

REVISING DAO NO. 1, S. 1993 GUIDELINES IN HANDLING EXPORT TRADE-RELATED COMPLAINTS FORMALLY LODGED WITH THE BUREAU OF EXPORT TRADING PROMOTION (BETP) DEPARTMENT OF TRADE AND IND...

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Whereas, the BETP is the primary export assistance and information arm of the Department of Trade and Industry which is mandated to oversee the country's export trade program.

Whereas, the BETP continuously receives export-related complaints from foreign buyers, exporters and suppliers of Philippine goods and services.

Whereas, one of the services of the BETP is to match Philippine suppliers/exporters with potential foreign buyers and vice-versa and promote ethical business practices among the same to further enhance the image of the Philippines as a reliable supplier of products and services.

NOW THEREFORE, pursuant to the mandate mentioned in the preceding clause, the following rules are hereby promulgated:

1. Scope — This Department Administrative Order provides the policies, rules and procedures for registering export related trade complaints and facilitating the resolution of trade complaints received by the BETP from exporters, suppliers and foreign buyers.

2. Definitions of Terms — For the purpose of this Department Administrative Order, the following definitions shall apply:

2.1

BETP the Bureau of Export Trade Promotion

2.2

EXPONET acronym for Export Assistance Network, the unit in the BETP whose task among others is to attend to all export trade-related complaints

2.3

Trade Complaints all complaints arising from export related transactions

2.4

Trade Representative an officer of the Foreign Trade Service Corps, Department of Trade and Industry assigned to a specific overseas post, who may carry any one of these titles: Senior Commercial Attache, Special Trade Representative, Trade Service Officer, Commercial Counsellor, Commercial Attache, Consul (Commercial), Assistant Commercial Attache. The trade representative may also be an auxiliary, as in the case of Bangkok, Iran, and Kuwait.

2.5

Regional/Provincial Officer the DTI officer assigned at the Regional/Provincial level

2.6

Trade Complaints Committee an inter-agency committee created specifically to render specific recommendations and actions on export trade-related complaints received by the BETP. This Committee is composed of the Director of the BETP, the President of the Philippine Exporters Confederation, Inc. (Philexport), the President of the Credit Information Bureau, Inc. (CIBI), and the Director of the DTI Office of Legal Affairs, or their designated representative.

2.7

Watchlist list of exporters, suppliers and foreign buyers who are respondents to export trade-related complaints classified under the criteria set forth in Items 3.5.1.1 to 3.5.1.5

3. Procedure to be Observed in Handling Trade Complaints

3.1

All complaints must be submitted in writing duly subscribed preferably under oath by the complainant, before the same can be given due course.

3.2

Upon receipt of a letter-complaint, the assigned BETP-EXPONET Mediating Officer must familiarize himself/herself with the case. Noting down carefully the parties involved and the details of the complaint, he/she must inform and coordinate with the proper entities involved:

3.2.1 If the complaint involves a foreign entity, the EXPONET staff must inform the Trade Representative to facilitate actions on the same.

3.2.2 If the complaint involves a Philippine resident. EXPONET must inform and coordinate with the DTI Regional/Provincial Officer to facilitate actions on the same.

3.3

The EXPONET staff must inform respondent about the complaint thru telephone and registered letter within three (3) working days from receipt of complaint. Filipino respondents are allowed to reply within fifteen (15) working days after receipt of registered notice. If necessary, respondent may appear in a conference to present his/her answer. If respondent is a foreign entity, he/she is allowed to respond within thirty (30) working days after receipt of registered notice and if necessary, may be requested to confer with the Trade Representative assigned in his/her area.

3.3.1 If respondent, refutes the allegations of the complainant, the same should be asked to submit an answer preferably subscribed under oath with supporting documents if any. All submissions are presented to the Trade Complaints Committee.

3.3.2 If respondent admits guilt and he/she is in the Philippines, the BETP thru the Regional/Provincial officer shall provide the necessary assistance to facilitate resolution of complaint. In case respondent is located outside the Philippines, the BETP shall facilitate the resolution of complaint thru the concerned Trade Representative.

3.3.3 If respondent does not reply within the allowable period mentioned in Item 3.3, the respondent shall be given an ultimatum to respond within fifteen (15) days from receipt thereof. Otherwise the respondent shall be deemed to have admitted the allegation of the complaint and he/entity shall be automatically included in the Watchlist.

3.4 EXPONET will arrange the meetings between complainants and respondents relative to cases under Items 3.3.1 and 3.3.2 whenever possible and conduct the same in the presence of a representative from Office of Legal Affairs, DTL.

EXPONET shall submit its fact finding report to the Trade Complaints Committee.

3.5 The Trade Complaints Committee which shall meet once a month shall be guided by the following criteria in deciding if a respondent should be recommended for inclusion in the Watchlist.

3.5.1 All respondents with unresolved complaints/cases recommended by the Committee to be included in the Watchlist should satisfy any of the following:

3.5.1.1 He/entity is a respondent in two (2) or more trade complaints.

3.5.1.2 He/entity is a respondent in a complaint which would seriously affect the image of the Philippines as a reliable supplier of export commodities.

3.5.1.3 He/entity admits guilt to a complaint.

3.5.1.4 He/entity is a respondent/defendant in a civil case, or accused in a criminal case court arising from a trade complaint.

3.5.1.5 He/entity is a respondent in a trade complaint not within the purview of items 3.5.1.2, 3.5.1.3, or 3.5.1.4 but causing pecuniary loss or injury to the complainant through bad faith on his part as determined by the committee.

3.6 The contending parties in a complaint should be informed of the decision handed down by the Trade

Complaints Committee. Any party included in the watchlist, upon recommendation of the committee, cannot avail of any of the following services/assistance from the DTI:

3.6.1 Recommendation to any public or private lending entity for the availment of a loan;

3.6.2 Referral to any domestic/foreign buyer;

3.6.3 Participation in any DTI-sponsored fair, exhibit or selling mission;

3.6.4 Inclusion in any supplier listings, i.e., exporters directories, supplier catalogs, promotional brochures/industry situationers done by DTI, which will be disseminated here and abroad; or

3.6.5 Any other DTI activity relative to export and investment promotion and financing.

4. The Trade Complaints Committee shall submit its recommendation to include a respondent in the Watchlist to the Supervising Undersecretary of BETP for approval.

5. Effectivity — This Order shall take effect fifteen (15) days from its publication in two (2) newspapers of general circulation.

Adopted: 12 Oct. 1993

(Sgd.) R. S. NAVARRO

Secretary

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