

DEPARTMENT ADMINISTRATIVE ORDER NO. 19 - 14
Series of 2019

SUBJECT: THE TECHNICAL REGULATION CONCERNING THE MANDATORY PRODUCT CERTIFICATION OF SPEED LIMITATION DEVICES (SLD) AND ADJUSTABLE SPEED LIMITATION DEVICES (ASLD)

WHEREAS, the Department of Trade and Industry (DTI) is the economic catalyst that enables innovative, competitive, job generating, inclusive business, and empowers consumers;

WHEREAS, pursuant to such mandate, the DTI is empowered under Executive Order (EO) 292, Series of 1987 otherwise known as the "Administrative Code of 1987" to protect consumers from trade malpractices and from substandard or hazardous products;

WHEREAS, the DTI Bureau of Philippine Standards (BPS) [formerly known as Bureau of Product Standards] is mandated by Republic Act (RA) 4109 to perform standards development, certification, testing, policy formulation, and monitoring functions;

WHEREAS, EO 101, Series of 1967 empowers the BPS to promulgate, subject to the approval of the DTI Secretary, such rules and regulations for the marking of goods standardized by the BPS and for other purposes;

WHEREAS, such BPS mandates are reiterated in RA 7394 or the "Consumer Act of the Philippines" wherein it states that, *"it shall be the duty of the State to develop and provide safety and quality standards for consumer products, including performance or use-oriented standards, codes of practice and methods of tests; to assist the consumer in evaluating the quality, including safety, performance and comparative utility of consumer products; to protect the public against unreasonable risks of injury associated with consumer products; to undertake research on quality improvement of products and investigation into causes and prevention of product related deaths, illness and injuries; and to assure the public of the consistency of standardized products"*;

WHEREAS, RA 10916 entitled "An Act Requiring the Mandatory Installation of Speed Limiter in Public Utility and Certain Types of Vehicles" otherwise known as the "Road Speed Limiter Act of 2016" further states that *"it is hereby declared the policy of the State to maintain at all times the safety and protection of the public. Towards this end, it shall pursue a more proactive and preventive approach to secure the safety of passengers and public in general on roads and highways. It shall implement measures to safeguard them from any speed-related road accidents which are not only causing fatalities but also damage to properties."*

WHEREAS, in keeping with such policy RA 10916 mandates that *"the Department of Trade and Industry (DTI) shall accredit persons, establishments or institutions producing,*

manufacturing or distributing speed limiters in accordance with the specifications and standards as may be determined by the DOTC. For this purpose, the DTI shall issue the necessary certification attesting compliance with such specifications and standards as a prerequisite for registration.”

WHEREAS, the Implementing Rules and Regulations (IRR) of RA 10916 mandates the DTI, through the BPS, to ensure that all manufactured and imported speed limiter devices purchased separately shall be subject to product certification to ensure compliance with the standard specifications of PNS UNR 89:2016 or equivalent internationally recognized standards;

WHEREAS, for this purpose, the IRR of RA 10916 provides that all manufactured and imported speed limiter purchased separately shall be subject to product certification in accordance with the requirements of BPS' Certification Schemes;

WHEREAS, EO 913, Series of 1983, vests with the DTI the adjudicatory powers such as to conduct arbitration, conciliation, mediation, formal investigation; imposition of administrative penalties; and issue cease-and-desist orders, seizures, preventive measures and other similar orders in case of violation of trade and industry laws including those relating to the BPS' Certification Schemes;

NOW THEREFORE, pursuant to RA 10916; RA 4109; RA 7394; EO 101, Series of 1967; EO 913, Series of 1983; and EO 292, Series of 1987, the following technical regulation governing the BPS Mandatory Product Certification Schemes for speed limitation devices is hereby prescribed and promulgated for the compliance, information and guidance of all concerned.

Rule 1. OBJECTIVE

This DAO aims to strictly ensure that speed limitation devices meet the specified safety and/or quality requirement/s under PNS UNR 89:2016 and its future amendments or its equivalent internationally recognized standard.

Rule 2. SCOPE

This DAO prescribes the Technical Regulation for the mandatory certification of speed limitation devices covered by Part III of PNS UNR 89:2016 and its future amendments, as follows:

- 2.1. **Speed Limitation Devices (SLD)** which are intended to be fitted to vehicles of categories M2, M3, N2, and N3; and
- 2.2. **Adjustable Speed Limitation Devices (ASLD)** which are intended to be fitted to vehicles of categories M and N

Rule 3. DEFINITION OF TERMS

For purposes of this Order, the following definitions shall apply:

THE TECHNICAL REGULATION CONCERNING THE MANDATORY PRODUCT CERTIFICATION OF SPEED LIMITATION DEVICES (SLD) AND ADJUSTABLE SPEED LIMITATION DEVICES (ASLD)

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- 3.1. **Audit** – a systematic, independent and documented process for obtaining audit evidence, and evaluating it objectively to determine the extent to which the audit criteria are fulfilled.¹
- 3.2. **Audit criteria** – set of policies, procedures or requirements used as a reference against which audit evidence is compared.²
- 3.3. **Accredited Conformity Assessment Body (CAB)** – inspection body, testing laboratory or certification body accredited under PNS ISO/IEC 17020, PNS ISO/IEC 17021, PNS ISO/IEC 17025 or PNS ISO/IEC 17065, respectively, in its relevant updated version/edition by the Philippine Accreditation Bureau (PAB) or by an accreditation body that is a signatory to regional/international agreements entered into by the Government of the Republic of the Philippines through DTI [(i.e. Asia Pacific Accreditation Cooperation (APAC), International Laboratory Accreditation Cooperation (ILAC), International Accreditation Forum (IAF)].
- 3.4. **Adjustable Speed Limitation Device (ASLD)** – a device which limits the speed of vehicles of categories M and N to a speed voluntary set by the driver when it is activated.
- 3.5. **BPS** – Bureau of Philippine Standards of the DTI.
- 3.6. **BPS Recognized Conformity Assessment Body (CAB)** – the CAB (inspection body, testing laboratory, or certification body) duly recognized by BPS to have the scope and competence to conduct activities relevant to the requirements set forth by BPS, to include but not limited to, CABs accredited by the PAB, CABs recognized by BPS under the Association of South East Asian Nations Mutual Recognition Arrangement (ASEAN MRA), Asia-Pacific Economic Cooperation (APEC) MRA and other regional and bilateral MRAs entered into by the Government of the Philippines through the DTI. BPS shall issue Recognition Certificate upon completion of all requirements for application for recognition.
- 3.7. **Certification Body** – third party conformity assessment body operating a certification scheme.
- 3.8. **Confirmation** – an action, declaration, document, or statement that corroborates, ratifies, verifies, gives formal approval, or assures the validity of something.³
- 3.9. **Conformity Assessment Body (CAB)** – a third party inspection body, testing laboratory and certification body operating within its scope of competence.
- 3.10. **Conformity** – fulfillment of a requirement.⁴
- 3.11. **DTI** – Department of Trade and Industry
- 3.12. **Determination** – include assessment activities such as testing, measuring, inspection, design appraisal, assessment of services, and auditing to provide information regarding the product requirements as input to the review and attestation functions.

ISO 19011:2011

Ibid.

Webster's New World Law Dictionary

⁴ ISO/IEC 17000

- 3.13. **Evaluation** – systematic examination of the extent to which a product, process, or service fulfills specified requirements.⁵
- 3.14. **International Standard** – a standard developed under the WTO principles for international standards development such as those developed by international bodies like the International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), International Telecommunication Union (ITU) and those developed by foreign standards bodies under these principles.
- 3.15. **Inspection** – examination of a product, process, service, or installation or their design and determination of its conformity with specific requirements, or, on the basis of professional judgment, with general requirements.⁶ This includes inventory and sampling.
- 3.16. **Inspection body** – a body that performs inspection.⁷
- 3.17. **ISO/IEC 9000** – Quality Management System - Fundamentals and Vocabulary
- 3.18. **ISO/IEC 9001** – Quality Management Systems – Requirements
- 3.19. **ISO/IEC 17020** – Conformity assessment – Requirements for the operation of various types of bodies performing inspection.
- 3.20. **ISO/IEC 17021** – Conformity assessment – Requirements for bodies providing audits and certification of management systems.
- 3.21. **ISO/IEC 17025** – General requirements for the competence of testing and calibration laboratories.
- 3.22. **ISO/IEC 17065** – Conformity assessment – Requirements for bodies certifying products, processes and services.
- 3.23. **ISO 19011** – Guidelines for Auditing.
- 3.24. **Lot No./Batch No.** – an identification number used to identify production/lot batch of the product for quality control purposes.
- 3.25. **PAB** – Philippine Accreditation Bureau of the DTI.
- 3.26. **Philippine National Standards (PNS)** – Standards promulgated by the BPS.
- 3.27. **Product Certification** – the provision of impartial third-party attestation that fulfillment of specified requirements has been demonstrated.⁸
- 3.28. **PS License** – authority given by BPS to a local/foreign manufacturer, authorizing the use of the PS Certification Mark on its product.
- 3.29. **Review** – verification of the suitability, adequacy and effectiveness of selection and determination activities, and the results of these activities, with regard to fulfillment of specified requirements.⁹

⁵ *Ibid.*

⁶ *ISO/IEC 17020*

⁷ *Ibid.*

⁸ *ISO/IEC 17065*

- 3.30. **Sampling** – a method of getting a representative sample of a product according to a specified procedure.
- 3.31. **Speed Limitation Device (SLD)** – a device which controls the fuel feed to the engine in order to limit the vehicle speed to the specified value.
- 3.32. **Surveillance** – a systematic iteration of conformity assessment activities as a basis for maintaining the validity of the statement of conformity.¹⁰
- 3.33. **Test Report** – a document that presents test results and other information relevant to a test.
- 3.34. **Testing Laboratory** – a laboratory which measures, examines, or determines the characteristics of performance of material or products. It may also be a laboratory that calibrates inspection, measuring and test equipment.
- 3.35. **Third Party** – a body that is independent of the organization that provides the product/service and is not the user of the product/service (testing, inspection, and sampling).¹¹
- 3.36. **Trade name** – any registered name or designation identifying or distinguishing an enterprise
- 3.37. **Type of SLD/ASLD** – means SLDs/ASLDs which do not differ with respect to the essential characteristics such as the make and type of the device, the range of speed values at which they may be set, and the method used to control the fuel feed to the engine.
- 3.38. **Vehicle Categories**

Category M: Motor vehicles with at least four wheels designed and constructed for the carriage of passengers.

M1: Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.

M2: Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tons.

M3: Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding 5 tons.

Category N: Motor vehicles with at least four wheels designed and constructed for the carriage of goods.

N1: Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tons.

N2: Vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 3.5 tons but not exceeding 12 tons.

⁹ ISO/IEC 17000

¹⁰ ISO/IEC 17000

¹¹ *Ibid.*

N3: Vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 12 tons.

3.39.Verification – confirmation, through the provision of objective evidence, that specified requirements have been fulfilled.¹² This may include product testing.

3.40.Warehouse – secured premises built purposely for storage of products and to preserve the quality and integrity of the same.

Rule 4. THE PHILIPPINE STANDARD (PS) QUALITY MARK LICENSING SCHEME

The PS Quality Mark Licensing Scheme (PS Licensing Scheme for brevity) shall be available to both local and foreign manufacturers selling or distributing speed limitation devices in the Philippine market. The License to use the PS Certification Mark shall be granted to a company found to be compliant with the requirements. To ensure compliance of the certified products, regular surveillance activities as per existing DTI rules shall be conducted as follows, as may be applicable:

- 4.1.1 Local companies holding a valid PS License;
 - 4.1.1.1 Annual system and product audit at the factory; and
 - 4.1.1.2 Regular inspection/verification at the warehouse/market and product testing, if necessary;
- 4.1.2 Foreign companies holding a valid PS License;
 - 4.1.2.1 Annual system and product audit at the factory; and
 - 4.1.2.2 Regular inspection/verification per shipment and product testing, if necessary;

Rule 5. DOCUMENTARY REQUIREMENTS AND PROCEDURES FOR THE PS LICENSING SCHEME

5.1 Application for PS Licensing Scheme shall be supported by the following:

- 5.1.1 Duly accomplished application form, subscribed and sworn to by the applicant, or his duly authorized management representative. In case of an overseas applicant, the application form shall be duly authenticated by the Philippine Consulate in the country where the manufacturing plant to be audited is located. The requirement of authentication may be waived subject to reciprocity arrangements between the Philippines and the exporting country;
- 5.1.2 For a sole proprietorship: Business Name Registration and permit issued by the local government unit having jurisdiction over it; or

For a corporation or partnership: SEC Registration and Articles of Incorporation/Partnership and By-Laws, submitted once, unless an amendment has been made;

¹² ISO/IEC 9000

- 5.1.3 Latest Income Tax Return or latest audited financial statement, and certification of an accountant on the net worth of the business, submitted once unless an amendment has been made within the current year;
- 5.1.4 Quality Management System (QMS) Manual covering the product being applied for PS License, including the product/s' production process; and
- 5.1.5 Oath of undertaking to abide by the Terms and Conditions of the License, respectively signed by the manufacturer/ local office or agent

5.2 PS License Application Process

- 5.2.1 Processing of applications under this scheme replaces the PS Scheme under DAO 4:2008, subject to the requirements and transitory provision stated herein.
- 5.2.2 Each PS License application shall be factory, plant or site-specific.
- 5.2.3 Conduct of Factory and Product Audit
 - 5.2.3.1 Upon submission and confirmation of the completeness and compliance of the documentary requirements, an assessment of the Quality Management System's conformity to PNS ISO 9001 and product specifications' conformity to specific applicable version of PNS shall be conducted;
 - 5.2.3.2 Audit shall be undertaken by either the BPS, DTI Regional/Provincial Office (RO/PO), or BPS-recognized auditing bodies based on established audit procedure. Only recognized auditing bodies in the BPS official list may be designated as auditors; and
 - 5.2.3.3 During the audit, samples shall be drawn for all types/models of the product to be certified for the purpose of in-plant and independent testing. Independent testing shall be conducted only by BPS-recognized testing laboratory.
- 5.2.4 If the applicant is a foreign-based manufacturer, the application shall, for purposes of accountability, be made and filed by its local branch or representative office or representative agency who must be duly registered in accordance with Philippine laws;
- 5.2.5 The PS License shall only be issued upon satisfactory evaluation of the factory audit and determination of product conformance to specific PNS and updated version of the product thereof based on pertinent test reports;
- 5.2.6 If the evaluation of the factory audit report showed unsatisfactory results, the PS License shall not be issued. Only after the re-assessment and subsequent product compliance shall the BPS issue the PS License;
- 5.2.7 The PS License shall be effective from the date of issuance and with full force and effect for a period of three (3) years, subject to the surveillance audits prescribed herein. PS License can be suspended, withdrawn or cancelled at any time for cause and after due process;

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- 5.2.8 For renewals, the PS License holder must, through written notice, coordinate with BPS or the DTI RO/PO for a schedule of the re-certification audit at least six (6) months before the expiration date. Otherwise, the PS License shall be considered expired immediately after the end period of its validity.
- 5.2.9 In case of changes materially affecting the PS License and/or license holder's ability to comply with BPS product certification requirements, the license holder shall inform BPS in writing at least fifteen (15) calendar days prior to the date the changes will take effect. The notice must include a request for re-certification audit. The validity of the PS License shall be deemed suspended from the date of changes taking effect as indicated in the notice until the release of re-certification audit results. Thereafter, the existing PS License shall be considered expired.
 - 5.2.9.1 Changes may include, but shall not be limited to, change in management or business name; transfer of plant site; modification of product design and/or specifications.
- 5.2.10 All importer of speed limitation devices certified under the PS License issued by BPS to a foreign manufacturer shall apply for a Statement of Confirmation (SOC) on a per shipment, per Bill of Lading/Airway Bill basis to ensure that the imported products came from a valid PS License holder company.

Rule 6. FILING / PROCESSING OF APPLICATION FOR STATEMENT OF CONFIRMATION OR IMPORT COMMODITY CLEARANCE FOR IMPORTED SPEED LIMITATION DEVICES

6.1 The importer shall apply for either Statement of Confirmation (SOC) for PS certified speed limitation devices or Import Commodity Clearance (ICC) for non-PS certified speed limitation devices on a per shipment per Bill of Lading/Airway Bill basis. The duly accomplished and subscribed application form shall be supported by the following:

6.1.1 For sole proprietorship registered with DTI, the application shall be accomplished and signed by the owner and filed by the owner or by a duly authorized representative by virtue of a notarized Special Power of Attorney (SPA); or

For Corporation/Partnership registered with SEC, the application shall be accomplished and signed, and filed by any officer or organic employee, duly authorized by virtue of a notarized board/partnership resolution or Secretary's Certificate;

- 6.1.2 Packing List;
- 6.1.3 Commercial Invoice;
- 6.1.4 Bill of Lading;
- 6.1.5 Summary of the production batch/lot/serial numbers;
- 6.1.6 Technical documents
 - 6.1.6.1 Technical characteristics of the SLD/ASLD;

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- 6.1.6.2 Method of SLD/ASLD's installation on each make; and
- 6.1.6.3 Type/s of vehicle for which the SLD/ASLD is intended to be installed;
- 6.1.7 DTI Business Registration Certificate for sole proprietorship or Latest SEC Registration Certificate and Articles of Incorporation/Partnership for corporation/partnership;
- 6.1.8 List of distributors/retailers with their complete addresses and contact details;
- 6.1.9 Proof of ownership or contract of lease of warehouse;
- 6.1.10 Import Entry (may be submitted later prior to release of the certificate);
- 6.1.11 Surety Bond;
- 6.1.12 Copy of PS License for SOC applications

6.2 The application for SOC/ICC shall be processed as follows:

6.2.1 Application for Statement of Confirmation (SOC)

- 6.2.1.1 The applicant shall submit the duly accomplished and subscribed application form and requirements to the BPS or to the nearest DTI RO/PO.
- 6.2.1.2 Upon receipt of the application and complete requirements, a Certificate of Conditional Release shall be issued, subject to the conditions stated therein.
- 6.2.1.3 Product inspection shall be conducted by the BPS or the identified BPS-recognized inspection body at the declared warehouse in accordance with the applicable provisions hereof. The original inspection report shall be sent directly to the BPS by the BPS-recognized inspection body within two (2) working days from the date of inspection.
- 6.2.1.4 Based on the result of the inspection, the importation shall be evaluated by the duly authorized BPS or DTI RO/PO personnel to determine its consistency with the importation documents (e.g. quantity, markings, license number).
- 6.2.1.5 If inspection shows that the product shipped is consistent with the importation documents, SOC shall be issued by the BPS Bureau Director or his duly designated representative. Otherwise, a Show Cause Order shall be issued and the provisions hereto shall apply.

The BPS shall have the prerogative to require sampling and testing to verify the consistent conformance of the product to the standard as amended/updated as well as the compliance of the manufacturer to the provisions of this Order and other applicable rules and regulations.

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6.2.2 Application for Import Commodity Clearance (ICC)

6.2.2.1 Processing of applications under this scheme replaces the ICC Scheme under DAO 5:2008, subject to the requirements and transitory provision stated herein.

6.2.2.2 The applicant shall submit the duly accomplished and subscribed application form and requirements to the BPS or to the nearest DTI RO/PO.

6.2.2.3 Upon receipt of the application and complete requirements, a Certificate of Conditional Release shall be issued, subject to the conditions stated therein.

6.2.2.4 Product inspection and drawing of samples shall be conducted by the BPS or the identified BPS-recognized inspection body at the declared warehouse in accordance with the applicable provisions hereof. The original inspection report shall be sent directly to the BPS by the BPS-recognized inspection body within two (2) working days from the date of inspection.

6.2.2.5 If inspection shows that the product shipped is consistent with the importation documents, product samples shall be drawn in accordance with the prescribed sampling size herein for testing. Otherwise, a Show Cause Order shall be issued and the provisions hereto shall apply.

6.2.2.6 The drawn samples shall be submitted by the applicant to the BPS-recognized testing laboratory within twenty-four (24) working hours from the date of inspection and sampling for the conduct of testing.

6.2.2.7 If the result of the test shows conformance, the ICC shall be issued by the BPS Bureau Director or his duly designated representative. Otherwise, a re-testing may be conducted, or the application will be denied and exportation or destruction of the non-conforming product shall be undertaken within ninety (90) days, at the cost and option of the importer.

Rule 7. INSPECTION AND SAMPLING

7.1. Inspection and sampling shall be conducted by the BPS, DTI RO/PO or the BPS-recognized inspection body in accordance with existing BPS Inspection and Sampling Procedure.

7.2. Sampling Size

7.2.1 For ICC application, ten (10) pieces of SLD/ASLD per type per brand shall be randomly drawn from the shipment at the importer's warehouse. The first five (5) pieces shall be sent to the BPS recognized testing laboratory for testing. The remaining units shall be kept by the importer as reserved samples.

7.2.2 For PS initial, surveillance or recertification audits, fifteen (15) pieces of SLD/ASLD per type per brand shall be randomly drawn from the manufacturer's production line or warehouse. The first five (5) pieces shall be

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tested in-plant. The next five (5) pieces shall be sent to the BPS recognized testing laboratory for independent testing upon satisfactory result of the in-plant test. The remaining units shall be kept by the manufacturer as reserved samples.

7.3. Sampling Procedure

- 7.3.1 The BPS, DTI RO/PO, BPS-recognized auditing/inspection body, the PS applicant/license holder, and ICC applicant's authorized representative shall ensure that the drawn samples are traceable to the particular lot/batch or shipment where they were drawn.
- 7.3.2 Test samples drawn shall be packed/sealed and signed in the presence of authorized representatives from BPS, DTI RO/PO or BPS-recognized auditing/inspection body who shall ensure that the Request for Test form is properly filled-up and signed by the manufacturer or importer.
- 7.3.3 The auditor or the inspector shall ensure that the Request for Test form together with the drawn samples is directly submitted to the BPS-recognized testing laboratory within three (3) days from the date of audit/inspection and furnish BPS with a copy thereof within three (3) days from submission. For foreign-based PS License holders/applicants, the auditor or inspector shall ensure that the samples drawn shall be shipped to the BPS-recognized testing laboratory within three (3) days from the date of audit or inspection.
- 7.3.4 The BPS-recognized testing laboratory shall document properly the receipt of the product samples to include but not limited to taking pictures of the following:
 - 7.3.4.1 Request for Test; and
 - 7.3.4.2 Packaging of the samples as submitted and received

Rule 8. PRODUCT TESTING

- 8.1. Product testing shall be conducted by a BPS-recognized testing laboratory.
- 8.2. Product testing shall be conducted as follows:
 - 8.2.1 Tests of Speed Limitation shall be done on either:
 - a. Test Track,
 - b. Chassis Dynamometer, or
 - c. Engine Test Bench
 - 8.2.2 Test of Endurance
- 8.3. To verify conformance to the aforementioned testing requirements, the test methods prescribed by PNS UNR 89:2016 shall be used. Considering the regular updating of standards, the latest edition of the PNS shall be used as reference. It is understood that future amendments of the PNS used in this Order shall be effective one (1) year after its promulgation to provide ample time to all stakeholders to adjust and conform to the new requirements, if any.

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- 8.4. For initial, surveillance or recertification audits, samples drawn shall be tested in-plant. The manufacturer shall have testing capability to conduct the tests of speed limitation and endurance. Only after the result of in-plant tests showed conformance to the requirements of the standard shall the auditor prepare the Request for Test for independent testing.
- 8.5. The drawn samples shall be tested by the BPS-recognized testing laboratory.
- 8.6. Tested samples shall be retrieved by the manufacturer/importer upon receipt of notice of retrieval from the testing laboratory. Otherwise, the tested samples upon notice shall be disposed of accordingly.
- 8.7. The manufacturer/importer shall have one (1) month from the receipt of the notice of disposal of test samples to arrange for the pickup of samples from the concerned testing laboratory. After said period, the testing laboratory shall, with due notice to BPS and the manufacturer/importer, dispose the samples in a manner deemed appropriate in accordance with existing accounting and auditing rules.
- 8.8. Unused samples shall be retrieved by the manufacturer/importer within fifteen (15) days from receipt of notice of retrieval from the testing laboratory, copy BPS. Otherwise, they shall upon notice be disposed of in accordance with existing and applicable rules.
- 8.9. The original test reports shall be sent directly to the BPS by the BPS-recognized testing laboratory together with the pictures of samples as received, pictures of samples showing the required markings, and copy of the Request for Test.

The BPS reserves the right to be present at any point of the certification process.

Rule 9. EVALUATION OF RESULTS

Results of tests shall be evaluated based on the requirements of the standard.

- 9.1. If the drawn samples showed conformance to the standard, the PS License or ICC Certificate shall be issued.
- 9.2. If the drawn samples failed the required tests, the applicant may undertake any of the following options:

9.2.1. For factory audits:

- 9.2.1.1. Applicant requests for testing of the reserved samples or undertake corrective measures. If corrective measure was undertaken, another product audit shall be conducted.

Only after re-assessment and subsequent product compliance shall the manufacturer be allowed by BPS to use the Product Certification Mark.

9.2.2. For ICC application:

- 9.2.2.1. Applicant requests for testing of the reserved samples at its own expense;

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9.2.2.2. Applicant exports the shipment back to the country of origin, at its own expense, subject to inventory and inspection by an authorized DTI/BPS representative prior to the exportation. Export documents (i.e. Bill of Lading and Import Entry or any other document that will serve as proof that the non-compliant products arrived at the country of origin) shall be submitted by the importer to the BPS; or

9.2.2.3. Applicant destroys the non-conforming products in accordance with existing rules and regulations, at its own expense, and to be witnessed by a duly authorized DTI/BPS representative. Inspection and inventory shall be conducted by the DTI/BPS representative prior to the actual destruction.

9.2.3. For rejected shipment, lot or batch:

9.2.3.1. Notwithstanding the acceptance of the shipment/batch, any non-conforming lots found during inspection and/or testing, whether forming part of the sample or not, shall be rejected.

9.2.3.2. The importer or manufacturer at its own expense either export to the country of origin or destroy the non-conforming product in the presence of DTI authorized representative and other relevant government agencies/authorities in accordance with existing rules and regulations.

9.3. If the test results of the reserved samples show conformance, PS License or ICC Certificate shall be issued. Otherwise, the application shall be denied and/or the PS License shall be suspended. Only after the re-assessment and subsequent product compliance shall the BPS lift the suspension of the PS License.

Rule 10. MARKING REQUIREMENTS

For traceability and verification purposes, the required markings for manufactured or imported speed limitation devices shall be available at all times for verification by the BPS and DTI RO/PO, their authorized representatives, and by the duly authorized enforcement teams either at the manufacturer's/importer's warehouse or traders'/distributors'/retailers' warehouse, if applicable.

The required markings shall be as follows:

10.1 On speed limitation device

- 10.1.1 Trade name or brand name
- 10.1.2 Type of SLD/ASLD
- 10.1.3 Model No./Part No.
- 10.1.4 Serial/Batch Number
- 10.1.5 PS License Mark or ICC Sticker

10.2 On packaging

- 10.2.1 Trade name or brand name
- 10.2.2 Duly registered trademark
- 10.2.3 Duly registered business name and address of manufacturer and

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- 10.2.4 importer (if imported) or duly registered business name and address of manufacturer (if locally manufactured);
Country of Origin

In the absence of any of the required markings or submission of incomplete markings, the application for PS License, SOC, or ICC shall not be processed until such time that the required markings are submitted or corrected.

Rule 11. RECOGNITION OF CONFORMITY ASSESSMENT BODY

- 11.1. Only recognized Conformity Assessment Bodies (CABs) shall be allowed to participate in this mandatory product certification scheme.
- 11.2. Any CAB that intends to be recognized shall accomplish the BPS Recognition Application Form together with the following:
- 11.2.1. Certificate of Accreditation from an Accreditation Body signatory to the ILAC/APAC, to include the Scope of Accreditation;
 - 11.2.2. Certified True Copy of the Articles of Incorporation. For foreign CAB, all incorporation documents shall be authenticated by the Philippine Consulate Office. The authentication requirement may be waived subject to reciprocity agreement;
 - 11.2.3. List of authorized signatories indicating their company position and the corresponding specimen signature;
 - 11.2.4. An undertaking to abide by the terms and conditions of the recognition.
- 11.3. For foreign CABs, the application shall be submitted by the local office/representative agency to ensure accountability. Applications of foreign CABs with no local office/representative agency shall be denied.
- 11.4. The requirement on local office/representative agency may be waived subject to the provisions of any Mutual Recognition Agreement entered into by the Philippine Government through the DTI.
- 11.5. The BPS may, at any time, conduct full verification of the competence of the CAB to perform the conformity assessment activities.

Rule 12. TERMS AND CONDITIONS OF THE PS LICENSE

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

- 12.1. Consistently abide by RA 4109, EO 133: 1987, EO 913: 1983 and RA 7394 and their implementing rules and regulations, and orders which the BPS issues in pursuance with its authority under the law.
- 12.2. Ensure that the certified product conforms at all times to a specific standard as amended/updated and its implementing rules and regulations.
- 12.3. Warrant that it has the authority to use the brand name, trade name and trademarks indicated in the application form.

- 12.4. Be held liable for any damages that its product might cause to their consumers.
- 12.5. The Product Certification Mark shall not be affixed on any products not covered by the license issued by BPS.
- 12.6. 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.
- 12.7. Give duly-authorized representatives of the BPS or DTI RO/PO or, in the case of foreign companies, - BPS or BPS-recognized CABs, full 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;
- 12.8. Maintain a record of all complaints made known to it, relating to compliance with certification requirements and make these records available to BPS or its authorized representative/s 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 BPS or its authorized representative/s.
- 12.9. Submit itself to surveillance activities to ensure consistent compliance with the BPS requirements of the Product Certification Scheme.
- 12.10. In case of subcontracts, shall assume full responsibility for its sub-assemblies', semi-finished and finished products' conformance to the specific requirements.
- 12.11. Inform BPS in writing of any changes that will materially affect its PS License and its ability to comply with BPS product certification requirements at least fifteen (15) calendar days prior to the date the change will be made, such as, but not limited to change in management, business name, addition of brand name, modification of product's designs and specifications and/or transfer of plant site.
 - 12.11.1 If the change involves addition of brand name and modification in the product's design or specifications, BPS shall facilitate the conduct of appropriate product certification activity;
 - 12.11.2 In case of transfer of plant site, BPS, DTI RO/PO, or BPS-recognized auditing bodies shall conduct factory and product audit at the new site.
- 12.12. Pay the applicable fees and other charges as billed or stipulated by BPS, its duly recognized inspection and/or certification bodies.
- 12.13. Any incorrect references to the certification scheme; misleading use of PS License, SOC, 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.
- 12.14. 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.

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12.15. 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.

12.16. The PS License is non-transferable.

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

Rule 13. REQUIREMENTS IN CASE OF NON-CONFORMANCE

For covered speed limitation devices that do not conform to the requirements of BPS rules and regulations/guidelines, the following provisions, on a per shipment basis, shall apply:

13.1. A SHOW CAUSE ORDER shall be issued by BPS or DTI-RO/PO giving the PS License holder or the importer opportunity to explain why its Surety Bond shall not be forfeited in favor of DTI and/or why a formal charge shall not be filed. This may include a CEASE AND DESIST ORDER addressed to the owner/manager or the authorized representative of the company concerned, to refrain from supplying, distributing, selling or displaying for sale the products subject thereof until such time that the Show Cause Order is lifted.

13.2. If the explanation to the Show Cause Order is not acceptable, the BPS or DTI-RO/PO shall direct the manufacturer and/or importer concerned to submit a sworn affidavit undertaking to do the following as directed whichever is applicable:

13.2.1 Permanently cease and desist from supplying, distributing, selling or displaying for sale the non-conforming products subject thereof;

13.2.2 Effect a full product recall to account such products that are already in circulation through publication in a newspaper of national circulation, giving the public a period of thirty (30) days from publication within which to return subject products. 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. Such publication shall include a NOTICE warning the public that the product subject thereof is not compliant with the safety and/or quality requirement; and

13.2.3 Recognize BPS authority to forfeit the Surety Bond.

Rule 14. PROCEDURES AND REQUIREMENTS FOR PRODUCT RECALL

After the product is declared by the BPS to be non-conforming, the BPS shall immediately notify the manufacturer and/or importer. The manufacturer and/or importer shall within fifteen (15) days from receipt of notice implement product recall in accordance with the following:

14.1. The recall order shall be published in a newspaper of general circulation for at least two (2) consecutive Saturdays/Sundays;

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Department of Trade & Industry

- 14.2. The layout, content, font and size of the recall order shall be prescribed by the BPS;
- 14.3. The recall period shall be for a minimum of thirty (30) days from date of the second publication;
- 14.4. Proof of publication of the recall orders shall be submitted to the BPS or the DTI RO/PO;
- 14.5. Inventory of the recalled products shall be submitted to BPS or DTI RO/PO;
- 14.6. Recalled products shall be condemned, destroyed, or otherwise disposed of in accordance with applicable rules on disposal issued by the DTI, Department of Budget and Management, and Commission on Audit.
- 14.7. The manufacturer and/or importer shall compensate parties availing of the recall order.

Rule 15. FEES, CHARGES, BOND REQUIREMENT AND OTHER EXPENSES

- 15.1. All corresponding fees, charges, costs, and other related expenses shall be for the account of manufacturer/importer.
- 15.2. Fees and charges to be paid by the applicant in accordance with Annex A shall be as follows:
 - 15.2.1. Application Fee;
 - 15.2.2. Audit/inspection fees;
 - 15.2.3. Transportation/travelling expenses, and board and lodging costs of auditor/s and inspector/s during audit/inspection, subject to existing rules and regulations or third-party provision;
 - 15.2.4. Processing Fee of Statement of Confirmation/Import Commodity Clearance 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);
 - 15.2.5. PS License fee for manufactured products;
- 15.3. For imported speed limitation devices, a Surety Bond amounting to One Hundred Fifty Thousand Pesos (PhP 150,000.00) shall be posted on a per shipment, per Bill of Lading/Airway Bill basis.
- 15.4. Any violation of the terms and conditions of the Product Certification Scheme shall, upon notice, result in the *motu proprio* forfeiture of the bond based on the non-conformity or non-compliance stated herein.

Rule 16. SHOW CAUSE ORDER AND BOND FORFEITURE

- 16.1 A Show Cause Order shall be issued against a manufacturer or importer who fails to comply with legal and technical requirements or whose product/s failed to conform to such requirements, unless the manufacturer or importer can justify under oath that the non-conformity is correctible and/or the non-compliance is negligible.

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- 16.2 A Cease and Desist Order may be issued simultaneously with the Show Cause Order directing the manufacturer and/or importer to refrain from selling, distributing or disposing the products in any manner.
- 16.3 Any violation of the Terms and Conditions of the Certificate of Conditional Release and/or provisions of this Order shall, upon notice, result in *moto proprio* forfeiture of the surety bond.
- 16.4 Pending resolution of the Show Cause Order involving a particular shipment, applications filed after the issuance of the Show Cause Order by the same importer may be processed, provided, a sworn undertaking to abide by the decision on said Show Cause Order shall be submitted prior to the issuance of the necessary Certificate/License for succeeding application/s.

Rule 17. SUSPENSION, WITHDRAWAL, AND CANCELLATION OF PS LICENSE

- 17.1 A duly issued PS License shall be suspended, recalled, withdrawn, cancelled or revoked based on any of the following grounds:
 - 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-à-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 licensee 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 EO 913 Series of 1983, DAO No. 7, Series of 2006 and DAO No. 2, Series of 2007 and /or its future amendments.

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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/SOC/ICC shall be the following:
- 18.2.1 In case of denial of the PS License/SOC/ICC 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 licensee 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.
- 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 speed limitation devices not complying with the particular technical regulation or corresponding standard;
- 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, recognized 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 EO 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 Cancellation or revocation of recognition issued by the BPS.
- 20.4 Watch-listing and/or blacklisting of importers/manufacturers.
- 20.5 Any other sanctions or penalties as provided under existing DTI rules and regulations.

Rule 21. DISPOSAL OF SAMPLES

- 21.1 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 or ICC Certificate. If the importer/manufacturer fails to claim the samples after receipt of PS License or ICC Certificate 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.
- 21.2 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 22. ISSUANCE OF GUIDELINES/PROCEDURES

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

Rule 23. 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. SEPARABILITY CLAUSE

If any term or provision of this Order should be declared illegal or invalid by a court of competent jurisdiction, the remaining terms and provisions thereof shall remain unimpaired and in full force.

Rule 25. TRANSITORY PROVISIONS

- 25.1. All PS applications received prior to the effectivity of this Order shall be processed in accordance with DAO 04:2008.
- 25.2. All PS License applications received after the effectivity of this Order shall be subject to the procedures and requirements prescribed herein.

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25.3. In the absence of BPS recognized testing laboratory, the importers shall warrant that the SLD/ASLD they import into the country conform to the standard through the following:

25.3.1 Importers shall submit supplier's/manufacturer's declaration of conformity on a per shipment per Bill of Lading/Airway Bill basis;

25.3.2 Copy/ies of valid Type Approval Certificate/s for each type of imported SLD/ASLD issued by a Type Approval Authority; and

25.3.3 Copy of valid test report for each type of imported SLD/ASLD issued within two (2) years from the date of filing of the application by a testing laboratory accredited by an accreditation body signatory to ILAC/APAC.

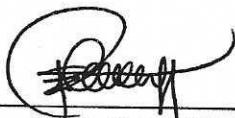
It is understood that the aforementioned requirements shall cease to be implemented once a BPS recognized testing laboratory is available.

Rule 26. EFFECTIVITY

This Order shall take effect upon 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 21st day of October in the year 2019.

Recommended by:



NEIL P. CATAJAY

Officer-in-Charge, Bureau of Philippine Standards



ATTY. RUTH B. CASTELO

Undersecretary, CPG

Approved:



RAMON M. LOPEZ

Secretary

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

PARTICULARS		FEE	PAYABLE TO
1	Application Form	Php 300.00	DTI
2	Quality Manual Review	Php 5,000.00	
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	Php 100.00 or as charged by Designated Auditing Body	DTI / Designated Auditing Body
3.2	Small	Php 300.00 or as charged by Designated Auditing Body	
3.3	Medium	Php 400.00 or as charged by Designated Auditing Body	
3.4	Large	Php 500.00 or as charged by Designated Auditing Body	
4	Original License Fee* (Payable within 15 days after billing)		
4.1	Micro	Php 5,000.00	DTI
4.2	Small	Php 7,500.00	
4.3	Medium	Php 10,000.00	
4.4	Large	Php 12,500.00	
5	Annual License Fee* (Payable within 15 days after billing)		
5.1	Micro	Php 2,500.00	DTI
5.2	Small	Php 3,750.00	
5.3	Medium	Php 5,000.00	
5.4	Large	Php 6,250.00	
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	Manufacturer/Importer

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TABLE 1A: SIZE OF ESTABLISHMENT

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

TABLE 2: SCHEDULE OF FEES AND CHARGES FOR THE IMPORT COMMODITY CLEARANCE (ICC) AND 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/ICC)		
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	Manufacturer/Importer

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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