

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2958

**Introduced by: REPRESENTATIVES EDGAR L. VALDEZ,
ERNESTO C. PABLO, SUNNY R.A. MADAMBA**

EXPLANATORY NOTE

Our people have been victims to big business. It behooves the House of Representatives to provide protection to our people against price manipulators.

In a volatile economic situation such as that which we are experiencing now, it is not very difficult to imagine how artificial prices in one or two commodities is able to directly or indirectly raise the prices of related goods and services.

In Article XII, Section 19, our Constitution provides:

“Section 19. The State shall regulate or prohibit monopolies when the public interest so requires. No combinations in restraint of trade or unfair competition shall be allowed.”

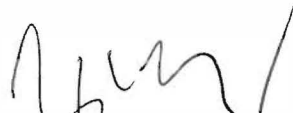
As proof of the importance of this Constitutional mandate, Section 22 of the same article encourages the promulgation of legislation that would impose civil and criminal sanctions against those who circumvent or negate this principle. Hence, Section 22 of the Constitution provides:

“Section 22. Acts which circumvent or negate any of the provisions of this Article shall be considered inimical to the national interest and subject to criminal and civil sanctions, as may be provided by law.”

Although previous legislations have been passed pursuant to this Constitutional mandate, the increased deviousness and complexity of schemes in perpetuating monopolies in the free market landscape necessitates an equally sophisticated legislation that would effectively address this concern.

Generally, this bill penalizes combinations or conspiracies in restraint of trade and all forms of artificial machinations that will injure, destroy or prevent free market competition.

For these reasons, the passage of this bill is earnestly recommended.



EDGAR L. VALDEZ



ERNESTO C. PABLO



SUNNY R.A. MADAMBA

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AN ACT
PROHIBITING MONOPOLIES, ATTEMPT TO MONOPOLIZE AN INDUSTRY
OR LINE OF COMMERCE, MANIPULATION OF PRICES OF
COMMODITIES, ASSET ACQUISITION AND INTERLOCKING
MEMBERSHIPS IN THE BOARD OF DIRECTORS OF COMPETING
CORPORATE BODIES AND PRICE DISCRIMINATION AMONG
CUSTOMERS, PROVIDING PENALTIES THEREFOR, AND FOR OTHER
PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 *Section 1. Title.* - This Act shall be known and cited as the "Philippine Anti-trust
2 Act."

3
4 *Section 2. Definition of "Person" or "Persons".* - The word "person" or
5 "persons", whenever used in this Act, shall be deemed to include not only individual or
6 individuals but also corporations, partnerships, and associations existing under or
7 authorized by the laws of the Philippines or by the laws of any foreign country.

8
9 *Section 3. Agreements, Contracts, Combinations, or Conspiracies in Restraint of*
10 *Trade and Price Manipulation.* - Every agreement or contract, combination in the form
11 of trust or otherwise, or conspiracy, expressed or implied, in restraint of trade or

1 declared illegal and, therefore, it shall be unlawful for any person to enter in, or to make,
2 or to be a party to any such contract or combination or conspiracy, and any such person
3 shall be deemed guilty of any offense: *Provided*, That nothing herein contained shall
4 render illegal, any agreement or contract prescribing minimum prices for the resale of a
5 commodity which bears or the label or container of which bears, the trademark, brand, or
6 name of the producer or distributor of such commodity and which is in free and open
7 competition with commodities of the same general class produced or distributed by
8 others: *Provided, further*, That the preceding proviso shall not make lawful any
9 agreement or contract, combination or conspiracy providing for the establishment or
10 maintenance of minimum resale prices on any commodity herein involved, between
11 manufacturers, or between producers, or between wholesalers, or between brokers, or
12 between factors, or between retailer, or between persons, firms, or corporations in
13 competition with each other.

14
15 ***Section 4. Monopoly or Attempt to Monopolize.*** – It shall be unlawful for any
16 person to monopolize, or attempt to monopolize, or to combine or conspire, expressly or
17 impliedly, with any other person or persons, to monopolize any part of the trade or
18 commerce within the country, or with any foreign country or territory, and any such
19 person shall be guilty of an offense. *Provided*, That nothing contained in this Act shall
20 render unlawful the right of a patent holder or a copyright holder to enjoy the benefit of
21 his or its patent or copyright duly registered in the Philippines or in any foreign country
22 with which the Philippines is a co-signatory to any treaty or convention that protects
23 rights to an invention patent or to a copyright, as the case may be.

24
25 ***Section 5. Price Discrimination.*** – (a) It shall be unlawful for any person
26 engaged in commerce, in the course of such commerce, either directly or indirectly, to
27 discriminate in price between purchasers of commodities of like grade and quality, where
28 either or any of the purchasers involved in such discrimination are in commerce, where
29 such commodities are sold for use, consumption, or resale within the Philippines, and

1 where the effect of such discrimination may be substantially to lessen competition or tend
2 to create a monopoly in any line of commerce, or to injure, destroy, or prevent
3 competition with any person who either grants or knowingly receives the benefit of such
4 discrimination, or with customers of either of them: *Provided*, that nothing herein
5 contained shall prevent shall prevent differentials which make only due allowance for
6 differences in the cost of manufacture, sale, or delivery resulting from the differing
7 method or quantities in which such commodities are to such purchasers sold or delivered:
8 *Provide, however*, That the Secretary of Department of Trade and Industry in the case of
9 non-agricultural commodities and the Secretary of the Department of Agriculture in the
10 case of agricultural commodities may, after due notice, investigation and hearing to all
11 interested parties, fix and establish quantity limits, and revise the same as the Secretary
12 concerned finds necessary, as to particular commodities or classes of commodities, where
13 such Secretary finds that available purchasers in greater quantities are few as to render
14 differentials on account thereof unjustly discriminatory or promotive of monopoly in any
15 line of commerce within the jurisdiction of this Department; and the foregoing shall not
16 be construed to permit differentials based on differences in quantities greater than those
17 so fixed and established: *Provided, further*, That nothing herein contained shall prevent
18 persons engaged in selling goods, wares, or merchandise in commerce from selecting
19 their own customers in bona fide transactions and not in restraint of trade: *And Provided*,
20 *finally*, That nothing herein contained shall prevent price changes from time to time in
21 response to changing conditions affecting the market for or the marketability of the goods
22 concerned, such as but not limited to actual or imminent deterioration of perishable
23 goods, obsolescence of seasonal goods, distress sales under court process, or sales in
24 good faith in discontinuance of business in the goods concerned.

25 (b) It shall be unlawful for any person engaged in commerce, in the course of
26 such commerce, to pay or grant, or to receive or accept, anything of value as
27 a commission, brokerage, or other compensation, or any allowance or
28 discount in lieu thereof, except for services rendered in connection with the
29 sale or purchase of goods, wares, or merchandise, either to the other party to

1 such transaction or to an agent, representative, or other intermediary therein
2 where such intermediary is acting in fact for or in behalf, or is subject to the
3 direct or indirect control, of any party to such transaction other than the
4 person by whom such compensation is so granted or paid.

5 (c) It shall be unlawful for any person engaged in commerce to pay or contract
6 for the payment of anything of value to or for the benefit of a customer of
7 such person in the course of such as compensation or in consideration for any
8 services or facilities furnished by or through such customer in connection
9 with the processing, handling, sale, or offering for sale of any products or
10 commodities manufactured, sold, or offered for sale by such person, unless
11 such payment or consideration is available on proportionally equal terms to
12 all other customers competing in the distribution of such products or
13 commodities.

14 (d) It shall be unlawful for any person to discriminate in favor of one purchaser
15 against another purchaser or purchasers of a commodity bought for resale,
16 with or without processing, by contracting to furnish or furnishing, or by
17 contributing to the furnishing of, any services or facilities connected with the
18 processing, handling, sale, or offering for sale of such commodity so
19 purchased upon terms not accorded to all purchasers on proportionally equal
20 terms.

21 (e) It shall be unlawful for any person engaged in commerce, in the course of
22 such commerce, knowingly to induce or receive a discrimination in price
23 which is prohibited by this Section.

24 (f) Upon proof being made, at any hearing on a complaint under this Section,
25 that there has been discrimination in price or services or facilities furnished,
26 the burden of rebutting the prima-facie case thus made by showing
27 justification shall be upon the person charged with a violation of this Section,
28 and unless justification shall be affirmatively shown, the Secretary concerned
29 is authorized to issue an order terminating the discrimination: *Provided,*

1 *however*, That nothing herein contained shall prevent a seller rebutting the
2 prima-facie case thus made by showing that his lower price or the furnishing
3 of services or facilities to any purchaser or purchasers was made in good
4 faith to meet an equally low price of a competitor, or the services or facilities
5 furnished by a competitor.

6
7 ***Section 6. Prohibited Stipulations in Lease or Sales Contracts.*** – It shall be
8 unlawful for any person engaged in commerce, in the course of such commerce, to lease
9 or make a sale or contract for the sale of goods, wares, merchandise, machinery, supplies,
10 or other commodities, whether patented or un-patented, for use, consumption, or resale
11 within the Philippines, or fix a price charged therefore, or discount from, or rebate upon,
12 such price, on the condition, agreement, or understanding that the lessee or purchaser
13 thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or
14 other commodities of a competitor or competitors of the lessor or seller, where the effect
15 of such lease, sale, or contract for sale or such condition, agreement, or understanding
16 may be to lessen competition or tend to create a monopoly in any line of commerce.

17
18 ***Section 7. Prohibited Stock or Asset Acquisition.*** – No person engaged in
19 commerce or in any activity affecting commerce shall acquire, directly or indirectly, the
20 whole or any part of the stock or other share-capital or the whole or any part of the assets
21 of another person engaged also in commerce or in any activity affecting commerce,
22 where in any line of commerce in any activity affecting commerce in the country or in
23 any part of the country, the effect of such acquisition may be substantially to lessen
24 competition or tend to create a monopoly.

25
26 ***Section 8. Prohibited Grant of Proxies or Voting Rights.*** – No person shall
27 acquire, directly or indirectly, the whole or any part of the stock or other share capital,
28 nor shall any person acquire the whole or any part of the assets of one or more persons
29 engaged in commerce or in any activity affecting commerce, where in any line of

1 commerce in any activity affecting commerce in the country or in any part of the country,
2 the effect of acquisition of such stock or assets, or of the use of such stock by the voting
3 or granting of proxies or otherwise, may be substantially to lessen competition, or tend to
4 create a monopoly. This Section shall not apply to persons purchasing such stock solely
5 for investment and not using the same by voting or otherwise to bring about, or in
6 attempting to bring about, the substantial lessening of competition. Nor shall anything
7 contained in this Section prevent a corporation engaged in commerce or in any activity
8 affecting commerce from causing the formation of subsidiary corporations for the actual
9 carrying on of their immediate lawful business, or the natural and legitimate branches or
10 extension thereof, or from owning and holding all or part of the stock of such subsidiary
11 corporations, when the effect of such formation is not to substantially lessen competition.

12 Nothing contained in this Section shall be held to affect or impair any right
13 heretofore legally required: *Provided*, That nothing this Section 8 shall be held or
14 construed to authorize or make anything heretofore prohibited or made illegal by any
15 anti-trust law of the Philippines, particularly Article 186 of the Revised Penal Code of the
16 Philippines, nor exempt any person from the penal provisions thereof or the civil
17 remedies provided therefore, if any.

18
19 ***Section 9. Prohibited Board Membership in Two or More Corporations.*** - No
20 person shall be a director in any two or more corporations engaged in whole or in part in
21 commerce in the Philippines at the same time, other than banks, banking associations,
22 investment companies, and trust companies, if such corporations are or shall have been
23 theretofore, by virtue of their business and location of operation, competitors, so that the
24 elimination of competition by agreement between them would constitute a violation of
25 any provisions of this Act or any anti-trust law of the Philippines, particularly Article 186
26 of the Revised Penal Code of the Philippines.

27
28 ***Section 10. Exemption of Labor, Agricultural, or Horticultural Organizations.*** -
29 The labor of a human being is not a commodity or article of commerce. Nothing

1 contained in this Act, therefore, shall be construed to forbid the existence and operation
2 of any labor, agricultural or horticultural organizations, instituted for purposes of mutual
3 help, and not having capital stock or conducted for profit, or to forbid or restrain
4 individual members of such organizations from lawfully carrying out the legitimate
5 thereof, nor shall such organizations, or the members thereof, be held or construed to be
6 illegal combinations or conspiracies in restraint of trade, under this Act.

7
8 **Section 11. Penalties for Violations of Section 3 and Section 4.** – Any person
9 that shall be found to have violated Section 3 and Section 4 of this Act shall, for each and
10 every violation, be punished by a fine not exceeding ten million pesos (P10,000,000.00)
11 if a corporation or association, or, one million pesos (P1,000,000.00) if a natural person
12 or by imprisonment not exceeding five (5) years, or both fine and imprisonment, in the
13 discretion of the court.

14
15 **Section 12. Penalties for Violations of Sections 5, 6, 7, 8 and/or 9.** – Any person
16 that shall be found to have violated Sections 5, 6, 7, 8, or 9 or any combination of such
17 sections of this Act shall, for each and every violation, be punished by a fine not
18 exceeding five million pesos (P5,000,000.00), or by imprisonment not exceeding two and
19 one half (2 ½) years, or both fine and imprisonment in the discretion of the court.

20
21 **Section 13. Imposition of a Higher Penalty.** If the same Act or Acts are
22 chargeable and punishable under Article 186 of the Revised Penal Code and under the
23 provisions of this Act, the penalties imposed under the provisions of the Revised Penal
24 Code or under the provisions of this Act, whichever is the heavier, shall be imposed.

25
26 **Section 14. Exclusion of Civil Action from Criminal Action.** – The institution of
27 a criminal action under this Act against a defendant shall not be deemed to include any
28 claim for damages in favor of any person that may have suffered any monetary injury
29 because of any violation of this Act.

1
2 **Section 15. Civil Action of Private Parties for Monetary Injury.** – In addition to
3 the penalties provided in Sections 11 and 12 of this Act, any person that shall be injured
4 in his or its business or property and thereby suffers monetary injury by reason of
5 anything forbidden under Sections 3, 4, 5, 6, 7, 8, or 9 of this Act may institute a separate
6 and independent civil action, irrespective of the amount involved in the controversy,
7 against the defendant or defendants and shall recover threefold of the monetary injury by
8 him or by it sustained, and the cost of suit, including a reasonable attorney's fee.

9 The complaint for the civil action may be filed or instituted in the Regional Trial
10 Court where the defendant or any of the defendants, if more than one, resides or is found
11 or has an agent, or in the Regional Trial Court where the plaintiff resides. Any complaint
12 for civil action that may be filed or instituted against a defendant to recover monetary
13 injury suffered as a consequence of a violation of this Act shall be exempted from the
14 payment of any filing fee.

15
16 **Section 16. Civil Action of the Republic of the Philippines.** – In addition to any
17 criminal action he may have instituted against any defendant or defendants for any
18 violation of this Act, the Secretary of Justice may bring a civil action in the name of the
19 Republic of the Philippines, as *parens patriae*, on behalf of natural persons residing in the
20 Philippines, in any Regional Trial Court having jurisdiction over the defendant, to secure
21 treble damages for any monetary injury sustained by such natural persons by reason of
22 any violation of this Act, plus the cost of suit and a reasonable attorney's fee.

23 Any civil action brought by the Secretary of Justice under this Act in the name of
24 the Republic of the Philippines, as *parens patriae*, shall likewise be exempted from the
25 payment of any filing fee.

26
27 **Section 17. Determination of Monetary Relief to be Awarded in a Suit of the**
28 *Republic of the Philippines.* – In the event of such a civil action brought about by the
29 Secretary of Justice becoming successful, the Regional Trial Court having jurisdiction

1 over the case shall exclude from the amount of the monetary relief awarded by such
2 action, the amount: (1) which duplicates amounts of monetary relief that have been
3 awarded for the same injury, or (2) which is properly allocable (A) to natural persons
4 who have excluded their claims from the civil action instituted by the Secretary of Justice
5 in the name of the Republic of the Philippines, and (B) to any business entity.

6
7 ***Section 18. Requirement of Notice by Publication in a Suit of the Republic of the***
8 ***Philippines.*** – In any civil action brought about by the Secretary of Justice under this Act
9 in the name of the Republic of the Philippines, as *parens patriae*, the Secretary of Justice
10 shall, at such times and in such manner, and with such content as the Regional Trial
11 Court having jurisdiction may direct, cause notice thereof to be given by publication.
12 However, if such Regional Trial Court finds that notice given solely by publication would
13 deny due process of law to any person or persons, that court may direct further notice to
14 such persons according to the circumstances of the case.

15
16 ***Section 19. Exclusion from the Suit of the Republic of the Philippines.*** – Any
17 person on whose behalf a civil action has been brought by the Secretary of Justice under
18 this Act in the name of the Republic of the Philippines, as *parens patriae*, may elect to
19 exclude from adjudication the portion of the claim of the Republic of the Philippines for
20 monetary relief attributable to him by filing notice of such election with the Regional
21 Trial Court having jurisdiction over the civil action within such time as specified in the
22 notice given pursuant to the immediately preceding Section 16 hereof.

23
24 ***Section 20. Effect of Final Judgment in a Suit of the Republic of the Philippines.***
25 – The final judgment in an action brought by the Secretary of Justice under this Act in the
26 name of the Republic of the Philippines, as *parens patriae*, shall be *res judicata* as to any
27 claim by any person on behalf of whom such action was brought and who fails to give the
28 notice of election under Section 17 hereof within the period directed and specified by the

1 Regional Trial Court having jurisdiction of the case in accordance with Section 16 of this
2 Act.

3 ***Section 21. Suit of the Republic of the Philippines to Recover its Own Damages.***

4 – Whenever the Republic of the Philippines is hereafter injured in its business or property
5 by reason of anything forbidden or rendered unlawful in this Act, it may sue thereon in
6 the Regional Trial Court in which the defendant or any of the defendants, if there are
7 more than one defendant, resides or is found or has an agent, without respect to the
8 amount in controversy and shall recover actual damages by it sustained and the cost of
9 suit.

10
11 ***Section 22. Approval of the Court Required to Dismiss or Compromise a Civil***

12 *Action.* – Any civil action filed under this Act shall not be dismissed or compromised
13 without the approval of the court having jurisdiction of the case, and notice of any
14 proposed dismissal or compromise shall be given to the public and to the parties in such
15 manner as the court directs.

16
17 ***Section 23. Attorney's Fee for the Prevailing Defendants.*** – In any civil action

18 filed against a defendant under this Act, the court having jurisdiction of the case may
19 award a reasonable attorney's fee in favor of a prevailing defendant upon a finding that
20 the Secretary of Justice or the plaintiff has acted in bad faith, vexatiously, wantonly, or
21 for oppressive reasons.

22
23 ***Section 24. Use of Statistical or Sampling Methods to Prove and Assess***

24 *Damages.* – In any civil action under this Act in which there has been a determination
25 that a defendant agreed to fix prices in violation of the provisions of this Act, damages
26 may be proved and assessed in the aggregate by statistical or sampling methods, by the
27 computation of illegal overcharges, or by such other reasonable system of estimating
28 aggregate damages as the court having jurisdiction of the case in its discretion may

1 permit without necessarily proving the individual claim of, or the amount of damages to,
2 persons on whose behalf the suit was brought.
3

4 ***Section 25. Distribution of Monetary Relief Recovered in Suit of the Republic of***
5 ***the Philippines.*** – The monetary relief recovered in a civil action filed by the Secretary
6 of Justice in the name of the Republic of the Philippines, as parens patriae, in accordance
7 with the provisions of Section 16 hereof shall (1) be distributed in such manner as the
8 Regional Trial Court having jurisdiction of the case in its discretion may authorize; or (2)
9 be deemed a civil penalty by the Regional Trial Court and deposition with the National
10 Treasury as a part of the general fund of the government, subject in either case to the
11 requirement that any distribution procedure adopted by the Regional Trial Court shall
12 afford each person having an interest in the monetary relief a reasonable opportunity to
13 secure his appropriate portion of the net monetary relief obtained.
14

15 ***Section 26. Evidential Effect of a Final Judgment Rendered in a Criminal Case***
16 ***Against a Defendant.*** – Any final judgment or decree heretofore or hereafter
17 rendered in any criminal action brought by or on behalf of the People of the
18 Philippines as well as any final judgment or decree heretofore or hereafter
19 rendered in any civil action brought by or on behalf of the Republic of the
20 Philippines under this Act to the effect that a defendant has violated any or all of
21 the provisions of this Act shall be prima facie evidence against such defendant in
22 any civil action brought by any other party against such defendant under this Act
23 as to all matters respecting which said judgment or decree would be an estoppel as
24 between the parties thereto: *Provided*, That this Section shall not apply to consent
25 judgment or decree, as hereinafter provided in Section 27 hereof, entered before
26 any testimony has been taken.
27

28 ***Section 27. Proposal for a Consent Judgment.*** – At any time in the
29 course of a civil action brought by or on behalf of the Republic of the Philippines

1 under this Act, the Republic of the Philippines through the Secretary of Justice,
2 may propose in a proper pleading to the defendant or defendants a consent
3 judgment by the latter based on the facts alleged by the parties in their respective
4 pleadings.

5 Any such proposal for a consent judgment for entry in such civil action
6 shall be filed with the Regional Trial Court having jurisdiction of the case. A
7 summary of the terms of the proposal for the consent judgment with a competitive
8 impact statement which shall recite (1) the nature and purpose of the proceedings;
9 (2) a description of the practices or events giving rise to the alleged violation of
10 this Act; (3) an explanation of the proposal for a consent judgment, including an
11 explanation of any unusual circumstances giving rise to such proposal or any
12 provision contained therein, relief to be obtained thereby, and the anticipated
13 effects on competition of such relief; (4) the remedies available to potential
14 private plaintiffs damaged by the alleged violation in the event that such proposal
15 for the consent judgment entered in such proceeding; (5) a description of the
16 procedure available for modification of such proposal; (6) a description and
17 evaluation of alternatives to such proposal actually considered by the Republic of
18 the Philippines; and (7) a list of the materials and documents which the Republic
19 of the Philippines shall make available for purposes of meaningful public
20 comment, and the place where such materials and documents are available for
21 public inspection, shall be published at least sixty (60) days prior to the effective
22 date of such consent judgment for seven (7) days over a period of three (3) weeks
23 in at least two (2) newspapers of general circulation.

24 Copies of the proposal for a consent judgment or any other materials and
25 documents which the Republic of the Philippines considered determinative in
26 formulating its proposal for a consent judgment shall be made available to the
27 public at the Regional Trial Court having jurisdiction of the case.
28

1 ***Section 28. Public Comments Relating to the Proposal for a Consent***

2 ***Judgment.*** – During the sixty (60) day period mentioned in Section 27 hereof,
3 and such additional time as the Republic of the Philippines may request and the
4 Regional Trial Court may grant, the Republic of the Philippines shall receive and
5 consider any written comments relating to the proposal for the consent judgment
6 filed with the Regional Trial Court having jurisdiction of the case in accordance
7 with Section 27 of this Act. At the close of the period during which such
8 comments may be received, the Republic of the Philippines shall file with the
9 Regional Trial Court having jurisdiction of the case, not later than thirty (30) days
10 from the date the last comment was filed with the Regional Trial Court, a
11 response to such comments.

12
13 ***Section 29. Duty of the Regional Trial Court Before Entering Any***

14 ***Consent Judgment.*** – Before entering any consent judgment proposed by the
15 Republic of the Philippines under Section 27 of this Act, the Regional Trial Court
16 having jurisdiction of the case shall determine that the entry of such judgment is
17 in the public interest.

18 For purposes of determining that the entry of such judgment is in the
19 public interest, the Regional Trial Court may consider: (1) the competitive impact
20 of such judgment, including termination of alleged violations, provisions for
21 enforcement and modification, duration or relief sought, anticipate effects of
22 alternative remedies actually considered, and any other considerations bearing
23 upon the adequacy of such judgment; and (2) the impact of entry of such
24 judgment upon the public generally and individuals alleging specific injury from
25 the violations set forth in the complaint, including consideration of the public
26 benefit, if any, to be derived from the determination of the issues at the trial.

27
28 ***Section 30. Powers of the Regional Trial Court in Making the***

29 ***Determination under Section 29.*** – In making its determination under Section 29

1 of this Act, the Regional Trial Court may: (1) take the testimony of government
2 officials or experts or such expert witnesses, as the Regional Trial Court may
3 deem appropriate; (2) appoint such outside consultants or experts witnesses as the
4 Regional Trial Court may deem appropriate; (3) request and obtain the views,
5 evaluations, or advice of any individual, group, or agency of the government with
6 respect to any aspects of the proposed consent judgment or the effect of such
7 consent judgment, in such manner as the Regional Trial Court having jurisdiction
8 of the case deems appropriate; (4) authorize full or limited participate in the civil
9 proceedings before the Regional Trial Court having jurisdiction of the case by
10 interested persons or agencies of the government, including appearance amicus
11 curiae, intervention as a party pursuant to the provisions of the Rules of Court,
12 examination of witnesses or documentary materials, or participation in any other
13 manner and extent which serves the public interest as the Regional Trial Court
14 having jurisdiction of the case may deem appropriate; (5) review any comments
15 including any objections filed with the Republic of the Philippines concerning the
16 proposed consent judgment and the responses of the Republic of the Philippines
17 to such comments and objections, in accordance with the provisions of Section 28
18 of this Act; and (6) take such other action in the public interest as the Regional
19 Trial Court may deem appropriate.

20
21 ***Section 31. Certifications of the Defendants.*** – Not later than fifteen (15)
22 days following the date of the filing of any proposal for a consent judgment under
23 Section 27 of this Act, each defendant shall file with the Regional Trial Court
24 having jurisdiction of the case a description of any and all written or oral
25 communications by or on behalf of such defendants, including any and all written
26 or oral communications on behalf of such defendants, or other person, with any
27 officer or employee of the Republic of the Philippines or relevant to such
28 proposal, except that any such communications made by counsel of record with
29 the Secretary of Justice or the employees of the Department of Justice shall be

1 excluded from the requirements of this Section. Prior to the entry of any consent
2 judgment pursuant to this Act, each defendant shall certify under oath to the
3 Regional Trial Court having jurisdiction of the case that the requirements of this
4 Section have been complied with and that such filing is a true and complete
5 description of such communications known to the defendant or which the
6 defendant reasonably should have known.

7
8 **Section 32. Evidential Value of Proceedings in a Proposal for a Consent**
9 **Judgment.** – Proceedings before the Regional Trial Court having jurisdiction of
10 the case under Section 29 and Section 30 of this Act, shall not be admissible
11 against any defendant in any action or proceeding brought by any other party
12 against such defendant nor constitute a basis for the introduction of the consent
13 judgment as a prima facie evidence against such defendants in any such action or
14 proceeding.

15
16 **Section 33. Statute of Limitations.** – Any civil or criminal action to
17 enforce any cause of action arising from a violation of any provision of this Act
18 shall be forever barred unless commenced within five (5) years after the cause of
19 action accrued. Whenever any civil or criminal proceedings is instituted by the
20 Republic of the Philippines in case of a civil action or by the People of the
21 Philippines in case of a criminal action to prevent, restrain, or punish any
22 violation of any provision of this Act, the running of the statute of limitation
23 provided in the immediately preceding sentence in respect of every private or
24 sovereign right of action arising under this Act and based in whole or in part on
25 any matter complained of in said proceeding shall be suspended during the
26 pendency thereof and for one year thereafter.

27
28 **Section 34. Separability Clause.** – If any clause, sentence, section or part
29 of this Act shall be adjudged by a court of competent jurisdiction to be invalid,

1 such judgment shall not affect, impair or invalidate the remainder of this Act, but
2 shall be confined in its operation to the clause, sentence, paragraph, section, or
3 party thereof directly involved in the controversy.

4 ***Section 35. Repealing Clause.*** - All provisions of law, orders, decrees, executive
5 orders, including rules and regulations or parts thereof which are contrary to or
6 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

7
8 ***Section 26. Effectivity Clause.*** - This Act shall take effect fifteen (15) days
9 following its publication in the Official Gazette or at least two (2) national newspapers of
10 general circulation.

11
12 *Approved,*