VENUE OF ACTIONS INVOLVING VIOLATIONS OF THE CONSUMER ACT (RA 7394)

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Whereas, there is a need to achieve uniformity in the adjudication of cases under the Consumer Act;

Whereas, the simplification of procedure is imperative in order to improve the administration of justice at least within the DTI camp;

Wherefore, in the interest of the service, and in order to effectively protect the consumers and apply swift and effective solution to numerous consumer complaints, and pursuant to Rule IX, Joint Administrative Order No. 1, series of 1993, giving authority to the concerned department to issue separate rules, the following rules on venue of actions involving violations of the provisions of the Consumer Act falling under the authority of the Department of Trade and Industry are hereby promulgated, viz:

RULE I

COMPLAINT

SECTION 1. Where to File Complaint. — The complainant may file the case in duplicate with the Provincial Office, or in an area where there is no Provincial Office, with the Regional Office, in any of these places, at his option:

a.) place where the offense was committed wholly or partially;

b.) place where an essential ingredient of the offense was committed;

c.) place specified by the parties by means of a written agreement;

d.) place where transaction was consummated;

e.) place of the execution of the contract sued upon as appears therefrom.

f.) place of residence of the complaint;

g.) place of residence of the respondent.

SECTION 2. Option on Venue by Complainant. — The option of the complainant shall be limited to the venues as enumerated. The choice shall not be such as to restrict the speedy resolution of case.

SECTION 3. Establishment of Jurisdiction. — The Provincial Office or Regional Office where the complaint is first filed, and it has jurisdiction over the case, shall take cognizance thereof to the exclusion of the other Offices having similar jurisdiction over a given case or controversy.

SECTION 4. The Complaint need not be converted to a Formal Charge, in which case, the Complaint shall continue to be the basis of the adjudication, from the time of filing up to appeal.

SECTION 5. Venue by Agreement. — By written agreement of the parties, the venue of an action may be changed or transferred from one province to another.

SECTION 6. Juridical Action not Precluded. — Parties are not precluded to pursue the proper judicial action in appropriate cases.

RULE II

EFFECT OF RULE ON VENUE ON OTHER TRADE AND INDUSTRY LAWS

SECTION 1. Venue of Special Laws. — Other Trade and Industry laws which specifically provide for the venue of actions shall prevail.

RULE III

CONCURRENCE OF JURISDICTION

SECTION 1. First to Acquire Jurisdiction. — In case of concurrence of jurisdiction, the Province or Regional Office which is the first to acquire jurisdiction on any given case or controversy shall take cognizance thereof to the exclusion of other Provincial or Regional Offices having similar jurisdiction on a given use or controversy.

SECTION 2. Pendency of Case in Regular Court. — The administrative case shall proceed independently of any civil or criminal action pending before a regular court unless the latter shall direct otherwise.

RULE IV

EFFECT OF RULES OF COURT

SECTION 1. Rules of Court, Suppletory. — The Rules of Court shall apply suppletorily in any given case or controversy involving violations of trade and industry laws.

RULE V

SEPARABILITY CLAUSE

SECTION 1. In the event that any provision(s) of these rules and regulations or the application of any of such provision(s) to any person or circumstances is declared invalid, all other provisions unaffected shall continue to remain in full force and effect.

RULE VI

REPEALING CLAUSE

SECTION 1. All existing orders or circulars inconsistent herewith are hereby modified or revoked accordingly.

RULE VII

EFFECTIVITY

SECTION 2. This Department Administrative Order shall be published in full text in two (2) newspapers of general circulation, and shall take effect fifteen days after its publication.

Adopted: 17 June 1997

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