SAFEGUARD CASE NO. 02-2002 CONCERNING BOND/SAFEGUARD MEASURE AGAINST THE IMPORTATION OF GRAY PORTLAND CEMENT

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Transmitted for publication is the Resolution with the Temporary Restraining Order issued by the Special Twelfth Division of the Court of Appeals in CA-G.R. SP No. 70234, entitled PHILIPPINE CEMENT MANUFACTURERS CORPORATION versus THE HONORABLE SECRETARY OF THE DEPARTMENT OF TRADE AND INDUSTRY, THE TARIFF COMMISSION, THE HONORABLE COMMISSIONER OF CUSTOMS, THE HONORABLE SECRETARY OF THE DEPARTMENT OF FINANCE, COHACO TRADING CORPORATION, SOUTHERN CROSS CEMENT CORPORATION, and PHILIPPINE CONSTRUCTORS ASSOCIATION, restraining the implementation of the Decision dated April 5, 2002 of the Secretary of the Department of Trade and Industry denying the application for safeguard measures filed by PHILCEMCORP, the dispositive portion of which states:

"In the meantime, acting on the prayer for issuance of the temporary restraining order (TRO) and so as not to render the petition moot, this Court resolves to grant the same.

"The TRO is conditioned upon the posting of a bond by the petitioner in the amount of TWO MILLION PESOS (P2,000,000.00) to answer all damages the respondents may sustain by reason of the TRO should the Court eventually decide that the petitioner is not entitled thereto.

"Respondents DTI Secretary, Department of Finance Secretary and Bureau of Customs Commissioner or any of their agents or representatives are hereby temporarily restrained from implementing the assailed April 5, 2002 Decision of the DTI Secretary and the March 13, 2002 Tariff Commissioner's Report and from undertaking further proceedings thereon."

For compliance.

Adopted: May 20, 2002

(SGD.) ANTONIO M. BERNARDO
Commissioner

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