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PHILIPPINE COMPETITION BULLETIN

WHAT'S INSIDE

- 2 PCC, ERC ACTIVATE JOINT TASK FORCE FOR COMPETITION CONCERNS
IN ENERGY INDUSTRY
- 4 PHILIPPINES HOSTS 10TH ASEAN COMPETITION CONFERENCE
- 5 BUSINESS GROUPS TAKE THE PLEDGE FOR FAIR MARKET COMPETITION
- 6 ANTITRUST PARTNERSHIP FORGED DOWN UNDER



**PHILIPPINE
COMPETITION
COMMISSION**

Ensuring businesses compete and consumers benefit



PCC, ERC activate joint task force for competition concerns in energy industry

■ ■ ■ By Paul Jeffrey M. Ballentos

The Philippine Competition Commission (PCC) and Energy Regulatory Commission (ERC) last February launched a joint task force to look into anti-competitive practices in the power sector.

This initiative comes against the backdrop of a recovering domestic economy and concerns over the adequacy of the country's power supply to fuel economic growth. Since the enactment of the Electric Power Industry Reform Act (EPIRA) of 2001, the government has opened segments of the power industry supply chain to competition, starting with power generation. Despite this reform, accusations of anti-competitive behavior have hounded the market.

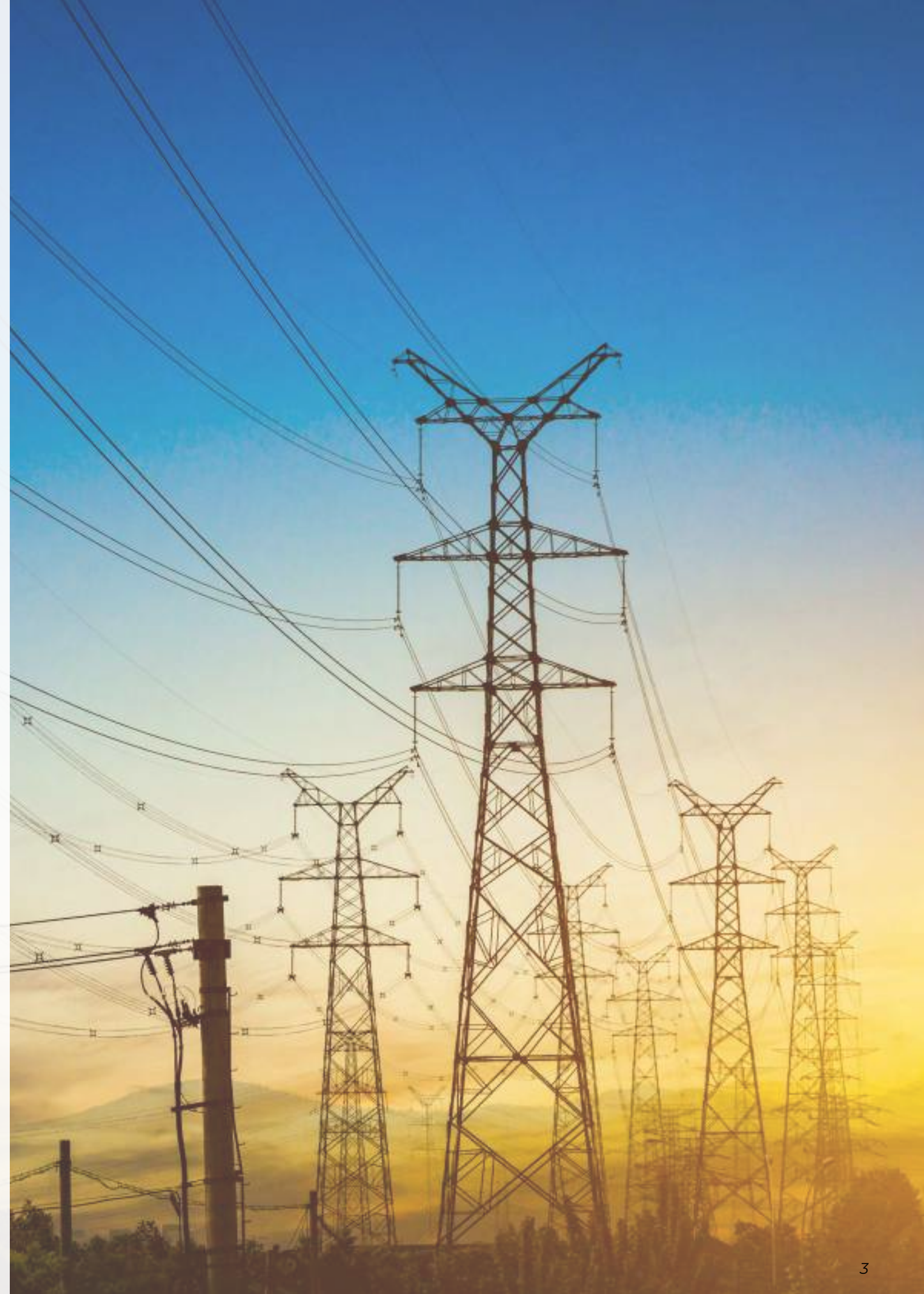
"This renewed collaboration between the ERC and the PCC marks a significant milestone toward fostering a more competitive power industry, drawing on PCC's and ERC's combined expertise and investigative resources," PCC Chairperson Michael G. Aguinaldo said.

The joint task force operationalizes a memorandum of agreement (MOA) that both agencies signed in 2019. Under their MOA, both agencies can conduct joint fact-finding inquiries

pertaining to competition matters in the electric power industry, as well as consultations with institutions or firms, such as the Philippine Electricity Market Corporation (PEMC), the National Grid Corporation of the Philippines (NGCP), and generation companies.

"The broader expertise of the PCC on reviewing arrangements and behavior with a competition lens complements the energy industry-focused lens of the ERC," ERC Chairperson Monalisa C. Dimalanta said, noting that "this synergy allows our respective agencies to better fulfill our mandates and serve the Filipino public."

Both ERC and PCC have competition mandates under their respective charters: EPIRA (Republic Act 9136) mandates the ERC to address "abuse of market power, cartelization, and anti-competitive or discriminatory behavior by any electric power industry participant" (Section 43(k), EPIRA), while the Philippine Competition Act (PCA) of 2015 (Republic Act 10667) empowers the PCC to have "original and primary jurisdiction" to enforce competition law (Section 12, in relation to Section 32, PCA). ■



Philippines hosts 10th ASEAN Competition Conference

■ ■ ■ By Lea Marie F. Diño

The 10th ASEAN Competition Conference (ACC), jointly organized by the Philippine Competition Commission (PCC), the ASEAN Experts Group on Competition (AEGC), and the ASEAN Secretariat, took place on November 29-30 in Pasay City, Philippines.

Themed “From Innovation to Impact: Synergizing Antitrust and Intellectual Property (IP) Regulation for a Stronger ASEAN,” the 10th ACC featured panel discussions addressing competition law and IP rights issues, encompassing topics such as technology transfer, artificial intelligence, biotechnology, and issues specific to the pharmaceutical industry.

PCC Chairperson Michael G. Aguinaldo opened the conference, expressing hope that the insights shared would inspire innovative applications in the participants’ respective fields. Supreme Court Chief Justice Alexander G. Gesmundo delivered a keynote address on “Balancing IP, Innovation, and Competition

in ASEAN Markets,” shedding light on local jurisprudence and procedural rules pertinent to upholding the competition and IP laws.

The conference drew participation from top officials representing Philippine government offices, law firms, universities, and competition agencies from Indonesia, Malaysia, Thailand, Vietnam, Singapore, Japan, Australia, the US, the EU, and UK. PCC Commissioners Lolibeth Ramit-Medrano, Ferdinand M. Negre, and Marah Victoria S. Querol moderated panel discussions, while Commissioner Michael B. Peloton provided a comprehensive recap on the second day.

As the flagship event for competition authorities within ASEAN, the ACC serves as a platform for exchanging views on emerging competition issues with relevant stakeholder groups. Video recordings of the conference sessions may be viewed on PCC’s official Facebook page at facebook.com/competitionph and the ASEAN Secretariat’s official YouTube page at youtube.com/@aseansecretariatofficial. ■



PCC Chairperson Michael G. Aguinaldo (center, 10th from left) and Supreme Court Chief Justice Alexander G. Gesmundo (center, 8th from right) during the 10th ASEAN Competition Conference. They are joined by (from left to right) ASEAN Secretariat Competition Policy and Law Officer Karina Utari, PCC Executive Director Kenneth V. Tanate, Competition and Consumer Commission of Singapore Assistant Chief Executive Loke Shiu Meng, Lao Competition Commission Deputy Director General Xaythideth Inthasone, PCC Commissioner Michael B. Peloton, Australian Competition and Consumer Commission Commissioner Peter Crone, PCC Commissioners Ferdinand M. Negre and Marah Victoria S. Querol, ASEAN Secretariat Head of Competition, Consumer Protection and IPR Division Thang van Luong, PCC Commissioner Lolibeth Ramit-Medrano, Malaysia Competition Commission CEO Iskandar Bin Ismail, Hong Kong Competition Commission CEO Rasul Butt, Trade Competition Commission Thailand Deputy Secretary-General Manayos Vardhanabhuti, National Economic and Development Authority Undersecretary Krystal Lyn T. Uy, Vietnam Competition and Consumer Authority Deputy Chairman Ngo Duc Minh, and Malaysian Embassy Chargé d’Affaires a.i./Deputy Head of Mission Mohd Fareed Zakaria.

Business Groups Take the Pledge for Fair Market Competition

■ ■ ■ By Marian Christine P. de Leon



PCC Chairperson Michael G. Aguinaldo (left) leading the first batch of the Competition Advocacy Pledge last November 30.

Representatives from four of the country’s largest business organizations signed up for the campaign to spread awareness of the Philippine Competition Act during last November’s launch of the Competition Advocacy Pledge.

One of the component projects of the Philippine Competition Commission’s (PCC) Champions of Competition Program, the Advocacy Pledge aims to cultivate a culture of fair competition by enlisting business groups or individuals to commit to collaborating with the PCC in its efforts to raise awareness about the competition law and the benefits of fair market competition.

The project launch, held in Pasay City, garnered support from the following key officials of business organizations: the Philippine Chamber of Commerce and Industry (PCCI) Area Vice

Presidents Tess S. Ngan Tian and Sallie C. Lacson; Pharmaceutical and Healthcare Association of the Philippines (PHAP) Executive Director Teodoro B. Padilla; Philippine Retailers Association (PRA) President Roberto “Bobby” S. Claudio, Sr.; and Financial Executives Institute of the Philippines (FINEX) Director Ma. Mignon W. Ramos.

The four trade associations represented during the launch of the Advocacy Pledge had collaborated with the PCC in the conduct of advocacy activities for the business community. The PCCI earlier firmed up its partnership with the PCC after both entities signed a memorandum of understanding in 2020 on competition promotion activities. The PRA has committed to follow suit. ■



(Front row, left to right) PCC Executive Director Kenneth V. Tanate, PCC Commissioner Michael B. Peloton, PCC Chairperson Michael G. Aguinaldo, PCCI Vice President for NCR Tess S. Ngan Tian, FINEX Director Ma. Mignon W. Ramos, PRA President Roberto “Bobby” S. Claudio, Sr., PHAP Executive Director Teodoro B. Padilla, and PCC Commissioner Ferdinand M. Negre

(Back row, left to right) PRA Deputy Secretary General Mayan Sangil, PCCI Area Vice President Sallie C. Lacson, PCCI Executive Assistant Alyanna Cuevas, and PRA Assistant Secretary General Ana Marie S. Miranda

Antitrust Partnership Forged Down Under

■ ■ ■ By Marian Christine P. de Leon

Philippine and Australian antitrust agencies formalized their partnership last February 28 with the signing of a memorandum of understanding (MOU) at the Australian Competition and Consumer Commission's (ACCC) headquarters in Canberra, Australia.

PCC Chairperson Michael G. Aguinaldo and ACCC Chair Gina Cass-Gottlieb signed the agreement, aimed at facilitating information exchange, promoting best practices in competition law and policy, and enhancing technical assistance and capacity-building efforts between the two agencies. Additionally, the MOU outlines provisions for coordination and cooperation on cases of mutual interest, adhering to both nations' confidentiality and legal requirements.

During the signing ceremony, Aguinaldo expressed appreciation for ACCC's support to

the PCC since its inception in 2016, including help extended in finalizing the rules and regulations under the Philippine Competition Act, secondments of officials and staff through the Competition Law Implementation Program (CLIP), and regular conduct of capacity-building activities.

Cass-Gottlieb commended the PCC for its remarkable strides in promoting fair and competitive markets in the Philippines, adding that the ACCC takes pride in partnering with the PCC to advance common goals of consumer welfare and economic development. She said the MOU will foster closer and more productive collaboration between the two agencies, thereby enhancing their ability to ensure fair competition and protect consumer interest. ■



PCC Chairperson Michael G. Aguinaldo and ACCC Chair Gina Cass-Gottlieb hold up copies of the signed MOU in ACCC's office in Canberra, Australia.

Philippines Hands Over AEGC Chairmanship to Thailand

■ ■ ■ By Lea C. Gomez

Commissioner Marah Victoria S. Querol of the Philippine Competition Commission (PCC) led the Philippine delegation to the 32nd ASEAN Experts Group on Competition (AEGC) Meeting held in Bangkok, Thailand from March 11 to 15.

During the event, Querol passed on the chairmanship of the AEGC from the PCC to the Trade Competition Commission of Thailand (TCCT), represented by Commissioner Raksagecha Chaechal.

In her address, Querol underscored the strides made by the AEGC during the Philippines' chairmanship in 2023. The meeting served as a platform for member states of the ASEAN to deliberate on competition policy and law. Discussions encompassed the exchange of current practices, upcoming initiatives, and strategies to address challenges in fostering equitable competition. ■



Commissioner Marah Victoria S. Querol (rightmost) of the Philippine Competition Commission (PCC) turns over the Chairmanship of the ASEAN Experts Group on Competition (AEGC) to the Trade Competition Commission of Thailand (TCCT).

Representing PH in APEC competition forum in Peru

■ ■ ■ By Leanne Croisette N. Gorosin

A delegation from the Philippine Competition Commission (PCC) attended the 2024 Asia-Pacific Economic Cooperation (APEC) Competition Policy and Law Group (CPLG) Meeting in Lima, Peru from February to March.

Led by Commissioner Lolibeth Ramit-Medrano, the delegation included Commissioner Ferdinand M. Negre, Mergers and Acquisitions Office Director Lianne Ivy P. Medina, and Economics Office - Policy and Markets Division Chief Kirsten J. Dela Cruz.

During the CPLG Plenary Meeting on March 2, Medrano praised Peru for effectively hosting the CPLG gatherings and workshops focusing on critical themes such as "Regulatory and Competition Challenges in Digital Markets" and "Recent Challenges to Merger Control and Anticompetitive Conduct Proceedings in order to Protect the Competition Processes." These discussions were acknowledged as valuable for addressing emerging issues in competition law and policy.

Operating under the APEC Economic Committee, the CPLG comprises competition officials from various APEC member economies. Its primary aim is to promote comprehension of regional competition laws and policies and

pinpoint areas for technical cooperation and capacity-building among APEC member economies. The PCC serves as the official representative of the Philippines in the CPLG. ■



(Left to right) Philippine Competition Commission (PCC) Commissioners Ferdinand M. Negre and Lolibeth Ramit-Medrano, alongside Mergers and Acquisitions Office Director Lianne Ivy P. Medina, during the Asia-Pacific Economic Cooperation (APEC) Competition Policy and Law Group (CPLG) Workshop on Regulatory and Competition Challenges in Digital Markets, held on February 27 in Lima, Peru.

10 State Universities join PCC's CLAN

■ ■ ■ By Lea C. Gomez



PCC Chairperson Michael G. Aguinaldo imparted his insights to the participants of the PCC Competition Local Advocacy Network training of trainers held from November 21-24, 2023.

Ten state universities sent teams to participate in the training of trainers (TOT) held last November 21-24 in Quezon City under the Philippine Competition Commission's (PCC) Competition Local Advocacy Network (CLAN) .

A component project of the PCC's Champions of Competition Program, the CLAN involves tapping the extension program units of state universities and colleges (SUCs) for the cascading of competition law and policy in areas outside the National Capital Region.

In line with this, the PCC will conduct a series of capacity-building interventions, beginning with the TOT held last November. Attendees from participating SUCs will serve as local resource persons for future awareness-raising orientations on the Philippine Competition Act and the PCC geared towards businesses and public sector organizations in their respective localities.

SUCs that participated in the event included the Batangas State University, Bukidnon State University, Bulacan State University, Mariano

Marcos State University, Mindanao State University, Negros Oriental State University, Palawan State University, Sultan Kudarat State University, University of Eastern Philippines, and West Visayas State University. The four-day training engaged participants in discussions on competition fundamentals, the Philippine Competition Act, the National Competition Policy (NCP), prohibited business practices, and competition advocacy.

Presentations were delivered by PCC officials, staff, and Dean Ma. Joy Abrenica of the University of the Philippines School of Economics, culminating in the development of work plans by the SUC training teams.

PCC Chairperson Michael G. Aguinaldo emphasized the importance of SUCs in equipping local stakeholders with awareness of the competition law for them to benefit from efficient markets. The SUC training teams are set to commence their orientations as early as the second quarter of 2024. ■



PCC Commissioner Michael B. Peloton delivered the opening remarks at PCC's Competition Local Advocacy Network training of trainers in Quezon City last November.



PCC Chairperson Michael G. Aguinaldo (center) with representatives from state universities and colleges (SUCs) for the Champions of Competition-Competition Local Advocacy Network Training of Trainers conducted last November 21-24 in Quezon City.

Ethical Conduct and Competitive Markets: An Orientation on the CPRA, NCP, and CIA

■ ■ ■ By Lea C. Gomez



(Front row, left to right) PCC Commissioner Lolibeth Ramit-Medrano, PCC Commissioner Marah Victoria S. Querol, Associate Justice Maria Filomena D. Singh, PCC Commissioner Ferdinand M. Negre, and PCC Chairperson Michael G. Aguinaldo attended the orientation on the revised Code of Professional Responsibility and Accountability (CPRA) last December 1 in Quezon City.

To keep its officials and lawyers abreast of legal regulations in the ethical practice of law, the Philippine Competition Commission (PCC) conducted an orientation last December 1 on the revised Code of Professional Responsibility and Accountability (CPRA). The CPRA serves as the code of conduct for legal professionals that follows a values-based framework, divided into canons on independence, propriety, fidelity, competence, diligence, equality, and accountability.

Supreme Court Associate Justice Maria Filomena D. Singh provided an overview of the CPRA during the seminar, emphasizing the importance of commencing legal practice ethically. Under her guidance, attending lawyers took the new lawyer's oath, symbolizing their commitment to ethical legal practice. Launched in April 2023, the updated CPRA offers extensive guidance to legal practitioners, incorporating sections on responsible social media usage and reinforcing values such as truth, justice, freedom, and equality.

Following the CPRA orientation, PCC resource persons introduced the participants to the National Competition Policy (NCP) and competition impact assessment (CIA) tool. The NCP mandates government entities to integrate competition principles into their policies and regulations, while the CIA tool enables regulators to assess the impact of their policies and actions on market competition.

In his address, PCC Chairperson Michael G. Aguinaldo underscored the pivotal role of market competition in fostering economic growth and enhancing consumer welfare. "By requiring government entities to imbibe competitive principles in the pursuit of their respective mandates, we move a step closer to ensuring that every Filipino reaps the benefits of competition," he said.

The orientation brought together representatives from various government entities, including the Commission on Audit (COA), Department of Agriculture (DA), Department of Information and Communications Technology (DICT), Department of Human Settlements and Urban Development (DHSUD), Bureau of Internal Revenue (BIR), Anti-Red Tape Authority (ARTA), and the Power Sector Assets and Liabilities Management Corporation (PSALM). ■



Associate Justice Maria Filomena D. Singh provides government lawyers with a comprehensive overview of the Code of Professional Responsibility and Accountability (CPRA) during an orientation organized by the PCC in Quezon City last December.

Strategic Policy Dialogue: PCC, DTI discuss e-commerce market study

■ ■ ■ By Lea Marie F. Diño

Philippine Competition Commission (PCC) economists led by Commissioner Marah Victoria S. Querol presented the results of a market study on the Philippine e-commerce industry to representatives of the Department of Trade and Industry (DTI) last December 4.

This presentation was part of the PCC's Strategic Policy Dialogue (SPD) initiative, which serves as a platform for the Commission to engage with sector regulators and discuss the recommendations of its market studies. The SPD is in line with PCC's mandate to conduct and disseminate studies on market competition, thereby informing stakeholders and influencing government policy.

PCC economists Hadassah May R. Cordero and Jenno Z. Ravalo presented their research titled "E-commerce Market Study: The Relationship between Platforms and Third-Party Sellers" to DTI Undersecretary Mary Jean T. Pacheco and E-commerce Division Chief Berlin V. Mabuna. The PCC economists discussed the intense

competition among major e-commerce players and the barriers to entry and expansion within the industry, but noted that their study found no evidence supporting claims of anti-competitive practices.

Their recommendations included expediting the passage of relevant laws and policies, such as the Internet Transactions Act (ITA) and the Open Access in Data Transmission Act, alongside the establishment of the E-Commerce Bureau once the ITA becomes law (*Editor's note: The Internet Transactions Act was enacted into law on December 5, 2023.*)

Pacheco provided feedback on the research, sharing her perspectives regarding e-commerce regulation in the country, including the importance of treating online transactions equally with offline ones. She also provided updates on the status of the ITA passage and the roadmap towards improved e-commerce regulation. ■

PCC economists, lawyers discuss results of health, education market studies

■ ■ ■ By Paul Jeffrey M. Ballentos

Recognizing the roles of health and education in the country's long-term economic prospects, the Philippine Competition Commission (PCC) conducted a market competition analysis of these sectors, and subsequently discussed the key findings among internal stakeholders through a research seminar held last December 13.

Commissioners Marah Victoria S. Querol and Lolibeth Ramit-Medrano joined the session, along with their respective staff members and representatives from the Economics Office (EO), Mergers and Acquisitions Office (MAO), and Communications and Knowledge Management Office.

During the seminar, EO staff members Shereena S. Salas, Jose Miguel S. Villamor, and Hannah Mariz R. Rodulfo, along with MAO lawyer Michelle Anne P. Esquivias, presented

findings from their study on the health sector. In particular, they discussed competition challenges at the intersection of competition and intellectual property laws, as well as related legislation, such as the Cheaper Medicines Act of 2008 (Republic Act 9502).

On the other hand, EO staffers Marciano D. Cleofas III, Margarita D. Movido, and Salas provided an assessment of the education sector, highlighting the potential challenges in implementing policies in relation to competitive neutrality. This principle ensures fair competition by preventing government-owned entities from having unfair advantages over private businesses in the same market.

Overall, the seminar served as a platform for sharing insights and fostering dialogue among internal stakeholders, shedding light on the competitive landscape within these critical sectors. ■



PCC Commissioner Marah Victoria S. Querol (center, 7th from left) and Economics Office (EO) Director Benjamin E. Radoc (6th from left) met with DTI Undersecretary Mary Jean T. Pacheco (8th from left) as part of the PCC's Strategic Policy Dialogue held last December 4. Representatives from PCC and DTI who also attended the dialogue included (left to right) Lea Marie F. Diño (PCC), Jacob John A. Flores (PCC), research authors Jenno Z. Ravalo (PCC) and Hadassah May R. Cordero (PCC), EO OIC-Assistant Director Carlos E. Tolentino II (PCC), Atty. Cheryl G. Carbonell (DTI), Gisli Venz DP. Gonzales (DTI), Berlin V. Mabuna (DTI), Kirsten J. dela Cruz (PCC), and Karla Tricsha T. Santos (DTI).



Take two in Pasig for promoting fair markets

■ ■ ■ By Miguel Simon L. Mendoza

Pasig City provided a platform for the Philippine Competition Commission (PCC) to discuss the importance of fair market competition during the local government unit's (LGU) Business Economy and Investment Forum held last December 18.

During the forum, PCC Communications and Knowledge Management Office (CKMO) OIC-Assistant Director Ferdinand L. Paguia provided Pasig-based business owners an overview of Republic Act 10667, or the Philippine Competition Act (PCA) of 2015.

Paguia urged stakeholders to advocate for fair competition, stressing the importance of creating a level playing field that ultimately benefits all Filipinos by way of lower prices and a wide array of choices. Besides competition law, the forum also featured discussions on strengthening Negosyo Centers and easing the cost of doing business in Pasig City.

The forum, hosted by the Pasig City's Local Economic Development and Investment Office, also provided an occasion for the PCC to distribute copies of its publications to over 200 participants. This was the second collaborative effort with the Pasig LGU after the PCC, through its Legislative Liaison Office, first reached out to the city government in 2020. ■



PCC Communications and Knowledge Management Office (CKMO) OIC-Assistant Director Ferdinand L. Paguia delivers an overview of the Philippine Competition Act (PCA) during the Business Economy and Investment Forum last December 18 in Pasig City.



Workshop in Kenya tackles competition advocacy efforts

■ ■ ■ By Lea Marie F. Diño



PCC Executive Director Kenneth V. Tanate (center) moderated the first plenary session of the ICN Advocacy Workshop in Kenya, held from February 22 to 23. He and panelists (left to right) Dr. Willard Mwemba of the COMESA Competition Commission, Dr. Virginia Silvestri of the Italian Antitrust Authority, Ir. Rusman bin Abu Samah of the Malaysia Competition Commission, and Juan Manuel Contreras Delgado de Cos of Spain's Comisión Nacional de los Mercados y la Competencia (not in picture) discussed the value of assessing advocacy initiatives for market competition. (Photo from @CA_Kenya on X)

Competition authorities from all over the world gathered for the Advocacy Workshop of the International Competition Network (ICN) in Nairobi, Kenya from February 22 to 23 to discuss how competition advocacy can be harnessed in response to emerging challenges in the business landscape.

With the theme "Competition Advocacy and Resilience to Global Shocks," the 2024 edition of the ICN workshop featured Philippine Competition Commission (PCC) Executive Director Kenneth V. Tanate as moderator of the first plenary session, which tackled evaluating the effectiveness of advocacy initiatives.

In the panel on competition regulation and enforcement initiatives, Tanate was joined by Dr. Virginia Silvestri of the Italian Antitrust Authority, Juan Manuel Contreras Delgado de Cos of Spain's Comisión Nacional de los Mercados y la Competencia, Dr. Willard Mwemba of the Common Market for Eastern and Southern Africa (COMESA) Competition Commission, and Ir. Rusman bin Abu Samah of the Malaysia Competition Commission.

On the matter of evaluating advocacy efforts, one cannot improve what one cannot measure, said Tanate. He encouraged competition agencies to use the ICN Advocacy Toolkit for proper assessments of advocacy programs and activities. Other plenary and breakout sessions tackled competition advocacy for agricultural and food markets, competitive neutrality, and digital markets.

Tanate and PCC Head Executive Assistant Nina Remedios R. Mejia met with Acting Director General Adano Wario of the Competition Authority of Kenya (CAK) ahead of the ICN workshop to share insights on competition law enforcement in their respective jurisdictions.

The ICN is an international group of competition law authorities with 140 member-agencies. The PCC serves as the co-chair of the ICN Advocacy Working Group, along with CAK, the Egyptian Competition Authority, and the Japan Fair Trade Commission. ■

3-Day Seminar on Platform Competition and Causal Inference Held

■ ■ ■ By Marian Christine P. de Leon

An international expert in econometrics and competition policy, Dr. Franco Mariuzzo of the University of East Anglia, delivered a series of lectures during a three-day seminar on Platform Competition and Causal Inference held last December for staff members of the Philippine Competition Commission (PCC).

Dr. Mariuzzo's lectures covered fundamental concepts of competition policy through causal analysis and explored methodologies on causal interference, providing insights into network effects, big data utilization, and pricing strategies. He concluded with findings on digital

platform mergers and innovation, particularly in the cloud computing market, which not only characterized the evolving digital landscape but also enriched empirical insights on merger effects, offering valuable contributions to ongoing policy discussions.

Overall, the lecture-seminar provided attendees with a comprehensive understanding of platform competition dynamics and equipped them with insights to navigate complex regulatory landscapes in an increasingly digitalized economy. ■



Dr. Franco Mariuzzo (8th from left) served as the resource speaker in PCC's lecture-seminar on Platform Competition and Causal Inference held last December 5-7.

CSC confers PRIME-HRM Bronze Award on PCC

■ ■ ■ By Paul Jeffrey M. Ballentos

The Civil Service Commission (CSC) has conferred upon the Philippine Competition Commission (PCC) the "PRIME-HRM Bronze Award" for achieving Maturity Level 2, indicating a status of having process-defined human resource management (HRM) in key areas. These areas include recruitment, selection, and placement; learning and development; performance management system; and rewards and recognition.

This recognition, issued through CSC Resolution No. 2301068 dated 17 November 2023, also grants the PCC privileges, including the

authority to approve appointments, subject to post audit, and an exemption from Section 96 of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions. This exemption allows agencies to fill vacancies resulting from promotions before the promotional appointments are approved or validated by the CSC.

The PRIME-HRM program aims to enhance public sector HRM by promoting excellence through the assessment, assistance, and awarding processes of agencies' HR systems, practices, and competencies. ■

New Merger Notification Thresholds: SOP at Php 7.8B and SOT at Php 3.2B

■ ■ ■ By Miguel Simon L. Mendoza

New thresholds for mandatory notification of a merger took effect on March 1.

Transactions surpassing a size of party (SOP) of Php 7.8 billion and a size of transaction (SOT) of Php 3.2 billion must be notified to the Philippine Competition Commission (PCC) for mandatory review before proceeding. The updated thresholds do not affect notifications submitted before March 1, nor do they impact ongoing reviews or decisions already made by the Commission.

These adjustments, up from the previous thresholds of Php 7 billion for SOP and Php 2.9 billion for SOT, aim to align merger review with the evolving economic landscape.

SOP reflects the aggregate value of assets or revenues of the ultimate parent entity, while SOT encompasses the total value of assets or revenues of the acquired entity and its controlled entities.

Despite the thresholds, the PCC retains authority to review transactions even if they do not breach the set limits, particularly if there are indications of potential harm to market competition. ■



IN THE NEWS

[Government lawyers told to uphold competition principles](#)

The Philippine Competition Commission (PCC) emphasized the importance of upholding competition principles in the practice of law among government counsels as it recently conducted an orientation for government lawyers on the revised lawyer's code of conduct.

(Catherine Talavera, Philippine Star, 11 February 2024)

[Power firms to be probed for unfair competition](#)

The Energy Regulatory Commission (ERC) and the Philippine Competition Commission (PCC) are joining forces to look into anti-competitive behavior in the power sector. In a joint statement, the two agencies announced the creation of a joint task force "to monitor and investigate allegations of anticompetitive practices in the power sector."

(Jordeene Lagare, Philippine Daily Inquirer, 24 February 2024)



Leanne Croisette N. Gorosin
Editorial Coordinator

Gian Paolo C. Honrubia
Layout Artist

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