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Rules And Regulations On The Accreditation Of Consumer Organizations Pursuant to LOI 1337

DTI ADMINISTRATIVE ORDER NO. 16, November 28, 1990

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Pursuant to Title X, Book IV of the administrative Code of 1987 and Letter of Instructions No. 1337, the following rules and regulations are hereby prescribed and promulgated for the compliance, guidance, and information of consumer organizations and all other concerned:

Rule I
Title and Definition of Terms

1. Title – These Rules shall be cited as “Rules and Regulations on the Accreditation of Consumer Organizations”.

2. Definition of Terms – For purposes of these Rules, the term -

2.1 Secretary refers to the Secretary of Trade and Industry.

2.2 Director refers to any DTI Regional/Provincial Director

2.3 DTI refers to the Department of Trade and Industry, including its Regional and Provincial Offices

2.4 Consumer refers to any person who utilizes goods and services to satisfy his and his household’s needs and wants.

2.5 Consumer organizations means a group of consumers where membership is voluntary and whose objective is to protect consumers against deceptive, unfair and unconscionable trade acts and practices or other acts or omissions prejudicial/detrimental to the interest of consumers. For brevity, this term shall hereinafter be referred to as “organization”.

2.6 Members refers to card-bearing members of the organization.

2.7 Accreditation refers to the determination to be made by the DTI if an organization meets the requirements set in these rules, and the attestation thereafter, through the Certificate of Accreditation, that the organization meets said requirements.

2.8 Certificate of Accreditation refers to the document issued by the Director accrediting an organization.

Rule II
Accreditation

3.0 Filing of Application – All consumer organizations desiring to participate in or be heard in hearings/investigations on matters affecting consumers, conducted by administrative or quasi-judicial bodies, shall be accredited by the DTI. They shall be given application forms which they will have to fill up and submit to the DTI.

4.0 Requirements for Accreditation – The following documents shall be attached to the application form:

4.1 Certified copies of its Articles of Incorporation and By-laws;

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4.2 Certified copy of the Certificate of Registration issued by the Securities and Exchange Commission (SEC);

4.3 Certification issued by the SEC that the consumer organization has complied with all the rules and regulations of the SEC, and that the organization is an entity of good standing;

4.4 List of trustees, officers and members of the organization (including their addresses); and

4.5 Other pertinent documents which the DTI may require.

5.0 Criteria for Accreditation of Consumer Organizations -

5.1 All consumer organizations with a minimum of thirty (30) members for municipalities and fifty (50) for cities shall apply for accreditation with the DTI.

5.2 An organization shall be classified as National if it has a substantial membership or has at least one chapter/affiliate in each of the three major areas of the country (Luzon, Visayas, Mindanao).

5.3 False statements in the application shall be a ground for non-accreditation.

5.4 Groups should raise issues for consensus. Any false representation shall bar accreditation.

5.5 The President or any officer of the organization may file for accreditation.

6.0 Issuance of Certificate – The Director, after having been satisfied that the applicant meets the requirements set in these rules, shall approve the application and issue the corresponding Certificate of Accreditation.

7.0 Period of Validity and Renewal of Certificate of Accreditation -

7.1 The Certificate of Accreditation (original or renewal) shall be valid for two years.

7.2 Applications for renewal should be filed before the date of expiration of the Certificate, in which case the period of validity of the renewal Certificate shall commence from the date of expiration of the previous Certificate.

7.3 If filed after the expiration of the Certificate, the period of validity of the renewal Certificate shall commence from the date to be fixed in the said renewal Certificate which should not however be earlier than the date said renewal Certificate was signed by the Director.

7.4 The Certificate of Accreditation shall state in bold letters the period of validity thereof, such as “valid from January 1, 1990 to December 31, 1991”.

7.5 Upon the filing of application for renewal the following documents shall be submitted:

7.5.1 List of the organization’s additional members and those who have ceased to be members (such as by death, resignation, and expulsion), if any, and their respective addresses, or certification by the Corporate Secretary that it has no additional members or that no member has ceased to be a member.

7.5.2 A certified copy of the amendments to the Articles of Incorporation and a certified copy of the amendments to the By-laws, if there have been such amendments.

7.5.3 Other pertinent documents which the DTI may require.

Rule III
Cancellation of the Certificate of Accreditation

8.0 Verification – The DTI shall verify the correctness and veracity of the statements contained in the documents submitted to ensure that only organizations worthy of accreditation are actually accredited and allowed to hold the

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said Certificate for the duration of the period of validity of said Certificate.

9.0 Grounds for Cancellation or Suspension of the Validity of the Certificate of Accreditation, after Notice and Hearing – After due notice and opportunity of hearing, a Certificate of Accreditation may be cancelled or the validity thereof may be suspended on the following grounds:

> 9.1 Any of the purported members of the organization does not really exist or if existing is not really a member;
>
> 9.2 The organization has performed or is performing any act inimical or prejudicial to the interests of the consumers;
>
> 9.3 The organization has actively supported or is actively supporting sales promotion activities of business enterprises with or without any valuable consideration, or indorsing a product, or granting awards to said business enterprises.
>
> 9.4 Making any false statement or false representation in the documents required to be submitted to DTI or making said statements/representations in said administrative or quasi-judicial bodies.
>
> 9.5 Violation of LOI 1337, these rules, and any circular/order which may be issued to implement these rules.

10.0 Grounds for Automatic Cancellation of the Certificate of Accreditation – The cancellation of the organization's certificate of Registration with SEC automatically cancels the Certificate of Accreditation.

Rule IV
Decisions and Orders

11.0 Decisions/Orders of Director, When Final – The decision/order of the Director under these rules shall be final and executory after fifteen days from receipt thereof by the party affected, unless an appeal is made to the Secretary within said 15-day period.

12.0 Evaluation of the Records of the Case – In the event that an appeal is made to the Secretary, a copy of the appeal shall be furnished the Director who shall forward the records of the case to the Secretary within five (5) days from receipt of the copy of the appeal.

13.0 Filing of Verified Memorandum – The appellant shall file a verified memorandum, containing the concise statement of the facts of the case, the grounds for the appeal, and the arguments supporting his appeal.

14.0 Decisions/Orders of Secretary, when Final – The decision.order of the Secretary shall become final and executory after fifteen (15) days from receipt thereof by the party affected, unless an appeal to the court is made within said 15-day period.

15.0 Motion for Reconsideration – The party affected is allowed only one motion for reconsideration of the decision/order of the Director/Secretary.

16.0 Applicability of DTI M.O. 69 – It is understood that any violation of LOI 1337, these rules, and the circular/order which may be issued to implement this Order, which are subject to administrative adjudication under E.O. 913 and its implementing rules (M.O. 69 and others), shall be resolved thereunder and not under this Rule IV.

Rule V
Options of Administrative Or Quasi-Judicial Bodies

17.0 Requirements of LOI 1337 For Administrative or Quasi-Judicial Bodies – LOI 1337 requires any

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administrative or quasi-judicial body, which conducts hearings/investigations on matters affecting consumers, to:

17.1 Require first the consumer organization to submit to the said body, to its satisfaction the following:

17.1.1 Original/certified copies of its Articles of Incorporation and By-laws;

17.1.2 Original/certified copy of the Certificate of Registration issued by the SEC; and

17.1.3 Certification by the SEC that said organization has complied with all the rules and regulations of the SEC, and that the organization is an entity of good standing.

17.2 Determine first whether the organization represents a substantial number of members of the sector or segment of society it purports to represent, before it allows the organization to participate or be heard in said hearing/investigation.

18.0 Purposes of the Said Two Requirements – The purposes of the two requirements mentioned un Subsections 17.1 and 17.2 above are:

18.1 To determine the motive and intent of the organization.

18.2 To determine if it has a legal personality.

18.3 To determine its standing.

18.4 To determine if it truly represents the sector it purports to represent.

19.0 The Option – The purposes mentioned in Section 18.0 hereof are likewise achieved by the accreditation system established under these Rules. Hence, the administrative or quasi-judicial body, in complying with the said requirements of LOI 1337, shall have the option of either -

19.1 Doing the acts mentioned in Subsections 17.1 and 17.2 above or

19.2 Just requiring the organization to submit to the said body a copy of its existing Certificate of Accreditation and exhibit to the body the original copy thereof.

Rule VI
Other Provisions

20.0 Issuance of Forms, Circulars, and Orders to Implement these Rules – The Undersecretary for Regional and Domestic Group may prescribe and promulgate such forms, circulars, and orders as may be necessary to implement these rules.

21.0 Repealing Clause – All orders inconsistent herewith are hereby repealed or modified accordingly.

22.0 Effectivity – These Rules shall take effect immediately upon publication in two newspapers of general circulation.

Adopted: 28 Nov. 1990

(SGD.) JOSE S. CONCEPCION, JR.

Secretary

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