

ISSUE 30 | JULY – SEPTEMBER 2022

PHILIPPINE COMPETITION BULLETIN

WHAT'S INSIDE

- 2 COMMISSIONER BERNABE TAKES HELM AS OIC CHAIRPERSON
- 3 2ND I-STATION LAUNCHED IN SOUTH LUZON
- 4 NEDA, OSG ATTEND 1ST LEG OF PCC, BARCELONA SCHOOL OF ECONOMICS ANTITRUST COURSE
- 5 PCC, COA STRENGTHEN PARTNERSHIP THROUGH FOLLOW-UP ACTIVITY
- 6 PCC, LEB FIRM UP PARTNERSHIP FOR COMPETITION LAW EDUCATION



**PHILIPPINE
COMPETITION
COMMISSION**

Ensuring businesses compete and consumers benefit

COMMISSIONER BERNABE TAKES HELM AS OIC CHAIRPERSON

by Leanne N. Gorosin

The Philippine Competition Commission (PCC) welcomes Johannes Benjamin R. Bernabe as Officer-in-Charge of the Office of the Chairperson to lead the antitrust authority of the country on the advent of the new administration.

Bernabe takes the reins at the PCC as former Chairperson Arsenio M. Balisacan returns to the National Economic and Development Authority (NEDA) as Socioeconomic Planning Secretary. Bernabe is joined by Commissioners Emerson B. Aquende, Marah Victoria S. Querol, and Michael B. Peloton, who are tasked to decide en banc on the different market competition issues within PCC's jurisdiction.

Prior to his appointment at the PCC, Bernabe worked on international trade policy reforms as a Senior Fellow at the Geneva-based International Centre for Trade and Sustainable Development. He was a trade negotiator for the Philippines at the World Trade Organization (WTO) from 1999 to 2005 on services trade, intellectual property, and competition law. His expertise also earned him an appointment as a panelist/adjudicator at the WTO to decide on an international trade dispute.

As an advocate of competition policy through the years, Bernabe was the lead adviser on key economic legislation at the 16th Congress, which includes the Philippine Competition Act that governs the mandate of the office he now leads.

Commissioner Bernabe graduated cum laude with a degree in Economics at the University of the Philippines, where he also subsequently finished his law degree. He was a Chevening Fellow in the University of London, at the International Development Law



Institute in Sydney, Australia, and has a postgraduate Diploma in Competition Law from King's College in London.

Bernabe's designation comes at an opportune time as PCC pushes for inclusion of competition principles in the country's economic recovery agenda. The PCC intends to anchor this thrust on robust enforcement and advocacy.

"The task before us over the next six months involves finishing what we have started in the last six years. This redounds to completing various cases that are before us for adjudication", Bernabe said.

For 2022, the PCC aims to (i) rule on all competition cases submitted for decision, (ii) resolve six cartel or abuse of dominance cases, including concluding all investigations that have been ongoing for at

least two years, (iii) initiate two motu proprio unnotified or anti-competitive merger cases, (iv) codify all PCC rules and procedures, and (v) roll out the National Competition Policy (NCP) in the public sector.

Under the Philippine Competition Act, the PCC has primary and original jurisdiction over competition issues. It looks into anti-competitive agreements, abuses of dominance, and anti-competitive mergers and acquisitions. ■

2ND I-STATION LAUNCHED IN SOUTH LUZON

by Lea Marie F. Diño



The Philippine Competition Commission (PCC) opened its second investigation station (i-Station) in Legazpi City, Albay on June 2.

Located in the office of the National Economic and Development Authority (NEDA) Region 5, the i-Station in South Luzon is envisioned to assist in the enforcement and advocacy of the country's competition law in the area.

The inauguration of the Bicol i-Station included a ribbon-cutting ceremony and a press conference featuring officials of the PCC.

Stronger competition law enforcement and advocacy in South Luzon

According to then PCC Chairperson (and now Socioeconomic Planning Secretary and NEDA Director General) Arsenio M. Balisacan, "Boosting our operations in Bicol through the Legazpi i-Station

will increase competition law enforcement presence and facilitate stronger interactions with the local communities. This satellite office will allow us to directly connect with our regional stakeholders and partners in government." The selection of Legazpi City as the site of the South Luzon i-Station is also based on the ongoing cases and queries being handled by the Commission in the area.

"We look forward to working closely with the NEDA Regional Office in Legazpi City in operationalizing the strategic initiatives drawn from the National Competition Policy and in enabling pro-competition policies in the region," added Balisacan.

Multisectoral forum for private and public sectors

Following the launch of the new i-Station, the PCC conducted a multisectoral forum, in partnership with the Bicol

Regional Development Council and the NEDA Region 5, at the Marison Hotel in Legazpi City. The forum served as a follow-through to a regional roadshow held in 2019.

The public event gathered local businesses and consumer groups and representatives from the academe, legal communities, and private sectors to discuss the Philippine Competition Act (PCA) and the National Competition Policy (NCP) and their relevance to the region.

Balisacan opened the program, and Legazpi City Administrator Carlos Ante welcomed the participants. PCC Commissioner Emerson B. Aquende introduced the PCA and the PCC while PCC Commissioner Marah Victoria S. Querol presented the importance of the competition law and its benefits to both businesses and consumers.

Continued on page 6

ADVOCACY ROUNDUP

NEDA, OSG ATTEND 1ST LEG OF PCC, BARCELONA SCHOOL OF ECONOMICS ANTITRUST COURSE

A whole-of-government approach is necessary for an effective competition regulation; hence, capacitating government instrumentalities is a priority of the Philippine Competition Commission (PCC).

The PCC recently developed training courses on competition law and economics (CLE) to bolster its institutional capacity, as well as that of other agencies' with competition mandates. In partnership with Barcelona School of Economics, the PCC, through the Capacity Building

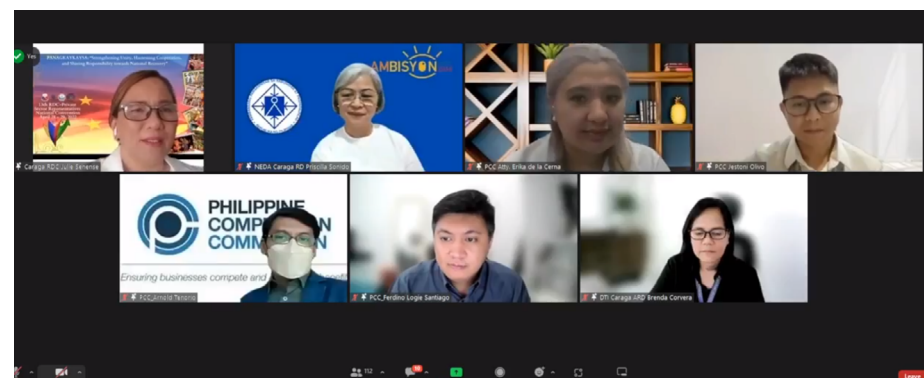
and Advocacy Division, launched a 60-hour, three (3)-module online training program on CLE, with "Competition Economics: Abuse of Dominance" as the first module from July 6 to August 3.

Serving as resource experts, international competition economists Dr. Chiara Fumagalli, Dr. Massimo Motta, and Dr. Simon Roberts discussed critical areas such as theories and jurisprudence on abuse of dominance. These topics included predation, exclusive dealing, tying and bundling,

rebates and discounts, vertical foreclosure, and excessive pricing, among others.

Over 29 attendees from the PCC, National Economic and Development Authority, and Office of the Solicitor General participated in the first module of the course. The course is under PCC's Government Staff Development Program for Competition Law and Policy (GSDPC) funded by the Asian Development Bank. ■

PCC TAKES ONLINE ROADSHOW TO CARAGA



ONLINE REGIONAL ROADSHOW ON COMPETITION LAW AND POLICY FOR CARAGA REGION
29 JUNE 2022 | 1:30 PM - 4:30 PM

As part of efforts to mainstream competition law and policy across the Philippines, the Philippine Competition Commission (PCC) conducted the Caraga leg of its Online Regional Roadshow on June 29 via Zoom and Facebook Live.

The roadshow featured an overview of the Philippine Competition Act (PCA) and the National Competition Policy (NCP), as well as information on the relevance of market competition to regional development for the benefit of consumers and businesses.

The public event, co-organized by the Caraga offices of the National Economic and Development Authority (NEDA) and the Department of Trade and Industry (DTI),

virtually gathered over 100 stakeholders in the Caraga region, including consumer and business groups, micro, small and medium enterprises (MSMEs), cooperatives, local government units, line agencies, and representatives from the academic and legal communities, among others.

Julie P. Senense, Private Sector Representative of the Caraga Regional Development Council, welcomed the participants. Brenda B. Corvera, Assistant Regional Director of DTI Caraga, provided Caraga's industry profile while Priscilla R. Sonido, Regional Director of NEDA-Caraga, presented an overview of the competition policy assessment and challenges of the region.

Representatives from the PCC conducted a series of presentations on the PCA and the Commission's mandates of enforcement of the competition law and review of mergers and acquisitions. Jestoni A. Olivo of the Economics Office talked about the importance and benefits of market competition to businesses and consumers; Director Arnold Roy D. Tenorio of the Communications and Knowledge Management Office provided an overview of the PCA and the PCC; Ferdino Logie S. Santiago of the Mergers and Acquisitions Office explained the merger review and notification schemes of the PCC; and Erika-Anne Therese D. de la Cerna of the Competition Enforcement Office discussed the prohibited acts under the PCA.

During the open forum, the participants asked questions about the PCA, the PCC, and on local situations and examples that are covered by such. PCC Executive Director Kenneth V. Tanate closed the program and enjoined both businesses and consumers in the Caraga region to comply with the PCA and to help foster a culture of competition.

To watch a recording of the roadshow, visit <https://www.facebook.com/competitionph/videos/5316575151696155/>. ■

PCC, COA STRENGTHEN PARTNERSHIP THROUGH FOLLOW-UP ACTIVITY



In partnership with the Commission Audit (COA), the Philippine Competition Commission (PCC) conducted another successful run of its Strengthening Partnerships with Other Government Agencies (SPOGA) held last July 29.

The SPOGA is aimed at re-acquainting partner agencies with the Philippine Competition Act (PCA) and its Implementing Rules and Regulations (IRR) and reinforcing PCC's partnership agreements with them. The SPOGA also is intended to raise awareness on the National

Competition Policy (NCP) as well as PCC's new issuances so partner agencies can incorporate the same in their regulations and discuss possible collaborations and capacity-building initiatives.

PCC Executive Director Kenneth Tanate delivered the welcome remarks, while the Commission's Legal Service Division chief, Atty. Michelle Diana Maniwang-Basa, provided an overview of the PCA and PCC. Atty. Jodine Alyssa Rillo of the Mergers and Acquisitions Office and Atty. Nina Remedios Mejia of the Competition Enforcement Office

discussed prohibited business practices, with emphasis on anti-competitive mergers and acquisitions and agreements, and abuse of dominance. Economics Office Director Benjamin Radoc discussed the benefits of market competition for consumers and businesses as well as the goal and nature of the NCP, through Administrative Order No.44, s. 2021, which aims to ensure that government interventions follow competition principles. To help government agencies diagnose their competition policy-readiness, Radoc presented PCC's Competition Impact Assessment (CIA) checklist tool. The event ended with a focus group discussion with select COA participants.

Through this event, both PCC and COA affirmed their commitment to an enhanced partnership that will be more responsive to their shared needs in terms of information sharing, investigation, and capacity-building. ■

NEW ICPL COURSE: NATIONAL COMPETITION POLICY, CIA CHECKLIST

The Philippine Competition Commission (PCC) recently launched its latest course on the iCLP: Online Learning Hub on Competition Law and Policy.

Last July 20, the Capacity Building and Advocacy Division under the PCC Communications and Knowledge Management Office (CKMO) organized the "Virtual Launch of the Online National Competition Policy (NCP) Course and Online Competition Impact Analysis (CIA) Checklist." These courses showcase tools and provide guidance for government stakeholders to comply with the NCP (Administrative Order No. 44, s. 2021). PCC Officer-In-Charge Johannes Benjamin R. Bernabe, Executive Director Kenneth V. Tanate, PhD., and

CKMO Director Arnold Roy D. Tenorio served as resource speakers, discussing the overview of the NCP and its guidelines, as well as selected analytical tools.

In the virtual launch, over 140 of the participants belonged to government agencies whose jurisdictions fall under PCC's priority sectors: finance, economics, and regulation (Bangko Sentral ng Pilipinas, National Economic and Development Authority, Performance Based Bonus [AO 25] Secretariat), food and agriculture (Department of Agriculture, Philippine Fisheries Development Authority, Food and Drugs Administration, National Meat Inspection Service, Sugar Regulatory Authority),

construction (Department of Public Works and Highways), insurance (Insurance Commission, LBP Insurance Brokerage, Inc.), environment and natural resources (Local Water Utilities Administration, National Water Resources Board), air transportation and logistics (Civil Aviation Authorities of the Philippines), and electric power (National Electrification Administration), among others.

To access the course on "Leveling the Playing Field through the National Competition Policy (NCP): A Blended Learning Course for Government Agencies," please visit <https://icpl.phcc.gov.ph/>. ■

PCC, LEB FIRM UP PARTNERSHIP FOR COMPETITION LAW EDUCATION

Officials and staff of the Philippine Competition Commission (PCC) met with their counterparts from the Legal Education Board (LEB) on May 13 to discuss projects and partnerships for the legal education community and build on past collaboration.

In attendance from PCC were then Chairperson (and now Socioeconomic Planning Secretary and NEDA Director General) Arsenio M. Balisacan, Commissioner Emerson B. Aquende, and Executive Director Kenneth V. Tanate. Chairperson Melanie B. Trinidad and Commissioner Salex E. Alibogha represented the LEB.

According to Aquende, who formerly chaired the LEB, the PCC is interested in collaborating

with the LEB to further knowledge and competency on competition law among legal education stakeholders.

In the milestone meeting, the two parties agreed to work together on new projects with special focus on competition law in 2022. These include a career day, a moot court competition, and the development of a post-Juris Doctor certificate program and academic track for competition law and policy.

In 2020, the PCC and LEB partnered to organize the Online Lecturers Training Program on Competition Law and Policy.

The LEB is a regulatory and supervisory body for the legal education system in the Philippines. ■

2nd i-Station...continued from page 3

Officials and staff of the PCC discussed the key prohibitions of the PCA. Director Christian Loren B. De Los Santos of the Competition Enforcement Office provided an overview of anti-competitive agreements and abuse of dominance while Juan Antonio E. Arcilla of the Mergers and Acquisitions Office shed light on anti-competitive mergers and acquisitions among businesses.

PCC Executive Director Kenneth V. Tanate introduced the NCP and its key principles of pro-competitive policies, competitive neutrality, and enforcement of the PCA. Emmanuel Garcia of the Economics Office gave a rundown of the Competition Impact Assessment (CIA) Checklist, a tool offered by the PCC to screen policies and regulations under the lens of market competition.

The series of talks was followed by an open forum where participants inquired about the specifics of the PCA and the mandates of the Commission, as well as cases handled by the PCC. Director Arnold Roy D. Tenorio of the Communications and Knowledge Management Office closed the program.

The first PCC i-Station was established in North Luzon (Baguio City) in November 2021. The PCC aims to open two more i-Stations within 2022: one in the Visayas (Cebu City) and another in Mindanao (Davao City).

The i-Stations shall serve as temporary workstations for PCC staff until the launch of permanent regional offices in the future. ■

IN THE NEWS

M&A notifications hit P4.56T in value as of 2021 — PCC

The Philippine Competition Commission (PCC) received notifications on 225 merger and acquisition (M&A) transactions with combined value of P4.56 trillion as of end December 2021 and vowed to initiate competition efforts in critical sectors – bus transport, telecommunications, and water. (Bernie Cahiles-Magkilat, Manila Bulletin Online, 03 July 2022) ([Bernie Cahiles-Magkilat, Manila Bulletin Online, 03 July 2022](#))

ADB raises 2022 PHL growth forecast to 6.5% from 6%

ADB Country Director Kelly Bird highlights that reforms setting up the Philippine Competition Commission and ARTA have created a competitive investment framework and should encourage further foreign investments in the Philippines, lift the manufacturing and industry sectors, and sustain the Philippines' growth rate above 6 percent. ([Cai Ordinario, Business Mirror Online, 21 July 2022](#))

PCC to ensure fair market competition in pharma industry

The Philippine Competition Commission (PCC) vowed to ensure fair market competition in the pharmaceutical industry in line with the directive of President Marcos to make medicines more accessible and affordable. ([Louella Desiderio, Philippine Star, 27 July 2022](#))

PCC and NBI sign accord to break cartels, anti-competitive practices

The Philippine Competition Commission (PCC) will create a digital forensics laboratory to maximize the use of electronic evidence for the prosecution of cartels or abuses of dominance by big businesses. ([Andrea San Juan, Business Mirror Online, 17 August 2022](#))

M&A DASHBOARD

Notifications received from July - September 2022:

0

Notifications received since 2016:

255



OTHER PUBLICATIONS



Electronic publications are available at the PCC website:
www.phcc.gov.ph