

PROVIDING FOR INCENTIVES IN THE PURSUIT OF ECONOMIC DEVELOPMENT PROGRAMS BY RESTRICTING THE USE OF DOCUMENTS AND INFORMATION VITAL TO THE NATIONAL INTEREST IN CERTAIN PROCEEDING...

PRESIDENTIAL DECREE NO. 1718, July 21, 1980

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WHEREAS, the Government promotes, encourages and assists the business sector in its active participation in development programs designed to implement prescribed policies of the State;

WHEREAS, in pursuance of such programs and in order to achieve the desired goals and objectives, the Government has authorized certain activities, measures, and undertakings to be done by the private sector; and

WHEREAS, the Government should provide protection to all persons and entities carrying out the economic development programs against the enforcement of certain requirements, orders and judgements of foreign authorities which operate to impose upon this nation their own economic policies, concepts and ideas; perpetuate the economic advantages of the industrial countries over the developing nations; favor foreign competitors; and embarrass, disrupt, or damage business carried on in the country;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. It is hereby declared a policy of the State that any and all documents and information possessed by or in the custody of Philippine corporations, entities or individuals doing business in the pursuit of the national economic development programs of the Government and/or engaged in the development, promotion, protection and export of Philippine products to increase foreign currency revenues, are vital to the national interest and should not be utilized by any foreign person or government to the prejudice and/or detriment of said corporations entities or individuals, including their officers and employees.

SEC. 2. To implement this policy, no person shall take or cause to be taken, send or cause to be sent, or remove or caused to be removed from the territorial jurisdiction of the Philippines, or deliver in any manner or form to any foreign person or government or its agent or representative; any document or information as herein defined relating in any manner to any business carried on in the Philippines, unless such taking sending or removal is consistent with and forms part of a regular practice of furnishing to a head office or parent company or organization outside of the Philippines, or is in connection with the proposed business transactions requiring the furnishing of the document or information, or is required or necessary for negotiations or conclusion of business transactions, or is in compliance with an international agreement to which the Philippines is a party, or is made pursuant to the authority granted by the designated representative(s) of the President as herein described.

SEC. 3. For the purposes of this Decree, the term "document or information" shall include, but not be limited to, the originals (and all copies which are non-identical whether by means of notation or otherwise) of all written, printed, typed, recorded, graphic, or photographic matter, or any other type of memorial, formal or informal, located in the Philippines (including sound recordings and information stored in computers) whether or not" in the

possession, custody, or control of the person against whom the foreign requirement, order, direction, or subpoena is directed, including, but not limited to telexes, records, books of account, reports, minutes, memoranda, telegrams diaries, appointment books, log books, desk calendars, notes, inter-office or intra-office communications, bulletins, charts, circulars, maps, expense accounts, working papers, surveys, bid materials, stenographers notebooks, sales reports, price lists, and all other writings and papers similar to the foregoing, however denominated, including any record or device by means of which material is recorded or stored, and resume, digest or extract of any such material.

SEC. 4. No action enforcement of any foreign judgment rendered against any Philippine corporation, entity or individual shall be entertained or given due course by any Philippine court or administrative body without prior written clearance from the designated representative(s) of the President in any of the following:

- A judgment for multiple damages or for an amount arrived at by doubling, trebling or otherwise multiplying a sum assessed as compensation for the loss or damage sustained by the person in whose favor judgment is rendered arising out of an alleged anti-trust proceedings;
- A judgment based on a provision or rule of law which relates to, or is concerned with, the prohibition or regulation of agreements, arrangements or practices designed to restrain, distort or restrict competition in the carrying on of business of any description, or otherwise relates to, or is concerned with, the promotion of competition;
- A judgment on a claim for contribution in respect of damages awarded by a judgment falling within paragraph (a) or (b); or
- Any proceeding in which any of the restricted documents or information has been made the basis of or used in evidence to support the judgment therein.

SEC. 5. Any person who is served or issued any requirement, order, directive or subpoena of any legislative, administrative or judicial authority in any jurisdiction outside of the Philippines involving said documents or information shall inform the designated representative(s) of the President of the Philippines of such service/requirement who shall then determine whether or not compliance shall be made. For this purpose, the President of the Philippines shall promulgate rules, regulations and/or instructions necessary to carry and/or implement the objective of this Decree.

SEC. 6. Any person who shall violate the provisions of this Decree or any order issued by the President/Prime Minister pursuant to this Decree shall, upon conviction, be punished by imprisonment of not more than three (3) years or a fine of not more than P100,000.00 or both, in the discretion of the court, in case the offender is a corporation, partnership or any juridical entity, the penalty shall be imposed on the officer or officers authorizing, permitting or tolerating the violation.

SEC. 7. All provisions of existing laws, orders, and regulations contrary to or inconsistent with this Decree are hereby repealed or modified accordingly.

SEC. 8. If, for any reason, any section or provision of this Decree is declared to be unconstitutional or invalid, the other sections or provisions of this Decree which are not affected thereby shall continue in full force and effect.

SEC. 9. This Decree shall take effect immediately.

Done in the City of Manila, this 21st day of August, in the year of Our Lord, nineteen hundred and eighty.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JOAQUIN T. VENUS, JR.
Presidential Assistant

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