

HOUSE OF REPRESENTATIVES

House Bill No. 913

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

In economic parlance, efficiency is best achieved if there is competition as the tension of the different interests of the agents will ultimately result in an equilibrium, provided that they are in the same level playing field. In a competitive regime, there are incentives to improve and perceived fairness because in the end, the choice will be determined by welfare-maximizing consumers.

Such beliefs are not new to the Philippines; Section 19, Article XII of the 1987 Philippine Constitution explicitly prohibits certain anti-competitive policies such as monopolies (unless public interest so requires) and restraint of trade. Article 186 of the Revised Penal Code, meanwhile, provides for the sanctions in the for those who engage in such practices while the Civil Code allows the collection of damages arising from unfair competition. Numerous special laws and statutes were likewise enacted to address this problem such as the Corporation Code of the Philippines (BP 68), The Revised Securities Act (BP 178), the Price Act (RA 7581), the Consumer Act of the Philippines (RA 7394), the Intellectual Property Code of the Philippines (RA 8293), the Downstream Oil Deregulation Act (RA 8479), the Anti-dumping Act (RA 8752) and the Electric Power Industry Reform Act (RA 9136), among others. Despite these, however, enforcement remains lacking because of hindrances such as the lack of transparency, constraints of regulatory bodies, and a unified legal framework for the enforcement of such laws.

This bill, thus, seeks to put in place a comprehensive competition law that not only provides the sanctions to the acts that constitute unfair trade practices, but also addresses the stumbling blocks inherent in implementing a competitive regime. Applicable to all areas of trade, industry and commercial economic activity, the proposed measure specifies cartels, monopolies and abuse of power by virtue of the their dominance in the market as prohibited acts that shall be accorded penalties of a fine of not less One million pesos (Php1,000,000.00) and not exceeding Ten million pesos (Php10,000,000.00) if a natural person; by a fine of not less than Ten million pesos (Php10,000,000.00) but not exceeding One hundred million pesos (Php100,000,000.00) if a firm, and by imprisonment not exceeding ten (10) years, or both, at the discretion of the court.

Further, it mandates the conduct of a preliminary inquiry by the Department of Justice, in coordination with the Department of Trade and Industry and or any other appropriate government agencies, notwithstanding the incumbent powers of the different regulatory agencies. Any person or firm, which cooperates and furnishes any information, document or data that constitutes as material evidence to the DOJ before or during the preliminary inquiry shall be immune from any suit or charge including from affected parties and third parties.

The Philippine economy is without a doubt characterized by a structure that lends a few businessmen and their families substantial power in controlling the market. This makes entry more difficult, pressing down the development of micro, small and medium enterprises that wish to participate in the field. Therefore, an effective competition policy will ensure a

regime that will spell efficiency and help the country move to a higher growth path, ultimately redounding to general public welfare - for businesses and consumers alike.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



SUSAN A. YAP

Representative, 2nd District of Tarlac

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AN ACT
PENALIZING UNFAIR TRADE AND ANTI-COMPETITIVE PRACTICES IN
RESTRAINT OF TRADE, UNFAIR COMPETITION, ABUSE OF DOMINANT
POWER, STRENGTHENING THE POWERS OF REGULATORY AUTHORITIES
AND APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

CHAPTER 1
TITLE AND DECLARATION OF POLICY

SECTION 1. *Title.* - This Act shall be known and cited as the "*Competition Act of
2010*"

SEC. 2. *Declaration of Policy.* - Pursuant to the constitutional mandate that the State shall
regulate or prohibit monopolies when the public interest so requires and that no combinations in
restraint of trade or unfair competition shall be allowed, the State shall:

- a) promote and enhance free and full competition in trade, industry and all commercial
economic activities;
- b) prevent the concentration of economic power in a few persons who threaten to control
the production, trade, or industry, stifle competition, distort, manipulate or constrict the discipline of
free markets, or tamper with the free play of the market forces and eventually destroy free and open
markets; and,
- c) penalize all forms of unfair trade, anti-competitive conduct and combinations in restraint
of trade, with the objective of protecting and advancing consumer welfare.

CHAPTER 2
SCOPE AND APPLICATION, DEFINITION OF TERMS

SEC. 3. *Scope and Application.* - This Act shall be enforceable within the territory of the
Republic of the Philippines and shall apply to all areas of trade, industry and commercial economic
activity. It shall likewise be applicable to international trade having substantial effects in the Republic
of the Philippines including those that result from acts done outside the Republic of the Philippines.

The Act shall apply to: (a) all firms as defined hereunder and all their commercial
agreements, actions or transactions involving goods, services or intellectual property; and, (b) all
natural persons who, acting in their capacity as owner, manager or employee of a firm, shall
authorize, engage or aid in the commission of restrictive practices prohibited under this Act.

SEC. 4. *Definition of Terms.* -As used in this Act, the following terms shall be defined as:

(a) Cartel shall mean a combination of firms, providing goods in relevant markets, acting or joined together to obtain a shared monopoly to control production, sale and price, or to obtain control in any particular industry or commodity, or a group of firms that agree to restrict trade to their mutual benefit, which may or may not be of an international scale.

It shall also refer to firms or section of firms having common interest designed to prevent extreme or unfair competition and allocate markets, and to promote the exchange of knowledge resulting from scientific and technical research, exchange of patent rights and standardization of products;

(b) Competition shall mean the process by which economic agents, acting independently in a market, limit each other's ability to control the prevailing conditions in the market;

(c) Control refer to at least twenty percent (20%) ownership, directly or indirectly, of a firm or a group of firms by another firm;

(d) Firm shall include any person, partnership, combination or association in any form, engaged directly or indirectly in any economic activity: *Provided*, That, two firms, one of which is controlled by the other, shall be treated as one firm: *Provided, further*, That two or more firms that are controlled by a single firm shall be treated as one firm;

(e) Goods shall include all types of goods and services;

(f) Market shall refer to a place or venue for commercial activity, which may extend beyond the borders of the Republic of the Philippines, where articles are bought or sold. It shall also refer to the geographical or economic extent of commercial demand;

(g) Monopoly shall mean a privilege or undue advantage of one or more firms, consisting in the exclusive right to carry on a particular business or trade, and/or manufacture a particular product, article or object of trade, commerce or industry. It is a form of market structure in which one or only a few firms dominate the total sales of a product or service;

(h) Monopoly Power shall refer to a situation where a firm, either by itself or acting in collusion with other firms, is in a position to control a relevant market for the sale of a particular good or service by fixing its prices, excluding competitor firm, or controlling the market in a specific geographical area; and,

(i) Relevant Market shall refer to the line of commerce in which competition has been restrained. It shall also refer to the geographic area involved, including all reasonably substitutable goods, and all nearby competitors, to which consumers could turn if the restraint or abuse results in the significant increase in prices.

CHAPTER 3 PROHIBITED ACTS

SEC. 5. *Cartels*- It shall be unlawful for firms providing goods in relevant markets to join together to monopolize, or to control production in a particular industry or commodity, the sale and price of such good, and to agree to restrict trade for their mutual benefit, which may or may not be on an international scale. This shall also include an association by agreement of firms or sections of firms having common interests designed to promote the interchange of knowledge resulting from scientific and technical researches, exchange of patent rights and standardization of products.

Restrictive agreements resulting from cartel-like behavior of firms, in any form, are hereby *per se* deemed illegal. These shall include, but not limited to, the following:

(a) Agreements to fix selling price of goods or other terms of sale;

(b) Agreements to limit supply or output;

(c) Agreements to divide the market, whether by volume of sales or purchase or by territory, by type of goods sold, by customers or sellers, or by any other means;

(d) Agreements exclude or limit dealings with particular suppliers or sellers from supplying or selling goods, or customers from acquiring or buying goods; and,

(e) Agreements to fix setting price at auctions or in any other form of bidding. There shall be a *prima facie* case for the existence of a cartel if and when the Department of Trade and Industry (DTI) or concerned regulatory agency finds that two or more persons or firms competing for the

1 same relevant market perform uniform or complementary acts among themselves which tend to
2 bring about artificial and unreasonable increase in the price of any goods or when they
3 simultaneously and unreasonably increase the prices of their competing goods thereby lessening
4 competition among themselves.

5
6 SEC. 6. *Monopolies.* - It shall be unlawful for any firm to willfully monopolize, or knowingly
7 attempt to monopolize, the trade of goods or any part of the trade or commerce within the Republic
8 of the Philippines or with any foreign country or territory. As prohibited in this Act, the essential
9 elements of the crime of monopolization are the possession of monopoly power and its willful
10 acquisition, maintenance or abuse to exclude competitors from any part of trade, commerce or
11 industry as distinguished from natural growth or development of a firm as a consequence of a
12 superior product, business acumen or historic accident: *Provided,* That, a firm that has at least fifty
13 percent (50%) of the relevant market as found and certified by the Department of Trade and
14 Industry or the Concerned regulatory agency shall be deemed a monopoly or in dominant position.

15
16 SEC. 7. *Monopoly Power or Abuse of Market Power by One in Dominant Position.* - It shall be
17 unlawful for one or more firms with market power within relevant markets to abuse their monopoly
18 power or dominant position, by engaging in unfair methods of competition, or engaging in unfair or
19 deceptive trade practices, or entering into agreements, combinations in the form of trust or
20 otherwise, or conspiracy, with the purpose and effect to prevent, restrict, or distort competition.
21 Abusive agreements such as, but not limited to, any of the following, shall be deemed to fall under
22 the crime of abuse of monopoly power or market power by one in dominant position:

23 A. Price Fixing - Any agreement to fix the selling price of goods or other terms of sale, with
24 the purpose and effect of creating a monopoly or cartel, or lessening competition.

25 B. Bid Rigging - Any agreement to fix price at auctions or in any other form of bidding, with
26 the purpose and effect of creating a monopoly or cartel, or lessening competition. In determining
27 whether there is price fixing or bid rigging, the following circumstances may be considered:

28 (1) generally, any considered evidence that two sellers of similar goods have agreed to set the
29 price of their goods, to sell only a certain amount of their goods, or to sell only to a limited number
30 of buyers or consumers;

31 (2) a drastic change in prices of goods and services involving more than one seller of similar
32 goods of different brands, particularly if the changes in prices take place in equal amount and about
33 the same time;

34 (3) a seller refusing to sell based on an agreement with a competitor;

35 (4) the same firm has repeatedly been the low bidder who has been awarded contracts for a
36 certain service or a particular bidder seems to win bids on a fixed-rotation;

37 (5) there is an unusual and unexplainable difference between the winning bid and all other
38 bids; and,

39 (6) the same bidder bids substantially higher on some bids than on others, and there is no
40 logical cost reason to explain the difference.

41 C. Limitation and Control of Markets -Any agreement to limit or control production,
42 markets, technical development, or investment with the purpose and effect of creating a monopoly
43 or cartel, or lessening competition.

44 D. Market Allocation - Any agreement to divide the market, whether by volume of sales or
45 purchase or by territory, by type of goods sold, by customers or sellers or by any other means, with
46 the purpose and effect of creating a monopoly or cartel, or lessening competition.

47 E. Arrangements to Share Markets or Sources of Supply - Any agreement to share markets
48 or sources of supply of raw materials, with the purpose and effect of creating a monopoly or cartel,
49 or lessening competition.

50 F. Price Discrimination - Any agreement prescribing or charging, directly or indirectly,
51 discriminatory pricing terms or conditions in the supply or purchase of goods of like grade and
52 quality with the purpose and effect of creating a monopoly or cartel, or substantially lessening
53 competition: *Provided,* That nothing contained herein shall be construed to prohibit permissible price
54 differentials unless the same shall have the effect of preventing, restricting or distorting competition:

1 *Provided, further,* That for the purpose of this section, the following shall be considered permissible
2 price differentials:

3 (1) Socialized Pricing - Socialized pricing for the less fortunate sector of the economy;

4 (2) Volume Discounts - Price differentials which reflect an allowance for differences in the
5 cost of manufacture, sale, or delivery resulting from differing methods or quantities in which the
6 goods are sold or delivered to the purchasers;

7 (3) Competitive Pricing - A price differential or other terms of sale in response to the
8 competitive price of payments, services or facilities furnished by a competitor;

9 (4) *Bona fide* Selection of Customers - The selection of customers on *bona fide* transaction;
10 and,

11 (5) Price Differentials Due to Changing Market Conditions or Marketability of Goods - Price
12 changes from time to time in response to changing conditions affecting the market or the
13 marketability of the goods concerned such as, but not limited to, actual or imminent deterioration of
14 perishable goods, obsolescence of seasonal goods, distress sales under court process, or sale on
15 good faith in discontinuance of business.

16 G. Exclusivity Arrangement - Any agreement imposing restrictions on the lease or contract
17 for sale or trade of goods concerning where, to whom, or in what forms goods may be sold or
18 traded, such as, but not limited to fixing prices, or giving preferential discounts, or rebate upon such
19 price, or imposing conditions not to deal with competing firms, where the purpose of such
20 agreement is to lessen competition: *Provided,* That nothing contained herein shall prohibit or render
21 unlawful permissible franchising, licensing or exclusive distributorship agreements.

22 H. Tie-In Arrangements - Any agreement making the supply of particular goods dependent
23 upon the purchase or lease of other goods from the supplier or his consignee, where the purpose
24 and effect of such sale or lease or such condition is to substantially lessen competition or to create a
25 monopoly or cartel.

26 I. Boycott - Any concerted refusal to sell or conspiracy not to sell or to stop doing business
27 on the part of the suppliers of any goods, unless for a legitimate purpose, such as but not limited to:

28 (1) Defaulting Borrowers - refusal by one or more credit institutions to extend loans to
29 defaulting debtors;

30 (2) Defaulting Buyers - refusal by one or more manufacturers or sellers to sell on credit to
31 defaulting customers; and,

32 (3) Violators of Intellectual Property Rights - refusal by manufacturers or sellers to have any
33 commercial dealings with one or more firms who violate the intellectual property rights of the
34 owners of patents, copyrights, trademarks and other intellectual property.

35 36 CHAPTER 4 37 PENALTIES 38

39 SEC. 8. *Penalties.* - Without prejudice to the violation of other laws, any firm that shall be
40 found to have violated Sections 5, 6 and 7 of this Act, or any combination thereof, shall, for each
41 and every violation, be punished by a fine of not less One million pesos (Php1,000,000.00) and not
42 exceeding Ten million pesos (Php10,000,000.00) if a natural person; by a fine of not less than Ten
43 million pesos (Php10,000,000.00) but not exceeding One hundred million pesos
44 (Php100,000,000.00) if a firm, and by imprisonment not exceeding ten (10) years, or both, at the
45 discretion of the court.

46 47 CHAPTER 5 48 ENFORCEMENT 49

50 SEC. 9. *Preliminary Inquiry* - The Department of Justice (DOJ), in coordination with the
51 Department of Trade and Industry (DTI), other regulatory and/or appropriate government agency,
52 shall *motu proprio*, upon the filing of a verified complaint by an interested party or upon referral by the
53 concerned regulatory agency, initiate a preliminary inquiry for the enforcement of this Act based on
54 reasonable grounds.

1
2 SEC. 10. *Powers of Concerned Regulatory Agencies.* - Notwithstanding the provisions of the
3 preceding section, the exercise of regulatory powers by different government agencies over an
4 industry or a sub-sector of an industry shall be cumulative and shall not be construed in any way as
5 derogating from the power and authority of the concerned agency. The government agencies shall
6 cooperate and coordinate with one another in the exercise of their powers in order to prevent
7 overlap, to share confidential information, or for other effective measures.
8

9 SEC. 11. *Power to Investigate.* - The DOJ may, through its duly authorized inquiring officer, by
10 written notice, require a firm or natural person to produce a specified document, or to provide
11 specified information which the DOJ considers as relevant its investigation. The inquiring officer,
12 upon the authority granted by the Secretary of Justice, shall engage the services of consultants or
13 experts to aid in the inquiry. He shall also make use of any available or analogous means under
14 existing laws and procedures to determine if any provision of this Act has been violated. For this
15 purpose, he shall have the power to punish for contempt any firm which does not comply with the
16 notice or order for document, information or such other relevant matters and to impose a fine not
17 exceeding One hundred thousand pesos (Php100,000.00) for non-compliance with each notice or
18 order.
19

20 SEC. 12. *Self-incrimination and Privileged Communication Exclusion.* - Pursuant to the preceding
21 section, a person subject of any investigation by the DOJ shall produce the specified document or
22 information when so required by written notice: *Provided*, That no person shall be excused from
23 disclosing any document or information to the inquiring officer on the ground that the disclosure of
24 the information or document may be incrimination: *Provided, however*, That such document or
25 information produced by the person subject of investigation shall not be admissible as evidence
26 against him in criminal proceedings: *Provided, finally*, That such document or information shall be
27 admissible in evidence in civil proceedings including those arising from or in connection to the
28 implementation of this Act.
29

30 Nothing in this section shall compel the disclosure of privileged communication: *Provided*,
31 That the person who refuses to disclose the information or produce the document or other material
32 required by the inquiring officer in relation to the preliminary inquiry being conducted shall
33 nevertheless be obliged to give the name and address of the firm to whom, or by whom, or on
34 whose behalf, such privileged communication was made.
35

36 SEC. 13. *Immunity from Suit.* - Any person or firm which cooperates or furnishes any
37 information, document or data to the DOJ before or during the conduct of the preliminary inquiry
38 that constitutes material evidence as determined by the DOJ under this Act shall be immune from
39 any suit or charge including from affected parties and third parties: *Provided, further*, That any person
40 or firm which cooperates or furnishes information, document or data to the DOJ in connection to
41 an investigation being conducted shall not be subjected to any form of reprisal or discrimination:
42 *Provided, furthermore*, That such reprisal or discrimination shall be considered a violation of this Act
43 and subjected to the penalties provided for under Section 8: *Provided, finally*, That, notwithstanding
44 the provisions of Section 17 hereof, the firm which cooperates with the DOJ in its investigation
45 shall be entitled to a reward equivalent to twenty percent (20%) of any monies paid by the firm
46 subject of the inquiry, or the monetary relief recovered from court action.
47

48 SEC. 14. *Termination of Preliminary Inquiry.* - The Department of Justice, after considering the
49 statements made, or documents or articles produced, in the course of an inquiry conducted by it,
50 shall terminate the preliminary inquiry by issuing a resolution ordering its closure if no violation or
51 infringement of this Act is found; or by issuing a *nolo contendere* resolution; or to, singly or
52 cumulatively, (a) endorse the findings to the regulatory agency for the imposition of administrative
53 fines; (b) institute a civil case for damages; or (c) file a criminal case for violation of this Act or other
54 relevant laws: *Provided*, That, for purposes of this Act, the preliminary inquiry referred to in Section 9

1 of this Act shall fulfill the requirements of a preliminary investigation: *Provided, further,* That the
2 resolution shall not be subjected to any petition for review.
3

4 SEC. 15. *Nolo Contendere Resolution.* - Any firm under inquiry under the provisions of this Act
5 may submit to a *nolo contendere* resolution at any time before the termination of the preliminary
6 inquiry by: a) the payment of an amount within the range of penalties provided for under Section 8;
7 b) by entering into an undertaking to effectively stop and rectify the acts complained against, make
8 restitution to the affected parties, whether or not the parties are complainants or witnesses; and, c)
9 by submitting regular compliance reports as may be directed: *Provided,* That, five percent (5%) of the
10 amounts paid under this section shall equitably accrue to the government agencies involved in the
11 inquiry: *Provided, further,* That a *nolo contendere* resolution shall not bar any inquiry for the same or
12 similar acts if continued or repeated.
13

14 SEC. 16. *Court Action.* - In addition to any criminal action, the DOJ, when instituting the civil
15 action, shall bring it in the name of the Republic of the Philippines, as *parens patriae*, on behalf of
16 persons residing in the Philippines, to secure treble damages for any monetary injury sustained by
17 such natural persons by reason of any violation of this Act plus the cost of suit and a reasonable
18 attorney's fee.
19

20 SEC. 17. *Effect of Final Judgment.* - The final judgment in an action brought under the
21 preceding section shall be *res judicata* as to any claim by any person on whose behalf such action was
22 brought: *Provided,* That such person notifies the court having jurisdiction of the case within the
23 period given by the court: *Provided, further,* That such period shall not be less than ninety (90) days.
24

25 SEC. 18. *Distribution of Monetary Relief Recovered.* - The monetary relief recovered in a civil
26 action under Section 15 of this Act shall be distributed in the following manner: (1) as determined
27 and to be authorized by the Regional Trial Court having jurisdiction of the case; (2) ten percent
28 (10%) of the total amount of monetary relief shall accrue to the DOJ to be used in the enforcement
29 of this Act; and, (3) the remainder of which total amount of monetary relief shall be deemed a civil
30 penalty by the Regional Trial Court and shall be deposited to the National Treasury as part of the
31 general fund of the government: *Provided,* That any distribution procedure adapted by the Regional
32 Trial Court shall afford each person having an interest in the monetary relief a reasonable
33 opportunity to secure his appropriate portion of the net monetary relief obtained.
34

35 SEC. 19. *Evidential Effect of a Final Judgment.* - Any final judgment rendered in any civil or
36 criminal action brought by the DOJ on behalf of the People of the Philippines under this Act to the
37 effect that a defendant has violated any or all of the provisions of this Act shall be *prima facie*
38 evidence against such defendant in any civil action brought by any other party against such
39 defendant under this Act as to all matters respecting which said judgment would be an estoppel as
40 between the parties concerned.
41

42 CHAPTER 6 43 OTHER PROVISIONS 44

45 SEC. 20. *Statute of limitations.* - Any civil or criminal action to enforce any cause of action
46 arising from a violation of any provision of this Act shall be forever barred unless commenced
47 within ten years (10) years after the cause of action accrues. The running of the statute of limitation
48 shall be suspended during the pendency of any proceeding.
49

50 SEC. 21. *Imposition of Fines by Regulatory Agency.* - Notwithstanding any provisions of law,
51 regulatory agencies shall, in the conduct of their functions or duties, have the power to impose fines
52 in the amount not less than One hundred thousand pesos (Php100,000.00) and not exceeding
53 Five million pesos (Php5,000,000.00), if a natural person; and not less than Five million pesos

(Php5,000,000.00) and' not 'exceeding Fifty million pesos (Php50,000,000.00) if a firm for each violation of or non-compliance with an order or notice of the regulatory agency.

Ten percent (10%) of such fines shall accrue to the budget of the regulatory agency for the exclusive use in the enforcement of this Act.

SEC. 22. *Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions and Preliminary Mandatory Injunctions.* - Except for the Supreme Court, no other court shall issue any temporary restraining order, preliminary injunction or preliminary mandatory injunction against the regulatory agency in the exercise of its duties or functions: *Provided, That*, this prohibition shall apply in all cases, disputes or controversies instituted by a private party, including, but not limited to, cases filed by regulated firms or those claiming to have rights through such firms: *Provided, however, That*, this prohibition shall not apply when the matter is of extreme urgency involving a constitutional issue, such that the non-issuance of a temporary restraining order will result in grave injustice and irreparable injury to the public: *Provided, further, That*, the applicant shall file a bond, in an amount to be fixed by the court, but in no case shall it be less than half of the impossible fines provided for under Section 21 of this Act: *Provided, finally, That* in the event that the court finally decides that the applicant was not entitled to the relief applied for, the bond shall accrue in favour of the regulatory agency.

Any temporary restraining order, preliminary injunction or preliminary mandatory injunction issued in violation of this section is void and of no force and effect. Any judge who violates this section shall be penalized by suspension of at least one (1) year without pay in addition to other criminal, civil or administrative penalties.

The Supreme Court may designate regional trial courts to act as commissioners with the sole function of receiving facts of the case involving the acts of the regulatory agency. The designated Regional Trial Court shall, within thirty (30) days from the date of receipt of the referral, forward its findings of facts to the Supreme Court for appropriate action.

SEC. 23. *Intellectual Property Rights.* - The implementation of the provisions of this Act shall be without prejudice to the rights, liabilities and remedies under Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines: *Provided, That*, the exercise of intellectual property rights shall not in any way be used to justify violations of this Act.

SEC. 24. *Guidelines.* -- The DOJ, in consultation with the DTI, shall prepare the necessary guidelines for the implementation of this Act: *Provided, That*, where the guidelines would apply to an industry or a sub-sector of industry that is subject to the jurisdiction of a regulatory agency, the DOJ shall, in preparing the guidelines, consult with the concerned regulatory agency: *Provided, further, That* the DOJ may revise such guidelines it deems necessary: *Provided, however, That* such revised guidelines shall only take effect following its publication in two newspapers of general circulation.

SEC. 25. *Separability Clause.* - If any clause, sentence, section or part of this Act shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence paragraph, section, or part thereof directly involved in the controversy.

SEC. 26. *Repealing Clause.* - All provisions of law, orders, decrees, executive orders, including rules and regulations or parts thereof, which are contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 27. *Effectivity Clause.* - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved