

Defining The Responsibilities and Liabilities Of Manufacturers/Importers, Distributors, Wholesalers, And Retailers With Regard To Mandatory Product Standard

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/81da78df87d5/>

Pursuant to Section 2 of Executive Order No. 913, Series of 1983, and Sec. 3(x) of Executive Order No. 133, Series of 1987, empowering the Secretary of the Department of Trade and Industry to promulgate rules and regulations to implement the provisions and intent of any trade and industry law, the following rules and regulations implementing Republic Act No. 4109 are hereby prescribed and promulgated for the information, compliance and guidance of all concerned:

SECTION 1. Definition of Terms – As used in this Department Administrative Order, the following terms are defined as follows:

- BPS is the Bureau of Product Standards of the Department of Trade and Industry;
- Priority products are products that affect life, health, safety and property, such as, but not limited to electrical and firefighting equipment, construction materials, medical oxygen and consumer goods;
- Mandatory standards are standards imposed by BPS on priority products, whether manufactured locally or imported;
- PS license is the license issued by BPS to manufacturers or importers of priority products which have complied with the mandatory standards;
- PS Mark is the mark required by BPS to be placed on priority products manufactured or imported by a PS License;
- Markings refer to standard mark, logo, symbol, manufacturer's name, trademark, product type or class, etc. imprinted or embossed on a product or label intended to convey relevant information about the product.

SECTION 2. Requirement of PS License – Manufacturers and importers of any priority product are required to secure PS License prior to selling, offering for sale, or otherwise disposing of their product(s).

SECTION 3. Requirement of PS Mark and Markings – Manufacturers and importers of any priority products shall use the PS Mark or other marking(s) mandated by BPS or other concerned agencies, prior to selling, offering for sale, or otherwise disposing of their product(s).

SECTION 4. Responsibility of Distributors, Wholesalers and Retailers of Priority Products – All distributors, wholesalers and retailers of priority products shall sell, or offer for sale, only priority products with PS License, PS Mark and other required markings.

SECTION 5. Prohibited Acts – The following acts are hereby prohibited:

- Selling, offering for sale, or in any manner disposing of any priority product without the required PS License and a certification from BPS that the product conforms to the mandatory standards;

- Selling, offering for sale, or in any manner disposing of any priority product without PS Mark or other markings required by Rep. Act No. 4109, and the implementing rules and regulations issued by the Department of Trade and Industry;
- Selling, offering for sale, or in any manner disposing of any priority product under a take PS License of Mark;
- Abetting the shipment abroad or facilitating the discharge, distribution or sale for domestic consumption of any priority product in violation of the provisions of Sec. 6 of Rep. Act No. 4109, or any rules and regulations issued therewith;
- Issuance of customs export entry, import entry, declaration, release certificate, manifest, clearance, import permit, or permit to ship abroad or discharge, without an inspection having been conducted in accordance with Subsections (b), (c), (d) or (e) of Section 4 of Rep. Act No. 4109;
- In any investigation conducted by BPS relative to the issuance of PS License or certifications:
 1. failure or refusal to comply with a legal summons, subpoena or subpoena duces tecum issued by BPS;
 2. refusal to be sworn in, prior to giving testimony;
 3. refusal to answer pertinent questions;
 4. giving of false or misleading data or information; and
 5. willful concealment of a material fact.

SECTIONS 6. Procedures – The following procedures shall be undertaken in the enforcement of this Order.

DTI Provincial Directors shall undertake to do and perform the following acts, for and on behalf of the undersigned:

- To file and institute a formal charge against any person, company, or entity who is found, upon verified complaint/reports supported with documents and other papers committing any act of activity in violation of trade and industry laws.
- To designate any employee, under his supervision or control to act as the Investigation/Mediation/Prosecution Officer where the services of said officers are necessary.
- If during mediation, respondent admits the violation, the Provincial Director shall issue the decision and impose such administrative penalties as may be provided under E.O. 913. If respondent does not admit the violation the Provincial Director shall file statement of Violation with the Regional Office concerned.
- The Regional Director shall conduct a formal investigation and render a decision in accordance with E.O. 913.
- Formal Hearing. The Provincial Director who instituted the formal charge/statement of violation shall prosecute the case himself or through his duly authorized representative.
- Decision. Within fifteen (15) days from the termination of the administrative proceedings, a written decision shall be served on the complainant and the respondent either by mail or personal service.
- Execution. Unless a motion for reconsideration is filed within fifteen (15) days from receipt of the decision by the party adversely affected or an appeal is made to the undersigned within said period, the decision shall become final and executory after fifteen (15) days from receipt of such decision.

SECTION 7. Administrative Penalties for Violation – Any violation of Rep. Act 4109, P.D. No. 187, P.D. No.

748, B.P. Blg. 8 or this Order shall be punished with any or all of the penalties set under Executive Order No. 913, Series of 1983, such as:

- The issuance of a cease-and-desist order;
- The condemnation or seizure of products which are the subject of the offense;
- The seizure and forfeiture of the paraphernalia and all properties, real or personal, which have been used in the commission of the offense;
- The closure of the business establishment, warehouse, building, shop or any other structure which was used in the commission of the offense; provided, that the penalty of closure shall be for a minimum of five (5) days, without prejudice to the imposition of permanent closure, if warranted;
- The imposition of administrative fines in such amount as deemed reasonable by the Chief Hearing Officer/Adjudication Officer, which shall in no case be less than five hundred pesos (P500.00) nor more than one hundred fifty thousand pesos (P150,000.00) plus not more than one thousand pesos (P100,000.00) for each day of continuing violation. The fine imposed under this Section shall be regardless of the limits of the criminal fine fixed in the trade and industry law violated;
- The cancellation of any permit, license, authority, or registration which may have been granted by the Department, or the suspension of the validity thereof for such period of time as the Secretary may deem reasonable which shall not, however, exceed one year; and
- Censure.

The filing of an administrative case before the DTI shall be without prejudice to the filing of appropriate criminal charges for violation of Rep. Act No. 4109, P.D. No. 187, P.D. No. 748 and B.P. Blg. 8.

SECTION 8. Repealing Clause – All department administrative orders inconsistent herewith are hereby repealed or modified accordingly.

SECTION 9. Effectivity – This Order shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation.

Adopted: 3 Sept. 1990 .

(SGD.) JOSE S. CONCEPCION, JR.

Secretary

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.