

## COMMISSION RESOLUTION NO. 08-2024

### APPROVING PCC MEMORANDUM CIRCULAR NO. 24-001 SUSPENDING THE IMPLEMENTATION OF SECTION 3.4 OF THE 2017 RULES OF PROCEDURE OF THE PHILIPPINE COMPETITION COMMISSION, PRESCRIBING RATES OF FILING FEES IN RELATION TO REQUESTS FOR BINDING RULING

**WHEREAS**, Section 37 of the Philippine Competition Act (“PCA”)<sup>1</sup> provides that the Philippine Competition Commission (the “PCC” or the “Commission”) shall, under such rules and regulations it may prescribe, encourage voluntary compliance with the PCA and other competition laws by making available non-adversarial administrative remedies (i.e. Binding Ruling) available to the parties concerned;

**WHEREAS**, pursuant to Section 37 (a) of the PCA, any entity that is in doubt as to whether a contemplated act, course of conduct, agreement, or decision, is in compliance with, is exempt from, or is in violation of any provisions of the PCA, other competition laws, or implementing rules and regulations thereof, may request the Commission, in writing, to render a Binding Ruling thereon;

**WHEREAS**, Section 3.4 of the 2017 Rules of Procedure of the Philippine Competition Commission (PCC Rules of Procedure) states that, should a request for a Binding Ruling be given due course, the entity shall pay a filing fee equivalent to one to three percent (1%-3%) of the value of the requesting entity’s assets or annual revenues, whichever is higher;

**WHEREAS**, the Commission deems it necessary to adjust the prescribed rates for requests for Binding Ruling to keep it fair, reasonable, and aligned with the prevailing economic conditions and operational realities, thereby encouraging stakeholders to avail of non-adversarial administrative remedies under the PCA;

**NOW, THEREFORE**, in view of the foregoing considerations, the Commission has **RESOLVED**, as it hereby **RESOLVES**, to adopt *PCC Memorandum Circular No. 24-001 on the Suspension of the Implementation of Section 3.4 of the 2017 Rules of Procedure of the Philippine Competition Commission, Prescribing Rates of Filing Fees in Relation to Requests for Binding Ruling dated 01 August 2024*.

**RESOLVED, FINALLY**, that this Resolution shall take effect after fifteen (15) days from publication in two (2) newspapers of general circulation and filing with the Office of the National Administrative Register of the University of the Philippines Law Center.

<sup>1</sup> Republic Act No. 10667.

**DONE** this 01 August 2024 in Quezon City, Philippines.

**(Sgd.)**  
**MICHAEL G. AGUINALDO**  
Chairperson

**(On Leave)**  
**MARAH VICTORIA S. QUEROL**  
Commissioner

**(Sgd.)**  
**MICHAEL B. PELOTON**  
Commissioner

**(Sgd.)**  
**LOLIBETH RAMIT-MEDRANO**  
Commissioner

**(Sgd.)**  
**FERDINAND M. NEGRE**  
Commissioner

*Commission Resolution No. 08-2024 dated 01 August 2024*

**PCC MEMORANDUM CIRCULAR NO. 24-001**

Subject: **SUSPENSION OF THE IMPLEMENTATION OF SECTION 3.4 OF THE 2017 RULES OF PROCEDURE OF THE PHILIPPINE COMPETITION COMMISSION, PRESCRIBING RATES OF FILING FEES IN RELATION TO REQUESTS FOR BINDING RULING**

**WHEREAS**, Section 37 of the Philippine Competition Act (PCA)<sup>1</sup> provides that the Philippine Competition Commission (the “PCC” or the “Commission”) shall, under such rules and regulations it may prescribe, encourage voluntary compliance with the PCA and other competition laws by making non-adversarial administrative remedies (i.e. Binding Ruling) available to the parties concerned;

**WHEREAS**, pursuant to Section 37(a) of the PCA, any entity that is in doubt as to whether a contemplated act, course of conduct, agreement, or decision, is in compliance with, is exempt from, or is in violation of any of the provisions of the PCA, its implementing rules and regulations, or other competition laws, may request the Commission, in writing, to render a Binding Ruling thereon;

**WHEREAS**, Section 3.4 of the 2017 Rules of Procedure of the Philippine Competition Commission (PCC Rules of Procedure) states that, should a request for a Binding Ruling be given due course, the entity shall pay a filing fee equivalent to one to three percent (1%-3%) of the value of the requesting entity’s assets or annual revenues, whichever is higher;

**WHEREAS**, the Commission deems it necessary to adjust the prescribed rates for requests for Binding Ruling to keep it fair, reasonable, and aligned with the prevailing economic conditions and operational realities, thereby encouraging stakeholders to avail of non-adversarial administrative remedies under the PCA;

**NOW, THEREFORE**, pursuant to the power granted by the PCA, the Commission hereby suspends the implementation of Section 3.4 of the PCC Rules of Procedure. Pending the review of Section 3.4 of the PCC Rules of Procedure, the following interim guidelines will govern the determination of filing fees for requests for binding ruling:

**Section 1. Determination of Filing Fees.** The Commission shall determine the reasonable amount of filing fee to be paid by the entity requesting for a binding ruling on a case-by-case basis taking into account, among others, the following factors:

- a. Complexity of the request;
- b. Nature of the business of the entity;
- c. Time to be spent and extent of resources needed in assessing the request;

<sup>1</sup> Republic Act No. 10667.

**Suspension of the Implementation of the Rates of Filing Fees for Requests for Binding Ruling under Section 3.4 of the Rules of Procedure of the Philippine Competition Commission**

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- d. Possible economic impact of the contemplated act, course of conduct, agreement, or decision;
- e. Financial capacity of the requesting entity; and
- f. Administrative costs.

**Section 2. Amendments.** This Memorandum Circular may be modified, amended, supplemented, or repealed as may be deemed necessary by the Commission, in accordance with the provisions of the PCA and other existing relevant laws, rules, and regulations.

**Section 3. Separability.** If any part or provision of this Memorandum Circular is declared unconstitutional, illegal or invalid by a court of competent jurisdiction, the other parts or provisions not otherwise affected shall remain valid.

**Section 4. Effectivity.** This Memorandum Circular shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and upon filing with the Office of the National Administrative Register of the University of the Philippines Law Center.

Quezon City, Philippines, 01 August 2024.

*(Sgd.)*

**MICHAEL G. AGUINALDO**  
Chairperson

*(On Leave)*

**MARAH VICTORIA S. QUEROL**  
Commissioner

*(Sgd.)*

**MICHAEL B. PELOTON**  
Commissioner

*(Sgd.)*

**LOLIBETH RAMIT-MEDRANO**  
Commissioner

*(Sgd.)*

**FERDINAND M. NEGRE**  
Commissioner