NATIONAL ADMINISTRATIVE REGISTER · OCTOBER 8, 1990

Guidelines Imposing Price Ceiling On Certain Prime Commodities In The National Capital Region

DTI ADMINISTRATIVE ORDER NO. 10, October 08, 1990

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Pursuant to the provisions of Executive Order No. 423. s. of 1990, Executive Order No. 913, s. Code of 1987, and Presidential Decree No. 1674, as amended, the following guidelines are hereby promulgated for the compliance, guidance and information of all concerned:

SECTION 1. Definition of Terms –

a. Price ceiling means the maximum price at which a particular commodity under price control shall be sold.

b. Overpricing means the selling or offering for sale of a particular commodity at a price above the established price ceiling.

c. DTI means the Department of Trade and Industry.

d. Secretary means the Secretary of Trade and Industry.

SECTION 2. Prohibited Acts – No person shall sell or offer to sell any of the prime commodities enumerated in Executive Order No. 423 at a price higher than the price ceiling indicated therein.

SECTION 3. Proof of Violation – Any one of the following shall be deemed sufficient proof of violation of this Order.

a. Price marked or attached to the commodity or listed in the price list which shows overpricing;

b. Receipt of any other proof of purchase, showing overpricing; or

c. Affidavit of at least two (2) persons attesting to the overpricing.

SECTION 4. Deputation of Government Agencies and Instrumentalities – The Department of Trade and Industry may mobilize and deputize all government agencies and instrumentalities including local government units, Philippine Constabulary/Integrated National Police, and other law enforcement agencies to strictly implement this Executive Order. Deputized agencies are authorized to form their own inspection and enforcement teams to implement the aforementioned Executive Order.

SECTION 5. Powers and Functions of the Deputized Government Units and Agencies – They shall have the following powers and functions:

a. To implement and enforce the price ceilings of prime commodities provided in Executive Order No. 423 as well as, any adjustments thereof;

b. To monitor the agreed prices between producers, manufacturers, distributors, wholesalers, and retailers on the one hand, and the government on the other hand, as to the suggested price from the various channels of distribution.

c. To harness the support of the private sector and various non-government organizations (NGOs) for the

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effective implementation of this Order.

d. To submit such reports as may be required by the Secretary.

e. To receive complaints and act on the same in accordance with the provisions of Section 6 hereof.

SECTION 6. Administrative Procedure –

a. Administrative actions implemented by the Department of Trade and Industry shall be conducted in accordance with the provisions of Executive Order No. 913 and Ministry Order No.69, Series of 1983.

b. Administrative actions implemented by deputized agencies shall be conducted in accordance with their respective ordinances or charters.

In the event however that deputized agencies shall make use of DTI representatives as hearing officers, the same shall be in accordance with Executive Order No. 913 and Ministry Order No. 69, Series of 1983, as follows:

1. Formal Charge – The formal charge stating the circumstance of violation committed in the prescribed form and signed by the deputized agent shall be served on the respondent.

2. Mediation – The mediation shall be conducted by a Mediation Committee composed of a representative from DTI, the local government representative appointed by the mayor and a private sector representative from BBCVN.

The Mediation Officer shall call the parties to a conference within 48 hours from apprehension through a written notice.

3. Mediation Resolution Report – Upon termination of the mediation, the Mediation Officer shall submit a report of his findings and recommendations in the form prescribed together with all records and evidences to the DTI-NCR Regional Office and if the latter agrees to said recommendation the same shall be conveyed to the deputized agency for implementation. Fines collected pursuant to E.O. 913 shall be remitted monthly to the DTI-NCR Cashier.

In the event that mediation fails, the case shall be elevated to the DTI Office of Legal Affairs for formal hearing.

SECTION 7. Administrative Penalties – In administrative actions implemented by the Department of Trade and Industry the penalties imposed shall be those provided in Executive Order No. 913, s. of 1983 including but not limited to fines from P500.00 to P150 ,000.00, confiscation of the subject of the offense and the paraphernalia used in the commission thereof; closure and cancellation of licenses, permits, and registration with the DTI.

SECTION 8. Other Sanctions – The administrative penalties mentioned in Section 7 hereof, shall be without prejudice to additional sanctions provided in Executive Order No. 913 which may be imposed by the Mediation Officer/Hearing Officer when the circumstances warrant for the separate criminal prosecution of the violator under other existing laws.

The City/Municipal Mayor may, in addition to the above, exercise police powers under existing laws and municipal, city, or MMA ordinances.

SECTION 9. Criminal Procedures – In accordance with Presidential Decree No. 1674 the usual judicial procedures for prosecution of special laws shall be observed and such prosecution shall be conducted by the appropriate provincial/city fiscal.

SECTION 10. Criminal Penalties – The following criminal fines shall be imposed for violations of price ceilings:

a. Fine of P2 ,000.00 to P20,000.00; and/or

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b. Imprisonment of not less than six (6) months but not more than five (5) years.

SECTION 11. Effectivity – This Order shall take effect immediately upon publication in a national newspaper of general circulation.

Adopted: 8 Oct. 1990

(SGD.) JOSE S. CONCEPCION, JR.

Secretary

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