

COMMISSION RESOLUTION No. 12-2020

EXTENDING THE EFFECTIVITY DURING GENERAL COMMUNITY QUARANTINE OF THE *INTERIM GUIDELINES ON THE OPERATIONS OF THE MERGERS AND ACQUISITIONS OFFICE DURING THE MODIFIED ENHANCED COMMUNITY QUARANTINE*

WHEREAS, on 8 March 2020, President Rodrigo R. Duterte, recognizing the need for a whole-of-government approach to address the Corona Virus Disease (COVID-19) outbreak, issued Proclamation No. 922 declaring a State of Public Health Emergency throughout the Philippines due to the confirmation of local transmission of COVID-19 in the Philippines;

WHEREAS, on 12 March 2020, following the sharp increase in the number of confirmed COVID-19 cases throughout the country, the Inter-Agency Task Force for the Management of Emerging Infectious Disease (IATF) issued Joint Resolution No. 11, s. 2020, recommending the imposition of Stringent Social Distancing Measures in the National Capital Region (NCR);

WHEREAS, on 16 March 2020, the Philippine Competition Commission (PCC) issued Commission Resolution No. 007-2020 suspending certain merger processes and timelines from 16 March 2020 until such time the community quarantine has been lifted;

WHEREAS, on 24 March 2020, due to the existence of a national emergency arising from the COVID-19 situation, the Philippine Congress passed Republic Act No. 11469, otherwise known as the “Bayanihan to Heal As One Act”;

WHEREAS, Section 4(z) of the Bayanihan to Heal As One Act states that “the President shall have the power to move statutory deadlines and timelines for the filing and submission of any document, the payment of taxes, fees, and other charges required by law, and the grant of any benefit as a temporary emergency measure to respond to the crisis brought by the pandemic in order to ease the burden on individuals under community quarantine”;

WHEREAS, on 21 April 2020 and pursuant to the Bayanihan to Heal As One Act, the Office of the President issued Administrative Order No. 30 (A.O. 30) directing all government offices to formulate and issue guidelines, any law to the contrary notwithstanding, to be applied in areas under community quarantine or to individuals coming from such areas, on the interruption of periods for the filing of documents, payment of taxes, charges, and other fees, and cancellation of proceedings before their respective offices, and on the movement of timelines for the release of benefits;

WHEREAS, on 23 April 2020, the PCC issued Commission Resolution No. 010-2020, in compliance with the directives under A.O. 30, affirming Commission Resolution No. 007-2020;

WHEREAS, on 11 May 2020, the IATF issued Joint Resolution No. 35, s. 2020, placing the NCR under a Modified Enhanced Community Quarantine (MECQ) from 16 May 2020 until 31 May 2020;

WHEREAS, on 18 May 2020, the PCC approved through Commission Resolution No. 11-2020 the *Interim Guidelines on the Operations of the Mergers and Acquisitions Office during the MECQ* (MAO Interim Guidelines for MECQ) to allow the Mergers and Acquisitions Office to perform its mandate in compliance with A.O. 30 and with due regard to the Stringent Social Distancing Measures recommended by the IATF;

WHEREAS, on 29 May 2020, the IATF issued Joint Resolution No. 41, s. 2020, classifying the NCR as a high-risk area, placing it under General Community Quarantine (GCQ) from 1 June 2020 until 15 June 2020, and enforcing minimum public health standards in areas under community quarantine;

WHEREAS, under the Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines issued by the IATF on 22 May 2020, work in government offices in areas under GCQ may be under such alternative working arrangements as agencies may deem proper in accordance with the relevant rules and regulations issued by the Civil Service Commission, which includes work-from-home, skeleton workforce, and other alternative working arrangements;

WHEREAS, the health and safety of PCC employees, transacting parties, resource persons, and other stakeholders are of the utmost concern to the Commission during this period of GCQ;

WHEREAS, to ensure that certain reglementary functions may be performed, with utmost adherence to preventive health measures, in compliance with A.O. 30 and the minimum public health standards recommended by the IATF, there is a need for the continued effectivity of the MAO Interim Guidelines for MECQ during the imposition of a GCQ in the NCR;

NOW, THEREFORE, in view of the above, and taking into consideration the minimum public health standards recommended by the IATF, and in the interest of the health and safety of PCC employees and stakeholders with a view to an efficient delivery of public service, the Commission has **RESOLVED**, as it hereby **RESOLVES**, to extend the effectivity of the MAO Interim Guidelines for MECQ approved in Commission Resolution No. 11-2020 on 18 May 2020, during the imposition of a GCQ in the NCR.

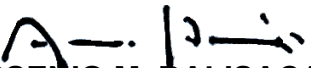
RESOLVED, FURTHER, that all provisions in the MAO Interim Guidelines for MECQ shall remain effective except for the following amendments and modifications to Section 14 set forth hereunder, and such additional Guidelines that the Commission may deem appropriate, to wit:

1. Parties who are required to submit hard copies of documents pursuant to Section 14 of the MAO Interim Guidelines for MECQ shall no longer be required to submit USBs containing digital copies of documents previously submitted during the MECQ using the PCC online filing facility; provided, that they submit a certification by the party's authorized signatory¹ stating that the hard copies being submitted to the PCC are complete and accurate copies of the documents submitted electronically using the PCC online facility.
2. Parties submitting Notification Forms, Letters of Non-Coverage, and other documents to the MAO must present hard copies thereof to the PCC Records Office and submit digital copies thereof using the MAO online filing facility in accordance with Annex A of the MAO Interim Guidelines for MECQ.
3. In view of the social distancing measures implemented in the PCC offices, submission of hard copies of documents under Section 14 of the MAO Interim Guidelines for MECQ and Section 2 of this Commission Resolution shall be by appointment. In this regard, parties must secure an appointment by sending an email to mergers@phcc.gov.ph at least three (3) working days before submission indicating the intended date and time of submission as well as the number of submitters which in no case shall be more than two (2).
4. In case of notifications, all notifying parties must be represented during the submission of their Notification Forms. In compliance with the social distancing measures implemented in the PCC offices, all notifying parties may only be represented by not more than four (4) persons.
5. The hard and digital copies of the documents must be accompanied by a certification by the party's authorized signatory stating that the hard copies and the digital copies are complete and accurate copies of each other.

This Resolution shall remain effective for the duration of the GCQ, unless otherwise modified or revoked by the Commission.

DONE this 02 June 2020 in Quezon City, Philippines.

¹ For purposes of compliance with the MAO Interim Guidelines for MECQ, an external counsel or consultant shall not be considered an authorized signatory.


ARSENIO M. BALISACAN
Chairman


JOHANNES BENJAMIN R. BERNABE
Commissioner


AMABELLE C. ASUNCION
Commissioner


MACARIO R. DE CLARO, JR.
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EMERSON B. AQUENDE
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