
- 17.1.4 That the licensee made false statements or alterations in connection with its application for or re-certification of the license;
- 17.1.5 That the licensee violated any of the provisions of this Order;
- 17.1.6 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;
- 17.2. The license shall be suspended, recalled, withdrawn, cancelled or revoked after the BPS Director has served the license a notice of his intention to do so, stating therein the grounds for the contemplated action, granting the licensee the opportunity to be heard within fifteen (15) days from the date of notice.
- 17.3. 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does not conform to the specified technical requirements, the license shall, upon mere notice be immediately suspended, withdrawn, recalled, cancelled or revoked.
- 17.4. Notwithstanding the preceding provisions, the BPS 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 18. COMPLAINTS/APPEAL HANDLING PROCESS

- 18.1. BPS shall implement a system of handling complaints/appeals related to the product certification process.
- 18.2. Remedies for the action or decision of a BPS personnel/chief/director relative to an Application for PS License shall be the following:
 - 18.2.1 In case of denial of the PS License application, the applicant may file a motion for reconsideration with the BPS Director within ten (10) working days from receipt of the letter of denial. No second motion for reconsideration shall be allowed;
 - 18.2.2 In case of suspension, recall, withdrawal, cancellation or revocation of the PS License, a motion for reconsideration may be filed with the BPS Director by the applicant within ten (10) working days from receipt of the notice. No second motion for reconsideration shall be allowed.
- 18.3. In case the motion for reconsideration is denied, an appeal may be filed with the DTI Secretary within fifteen (15) calendar days from receipt of denial of the motion for consideration. 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.

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

Rule 19. PROHIBITED ACTS

The following acts are hereby declared prohibited, in addition to those listed in DAO No. 2, Series of 2007 and its future amendments, viz:

- 19.1. Use of the Product Certification Mark in any misleading manner;
- 19.2. Sale, offer for sale using over the counter or on-line mode or any form of advertisement of any steel products not complying with the particular technical regulation or corresponding standards;
- 19.3. Non-compliance, neglect or resistance to effect the product recall as directed by BPS;
- 19.4. 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;
- 19.5. Non-compliance or failure to comply with the provisions hereof.

Rule 20. 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:

- 20.1. Administrative fine as per existing DTI Rules and Regulations/Department Administrative Orders and E.O. 913.
- 20.2. Cancellation or revocation of PS License pursuant to a final and executory decision rendered by an administrative agency or the regular courts.
- 20.3. Watch-listing and/or blacklisting of importers/manufacturers.
- 20.4. In any case of failure in product testing for post shipment verification or surveillance:
 - 20.4.1 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 que or importation which henceforth shall undergo post shipment testing by accredited Philippine testing facilities;
 - 20.4.2 The foreign testing laboratory or facility concerned shall lose the recognition by BPS to conduct pre-shipment testing.
- 20.5. Any other sanctions or penalties as provided under existing DTI rules and regulations.

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Rule 21. REQUIRED CAPITALIZATION

All steel importers shall be required to have at least Twenty Million Pesos (Php 20,000,000.00) capitalization prior to importation. Proof of the same shall be submitted to BPS and/or DTI RO/PO as follows:

21.1 Duly filed Articles of Incorporation showing minimum paid-up in capitalization for corporations, or business permit and proof showing minimum declared capitalization for single proprietorship;

21.2 Copy of the latest Audited Financial Statement; and

21.3 Other documentary proof showing capitalization.

Rule 22. DISPOSAL OF SAMPLES

22.1. 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.

22.2. 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 23. ISSUANCE OF GUIDELINES/PROCEDURES

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

Rule 24. REPEALING CLAUSE

All provisions of existing Department Administrative Orders, circulars, and guidelines inconsistent with this Administrative Order are hereby repealed subject to the transitory provisions below.

Rule 24. TRANSITORY PROVISIONS

24.1. All manufacturers with existing valid PS License shall comply with the procedures and requirements of this Order on the subsequent surveillance audit immediately upon effectivity hereof.

24.2. All PS applications received prior to the effectivity of this Order shall be processed in accordance with DAO 04:2008. After the issuance of the PS license, clause 24.1 herein shall apply.

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- 24.3. All PS License applications received after the effectivity of this Order shall be subject to the procedures and requirements prescribed herein.
- 24.4. All steel importations shipped prior to the effectivity of this Order shall be exempted from the PS requirements herein but all other requirements and procedures prescribed herein shall apply e.g. sampling, testing, surety bond.
- 24.5. All manufacturers shall comply with the new requirements on embossed markings prescribed herein, particularly for steel grade, micro-alloy or quench and tempered bars, six (6) months after the effectivity of this Order.

Rule 25. EFFECTIVITY


This Order shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation at least once a week for a period of not less than one (1) month, a copy of which shall be submitted to the UP Office of National Administrative Register.

Done in the City of Makati this 8th day of October in the year 2018.

Recommended by:



ENGR. JAMES E. EMPEÑO
 Director, Bureau of Philippine Standards



ATTY. RUTH B. CASTELO
 Undersecretary, CPG

Approved:



RAMON M. LOPEZ
 Secretary



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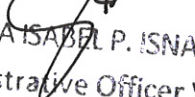

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TABLE 1: SCHEDULE OF FEES AND CHARGES FOR BPS PS LICENSING

PARTICULARS		FEE	PAYABLE TO
1	Application Form	Php300.00	DTI
2	Quality Manual Review	Php5,000.00	
3	Pre-Audit / Audit / Surveillance Audits per Man-Hour (Payable within 15 days after billing) as per size of establishment based on Table 1A		
3.1	Micro	Php100.00 or as charged by Designated Auditing Body	DTI / Designated Auditing Body
3.2	Small	Php300.00 or as charged by Designated Auditing Body	
3.3	Medium	Php400.00 or as charged by Designated Auditing Body	
3.4	Large	Php500.00 or as charged by Designated Auditing Body	
4	Original License Fee* (Payable within 15 days after billing)		
4.1	Micro	Php5,000.00	DTI
4.2	Small	Php7,500.00	
4.3	Medium	Php10,000.00	
4.4	Large	Php12,500.00	
5	Annual License Fee* (Payable within 15 days after billing)		
5.1	Micro	Php2,500.00	DTI
5.2	Small	Php3,750.00	
5.3	Medium	Php5,000.00	
5.4	Large	Php6,250.00	
6	Transportation	As per arrangement (if necessary)	DTI / Designated Auditing Body
7	Hotel Accommodation	As per arrangement (if necessary)	DTI / Designated Auditing Body
8	Testing Fee	As charged by Designated Testing Laboratory	BPS-Recognized Testing Laboratory
9	Freight Charges of Samples	As charged by Freight Forwarder	Freight Forwarder
10	Market Sample	As per Official Receipts / Sales Invoice	Establishment

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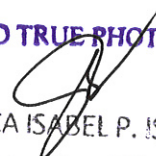

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TABLE 1A: SIZE OF ESTABLISHMENT

SIZE OF ESTABLISHMENT	ASSETS
Micro	Up to Php3,000,000.00
Small	Php 3,000,001.00 up to Php 15,000,000.00
Medium	Php 15,000,001 up to Php 100,000,000.00
Large	Over Php 100,000,000.00


TABLE 2: SCHEDULE OF FEES AND CHARGES FOR THE STATEMENT OF CONFIRMATION (SOC)

PARTICULARS	FEE	PAYABLE TO
Application Fee	Php 300.00	DTI
Processing Fee (depends on the value of the batch being applied for SOC)		
Invoice/batch value up to Php 500,000.00	Php 5,000.00	DTI
Invoice/batch value from Php 500,001.00 to Php 1,000,000.00	Php 7,500.00	
Invoice/batch value above Php 1,000,000.00	Php 10,000.00	
Inspection Fee	As charged by the DTI / BPS Designated Inspection Body	DTI / Designated Inspection Body
Transportation	As per arrangement (if necessary)	DTI / Designated Inspection Body
Testing Fee	As charged by the BPS-Recognized Testing Laboratory	BPS-Recognized Testing Laboratory
Freight charges of samples	As charged by Freight Forwarder	Freight Forwarder
Market sample	As per Official Receipts/Sales Invoice	Establishment

Notes:

- ❖ *Original and Annual License Fees depend on the size of establishment as stipulated on Table 1A herein.*
- ❖ *The Schedule of Fees and Charges in this DAO were adopted from DAO 4:2008 and DAO 5:2008.*

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