

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

House Bill No. 5809



Introduced by **REP. MANUEL ANTONIO F. ZUBIRI**

EXPLANATORY NOTE

Much has been said about the relative difficulty of doing business in the Philippines. In two international reports which assessed the viability of the Philippines as a investment site, namely: the Doing Business Report 2017 of the World Bank and the Global Competitiveness Report 2015-2016 by the World Economic Forum, the Philippines ranked 99 in 2017. While this represents an improvement from the country's 2016 ranking of 103, the Philippines's rank under the category of Starting a Business fell by 6 notches from 2016 while the country remains 6th in the ASEAN region as per Doing Business Report 2017. In turn, the Global Competitiveness Report highlights the country's need to improve its current 90th ranking in the category of Infrastructure Pillar, where the country likewise ranks 6th in ASEAN. The said reports identified the country's most problematic areas to include corruption, inadequate supply of infrastructure, tax regulations and and inefficient government bureaucracy.

This bill seeks to reform, streamline, and simplify the present procedures and requirements for business entities to secure business licenses, clearances and permits both at the national and local government levels. By extending the laudable benefits accorded to individuals under RA No. 9485, otherwise known as the "Anti-Red Tape Act of 2007", to business entities, it is hoped that this bill will greatly contribute to improving the business competitiveness of the country and aligning its regulatory procedures with international best business practices and standards.

A scrutiny of the local processes in the country would yield that:

a. In the ASEAN Region, the Philippines has 16 procedures in Starting a Business compared to our neighbors who have a more streamlined process. Singapore and Malaysia have 3 procedures each while Lao People's Democratic Party has 6 procedures along with Thailand.

b. In registering a property, the Philippines has 9 procedures while Thailand has 3. Singapore and Lao PDR have 4 each and Indonesia and Vietnam have 5 each.

c. In paying taxes, the country has 36 payments that a firm needs to make within a year. Singapore has 5, Malaysia has 13, and Myanmar has 31.

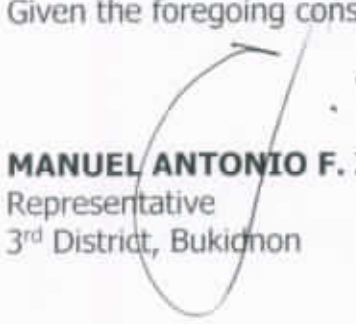
d. In enforcing contracts or time to resolve a dispute, the Philippines has an average of 842 days or 2.3 years while Singapore has 150 days, Vietnam 400 days, Malaysia 425 days and Thailand 440 days.

e. The Duration for Resolving Insolvency takes even longer for the Philippines which is 2.7 years or 985 days. Singapore has 0.8 years, Malaysia 1 year, Indonesia 1.9 years.

The foregoing statistics lend credence to the general perception by both foreign and local businessmen alike that the Philippines does not offer an environment that is conducive to business. As a matter of fact, businessmen in the Philippines are resigned to the local business reality that the issuance of licenses, clearances, and accreditation by regulatory agencies and local government units can sometimes take months despite efforts by the Department of Trade and Industry, the Securities and Exchange Commission, the Cooperative Development Authority and by local government units in acting swiftly on applications before them.

While this bill recognizes the need for regulatory agencies to ensure a business entity's strict compliance with environmental, public safety and public health standards as well as pertinent national and local regulations, such need must be aligned with the need to institute and improve regulatory discipline and regulatory quality among the said agencies. This is what this bill seeks to achieve once passed into law. The reforms sought to be introduced by this bill to initial business registration and the maintenance of a business entity's good standing shall encompass both national and local agencies as the regulatory process entails the participation of both and addressing one without the other would not achieve the desired goals of this legislation.

Given the foregoing considerations, approval of this bill is earnestly sought.



MANUEL ANTONIO F. ZUBIRI
Representative
3rd District, Bukidnon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
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House Bill No. 5809

Introduced by **REP. MANUEL F. ZUBIRI**

AN ACT
ESTABLISHING A NATIONAL POLICY ON EASE OF DOING BUSINESS,
CREATING FOR THE PURPOSE THE EASE OF DOING BUSINESS COMMISSION,
AND FOR OTHER PURPOSES

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

ARTICLE I
BASIC PRINCIPLES AND POLICIES

SECTION 1. *Short Title.* – This law shall be known as “*Ease of Doing Business Act of 2017*”.

SEC. 2. *Declaration of Policy.* – Article II, Section 20 of the Constitution states that: “The State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments.” Pursuant to this, it is hereby declared the policy of the State to:

- a) Provide a business environment that is conducive to the establishment and operation of businesses in the country;
- b) Simplify business permit and licensing system procedures and streamline the requirements at the national and local levels; and
- c) Promote transparency in government with regard to business registrations and other manner of transacting with the public to reduce red tape and expedite permitting, licensing and other similar transactions in government.

SEC. 3. *Definition of Terms.* – As used in this Act, the following terms shall mean:

- a) Applicant – any natural or juridical entity set to engage or engaged in business who is applying for a license, clearance and/or permit;
- b) Business Entity – any individual or juridical entity engaged in business in the Philippines;

- 1 c) Business One-Stop Shop – an arrangement where a single common site or location
2 is designated for all concerned agencies in the Business Permit and Licensing
3 System to receive and process applications for license, clearance and/or permit;
4
- 5 d) Business Permit - a document issued by the Office of the Local Chief Executive of
6 a city or municipality to a business entity allowing it to legally operate in the locality
7 within a prescribed period;
8
- 9 e) Business Registration – a set of regulatory requirements that a start-up or business
10 entity must comply with to engage in business, such as but not limited to, collection
11 or preparation of a number of documentation, submission to government
12 authorities, approval of application submitted, and receipt of a formal certificate
13 or certificates, licenses, clearances, permits and similar documents which confirm
14 the eligibility to operate as a legitimate business entity;
15
- 16 f) Central Business Portal - a dedicated business Web portal that allows start-up and
17 business entities to access a one-stop or single-entry point to submit applications
18 and access business registration-related information;
19
- 20 g) Charges – a pecuniary liability, as rents or fees against persons or property;
21
- 22 h) Clearance – a document in a form of a certificate issued by a government agency
23 and/or instrumentality to a business entity, which is a requisite for their business
24 operations and/or transactions as required by law;
25
- 26 i) Complex application – application which necessitates inter-agency collaboration or
27 multi-department involvement in the resolution of complicated issues by a business
28 licensing, regulatory and/or permitting office as required by law;
29
- 30 j) Fee – a reasonable charge fixed by law or local ordinance for the regulation or
31 inspection of a business or activity;
32
- 33 k) License – a permit or document issued by national government agencies necessary
34 for starting and pursuing a business such as but not limited to primary license and
35 secondary license;
36
- 37 l) Primary license or primary franchise – an initial issuance, authority or certification
38 accorded by a government agency and/or instrumentality conferring a right to a
39 business entity to engage in business transactions and/or activities as required by
40 law;
41
- 42 m) Processing Time – the time spent by an applicant from the submission of an
43 application with complete requirements, accompanying documents and payment
44 of fees to the receipt of a certification or such similar documents approving or
45 disapproving the application for a license, clearance and/or permit;
46
- 47 n) Red tape - describes regulations and rules, administrative procedures and systems
48 that are not effective in achieving their intended objectives and as a result
49 produces suboptimal and undesired social outcomes;
50
- 51 o) Regulation - any legal instrument that gives effect to a government policy
52 intervention and includes licensing, imposing information obligation, compliance to
53 standards or payment of any form of fee, levy, charge or any other statutory and
54 regulatory requirements necessary to carry out any business activity;

p) Secondary license and/or permit – a certification, authority or accreditation issued to a registered business entity which authorizes them to engage in business activities as required by regulatory laws; and

q) Simple application – application which only requires ministerial actions on the part of the business licensing and/or permitting office, or that which presents only inconsequential issues for resolution by the concerned office.

SEC. 4. Coverage. – Other laws notwithstanding, this Act shall apply to all national government agencies and/or instrumentalities, and local government units involved in the issuance of licenses, clearances and/or permits to business entities.

ARTICLE II BUSINESS PERMITTING AND LICENSING REFORMS

SEC. 5. Requirements for License, Clearance and/or Permit Application. – All national government agencies and local government units issuing licenses, clearances and/or permit to business entities shall post a comprehensive checklist of requirements for every type of license, clearance and/or permit being issued. A uniform checklist of requirements required by licensing and permitting offices issuing a similar license, clearance and/or permit shall be established when applicable.

The checklist of requirements, step-by-step procedure and schedule of fees for the issuance of a license, clearance and/or permit shall be conspicuously posted in the premises of national and local government licensing and permitting agencies and in the Business One Stop Shop or in areas designated by cities/municipalities. The same information shall likewise be posted online in the official website of national government agencies and local government units and shall be linked to the Central Business Portal.

Business entities shall be limited to submitting only the requirements provided in the checklist in the processing of an application. Provided, however, That in cases where additional documents are required, the business licensing and/or permitting office shall notify the applicant of the reasons he must comply with the submission of such documents.

SEC. 6. Prescribed Processing time for License, Clearance and/or Permit Applications. – National government agencies and local government units involved in the processing and issuance of licenses, clearances and/or permits to business entities shall process the application of business entities and communicate the decision regarding approval or if the application has been disapproved, along with comments or reasons for such disapproval, within the prescribed processing time.

For business entities classified as Micro, Small and Medium Enterprises (MSMEs) as defined in Section 3 of Republic Act No. 9501, the prescribed processing time shall in no case be longer than three (3) working days for simple applications and ten (10) working days for complex applications from the time the application is received.

For special types of businesses that require clearances, accreditation and/or licenses issued by government agencies including regulatory agencies as provided for by law where technical evaluation or such necessary condition is required in the processing of licenses, clearances and/or permits, the prescribed processing time shall in no case be longer than thirty (30) working days or as determined by the government agency or instrumentality concerned, whichever is shorter.

1 A national government agency and/or instrumentality or local government unit shall
2 assign a unique identification number to an applicant that shall become the identifying
3 number for all subsequent business registration-related transactions between the agency
4 and the business entity. A reference number for each business registration related
5 transaction shall also be provided to the applicant to track the status of an application,
6 whether manually or electronically submitted.

7
8 **SEC. 7. Automatic Approval of License, Clearance and/or Permit Applications.**

9 – An application for a license, clearance and/or permit shall be deemed approved upon
10 failure or inaction of the concerned national government agency or local government unit
11 to process and issue the license, clearance and/or permit after the prescribed processing
12 time has lapsed without informing the applicant of the error, omissions and/or additional
13 documents required for submission. Provided, That all required documents have been
14 submitted and all required fees and charges have been paid.

15
16 Provided, however, That in cases where the cause of delay is due to force majeure or
17 natural or man-made disaster which may result to damage or destruction of documents,
18 the prescribed processing time in the preceding Section shall be suspended and
19 appropriate adjustments shall be made.

20
21 Provider further, That if the application for license, clearance and/or permit shall require
22 the approval of the Sangguniang Bayan in the case of a municipality, Sangguniang
23 Panlungsod in the case of a city or Sangguniang Panlalawigan in the case of a province,
24 and the respective Sanggunain has denied the application, such case shall be exempt
25 from the operation of Sections 6 and 7 of this Act.

26
27 **SEC. 8. Extension of License, Clearance and/or Permit Applications.** – The
28 prescribed processing time for license, clearance and/or permit applications may be
29 extended for a reasonable period when extraordinary due diligence in reviewing the
30 qualifications and merit of the application is required. Provided, That the processing time
31 shall only be extended once. Provided further, That the concerned national government
32 agency or local government unit shall communicate to the applicant in writing the number
33 of additional days it will take the former to finalize its evaluation and review of the
34 qualifications and merits of the applicant prior to the lapse of the prescribed processing
35 time. Provided finally, that upon the lapse of the duly communicated extension to the
36 applicant and no action has been taken by the concerned agency or local government
37 unit with regard to the latter's application, the same shall be deemed approved.

38
39 **SEC. 9. Requirements for Business Permit Application.** – A single or unified
40 business application form shall be used in processing new applications for business
41 permits and business renewals which consolidates all the information of the applicant by
42 various local government departments, such as but not limited to the local taxes and
43 clearances, building clearance, sanitary permit, zoning clearance, and other specific local
44 government unit requirements as the case may be, including the fire clearance from the
45 Bureau of Fire Protection.

46
47 The unified form shall be made available online using technology-neutral platforms such
48 as but not limited to the Central Business Portal or the city/municipality's website and
49 various channels for dissemination.

50
51
52
53 **SEC. 10. Validity of Business Permit.** – Business permits shall be valid for a period
54 of one (1) year. The city/municipality may have the option to renew business permits

1 within the first month of the year or on the anniversary date of the issuance of the
2 business permit.

3
4 **SEC. 11. *Computerized or Software-enabled Business Permit and Licensing***
5 ***System.*** – Cities/municipalities shall, as far as practicable, automate their business
6 permitting and licensing system (BPLS) or set up an electronic-Business One Stop Shop
7 within a period of one (1) year upon the effectivity of this Act for a more efficient business
8 registration.

9
10 The Department of Information and Communications Technology (DICT) shall make
11 available to qualified local government units the software for the computerization of the
12 BPLS. The DICT, Department of Interior and Local Government (DILG) and the
13 Department of Trade Industry (DTI) shall provide technical assistance in the planning
14 and implementation of a computerized or software-enabled BPLS.

15
16 **SEC. 12. *Business One Stop Shop*** – A one-stop business facilitation service,
17 hereinafter referred to as the Business One Stop Shop (BOSS), for the city/municipality's
18 business permitting and licensing system to receive and process manual and/or electronic
19 submission of license, clearance and/or permit applications shall be established.

20
21 Municipalities and cities without electronic mechanism for submission and processing of
22 permit, license and clearance applications shall set up a BOSS. There shall be a queuing
23 mechanism in the BOSS to better manage flow of applications among the local
24 government units' departments receiving and processing applications, including the
25 Bureau of Fire Protection (BFP).

26
27 Cities and municipalities with online mechanism for submission and processing of license,
28 clearance and/or permit applications shall receive and process applications electronically.
29 Downloadable and unified application form, comprehensive checklist of requirements,
30 step-by-step procedures, and schedule of fees shall be made available online in the
31 cities/municipalities' websites.

32
33 Provided, That to lessen the transaction requirements, other local clearances such as but
34 not limited to sanitary permits, environmental and agricultural clearances shall be issued
35 together with the business permit. Provided, further, That cities/municipalities which use
36 manual signatures shall designate alternative signatories in the absence of the authorized
37 approving authority. Provided, finally, That cities/municipalities with e-BOSS shall develop
38 electronic versions of licenses, clearances and/or permits with the same level of authority,
39 which may be printed by businesses in the convenience of their offices.

40
41 **SEC. 13. *Streamlined Procedures for Securing Fire Safety Clearance.*** – For the
42 issuance of the Fire Safety Inspection Certificate (FSIC), the following shall be adopted
43 to make business permitting more efficient:

- 44
45 a. Issuance of Fire Safety Clearance shall in no case be longer than thirty (30)
46 working days;
- 47
48 b. For new business permit application, the FSIC already issued during the Occupancy
49 Permit stage shall be sufficient as basis for the issuance of the FSIC for a business
50 entity as a requirement for the business permit;
- 51
52 c. For renewal of business permit, the BFP shall present the FSIC to the
53 city/municipality, either thru the copy of the FSIC or the negative/positive list.
54 Provided, That the business entity shall inform the BFP and submit the necessary

documentary requirements if renovations, modifications or any form of alterations are made to the original building structure thirty (30) days before the expiration of the business permit;

- d. If the BFP fails to furnish the city/municipality with the FSIC or inform the same thru the negative/positive list, the business entity shall be deemed to have a valid FSIC and therefore, the basis for the renewal of the business permit;
- e. The BFP or any of its officials or employees shall not sell, offer to sell, or recommend specific brands of fire extinguishers and other fire safety equipment;
- f. The BFP shall co-locate with the BOSS or in an appropriate area designated by the city/municipality within its premises to assess and collect the fire safety inspection fees;
- g. The BFP may enter into agreements with cities/municipalities allowing the latter to be deputized as assessors and/or collecting agents for the fire safety inspection fees; and
- h. The BFP may develop and adopt an online or electronic mechanism in assessing fees, collecting/accepting payments and sharing/exchange of other relevant data on business permit processing.

The pertinent provisions of Republic Act No. 9514, otherwise known as the Revised Fire Code of the Philippines of 2008, are hereby amended accordingly.

SEC. 14. Central Business Portal. – To promote transparency and sustain ease in doing business, the DICT shall establish, through the Government Infrastructure, a cloud-native Central Business Portal or other similar technology as the DICT may prescribe which, shall serve as a central system to receive application and capture application data from business entities.

The Central Business Portal shall securely connect government agencies, such as but not limited to the DTI, the Securities and Exchange Commission (SEC), the Cooperative Development Authority (CDA), regulatory agencies, and local government units to receive base or common business applicant data or information required for each agency to process applications, respectively, and through which each respective agency shall securely generate and issue digitally signed business license document.

SEC. 15. Philippine Business Registry Databank. – Business licensing and/or permitting agencies such as but not limited to the DTI, SEC, CDA, BIR, and local government units shall access the Philippine Business Registry Databank to verify the validity, existence and other information relevant to a business entity.

The concerned national government agencies and all local government units shall periodically submit to the system updates relative to the information registered with them. The DICT, in consultation with the concerned agencies, shall develop and manage the Philippine Business Registry Databank and prescribe the data to be submitted by national government agencies and local government units.

Submission of documents already provided by an applicant to an agency with access to the Philippine Business Registry Databank shall no longer be required by other agencies having similar access. The concerned agency shall crosscheck and retrieve the required information or document in the Philippine Business Registry Databank.

At the local government level, the City/Municipal BPLO shall not require the same documents already provided by the applicant to the local government departments in connection with other business-related license, clearance and/or permits such as but not limited to tax clearance, occupancy permit and barangay clearance.

SEC. 16. *Regulatory Impact Assessment.* – All proposed regulations of national government agencies and local government units shall undergo regulatory impact assessment to establish if the proposed regulation does not add undue regulatory burden and cost to business entities and national and local government agencies.

The Ease of Doing Business Commission, created under this Act, in coordination with other national government agencies and local government units, shall continue the review and repeal of existing executive issuances, and recommend the repeal of existing laws and local ordinances which are outdated, redundant, and adds undue regulatory burden to business entities.

ARTICLE III INSTITUTIONAL STRUCTURES AND STRATEGIES

SEC. 17. *National Policy on Ease of Doing Business.* – There is hereby established a National Policy on Ease of Doing Business which shall refer to a comprehensive business registration and regulatory management policy to improve competitiveness and ease undue bureaucratic and regulatory burden to business entities.

SEC. 18. *Ease of Doing Business Commission.* – To ensure the attainment of the objectives of this Act, there is hereby created the Ease of Doing Business Commission, herein referred to as the Commission, which shall be organized within sixty (60) days after the effectivity of this Act. The Commission shall be the policy-making body on business registration and regulatory management and shall set the overall direction for the implementation of the National Policy on Ease of Doing Business.

The Commission shall be the lead agency in the implementation of this Act and it shall be an attached agency to the Office of the President.

SEC. 19. *Powers and Functions.* - The Commission shall have the following powers and functions:

- a) Plan, implement, and oversee a national policy on ease of doing business;
- b) Receive complaints, institute investigations for violations of this Act;
- c) Assist complainants in filing necessary cases without prejudice to the jurisdiction of the Civil Service and the Ombudsman as the case may be;
- d) Facilitate the issuance of licenses, clearances and/or permit deemed approve by virtue of Section 7 of this Act;
- e) Compel or petition any government agency, instrumentality or local government to issue the permit, license and/or clearance of business entities deemed approved by virtue of Section 7 of this Act;
- f) Periodically review and assess the country's competitiveness performance, challenges and issues;

- g) Recommend policies, processes and systems to improve regulatory management to increase the productivity, efficiency, and effectiveness of permitting and licensing agencies;
- h) Conduct regulatory management training programs to capacitate national government agencies and local government units to comply with sound regulatory management practices;
- i) Prepare regulatory management manuals for all government agencies and/or instrumentalities and LGUs;
- j) Provide technical assistance, advisory opinions in the review of proposed national or local legislation, regulations or procedures;
- k) Ensure the dissemination of and public access to information on regulatory management system and changes in laws and regulations relevant to the public by establishing the Philippine Business Regulations Information System;
- l) Enlist the technical assistance of other national government agencies in the implementation of the powers and function provided for in this Act;
- m) Propose legislation, amendments or modifications to Philippine laws related to ease of doing business;
- n) Monitor and review the implementation of this Act including compliance of all concerned agencies and LGUs with the policies set herein;
- o) Formulate and amend when necessary the Implementing Rules and Regulations and the corresponding standards for good regulatory discipline; and
- p) Generally perform such acts as may be necessary, to attain the objectives of this Act.

SEC. 20. Composition of the Commission. – The Commission shall be composed of a Chairperson, the Secretary of the DTI and the Secretary of the Department of Finance (DOF) as ex-officio members, and one (1) private sector representative each for the MSME sector and large industry sector.

The private sector representatives shall be citizens and residents of the Philippines, of good moral character, of recognized probity and independence and must have distinguished themselves in the business sector they represent.

The ex-officio members of the Commission may designate their respective alternates in a permanent capacity who shall be at least Undersecretary in rank and their acts shall be considered the acts of their principals.

SEC. 21. Term of Office. - The Chairperson and the two (2) private sector representatives shall be appointed by the President of the Philippines, shall serve for a term of three (3) years, and may be reappointed once.

SEC. 22. Chairperson of the Commission. – The Chairperson of the Commission shall be the head of the agency with the rank of a cabinet secretary. The Chairperson shall be a citizen and resident of the Philippines, of good moral character, of recognized probity

1 and independence and must have distinguished himself professionally in the fields of
2 commerce, domestic and international trade, management and other economic
3 disciplines. He shall preside over the meetings of the Commission. He shall be the
4 appointing authority of the employees and other officials of the Commission as provided
5 for in existing laws, rules and regulations.

6
7 **Sec. 23. Secretariat of the Commission.** — The Commission shall establish a
8 Secretariat to assist them in the implementation of this Act and in the performance of
9 their duties.

10
11 The Commission shall establish an organizational structure including regional offices, as
12 may be required to effectively carry out its powers and functions. The staffing pattern
13 and compensation schedule of the Commission shall be drawn up in accordance with
14 existing laws, rules and regulations.

15
16 **SEC. 24. Executive Director.** — The Secretariat of the Commission shall be headed by
17 an Executive Director. He shall be appointed by the President of the Philippines from the
18 list of nominees submitted by the Commission, shall serve for a term of three (3) years,
19 and may be reappointed once. The Executive Director shall be a citizen and resident of
20 the Philippines and must possess executive and management experience of at least three
21 (3) years and with considerable exposure in the fields of commerce, domestic and
22 international trade, and other economic disciplines.

23 ARTICLE IV VIOLATIONS, PENALTIES AND CRIMINAL LIABILITIES

24 **SEC. 25. Violations.** — The following shall constitute a violation of this Act:

- 25
26 1. Refusal to accept application within the prescribed period or any document
27 being submitted by the applicant, Provided that all required documents have
28 been submitted and the necessary fees have been paid;
29
30 2. Failure to refer back to the applicant an application which, cannot be acted
31 upon due to lack or incomplete requirements or non-payment of required fees
32 and/or charges within the prescribed period;
33
34 3. Failure to act on an application despite the complete submission of
35 requirements and payment of required fees and/or charges within the
36 prescribed period;
37
38 4. Failure to give the applicant a written notice on the disapproval of an
39 application within the prescribed period or inform the applicant of any error,
40 omission and/or deficiency in the application;
41
42 5. Imposition of additional irrelevant requirements other than those provided by
43 the concerned agency and/or local government unit.

44
45 **SEC. 26. Penalty.** - Penalties for the violations of the preceding section shall be as
46 follows:

- 47
48 1. First offense – Thirty (30) days suspension without pay;
49
50 2. Second Offense – Three (3) months suspension without pay; and
51

- 1 3. Third Offense – Dismissal and perpetual disqualification to hold public office,
2 cancellation of Civil Service eligibility, forfeiture of retirement benefits and one
3 (1) to six (6) years imprisonment;
4

5 Criminal liability will also attach once the violation was done deliberately and maliciously
6 with the purpose of harassing the applicant and/or to solicit favor in cash or in kind. In
7 such case, the provisions of the Revised Penal Code shall apply and such other applicable
8 penal laws.
9

10 **SEC. 27. *Persons Liable.*** –The head of office/agency or supervising officer designated
11 to be the authorized and/or final signatory to the issuance of a license, permit and/or
12 clearance shall be held liable and accountable in the implementation of this Act.
13

14 **SEC. 28. *Jurisdiction.*** – The administrative jurisdiction on any violation of the provisions
15 of this Act shall be vested either in the Civil Service Commission (CSC) and the Office of
16 the Ombudsman whereas the criminal jurisdiction shall be vested with the appropriate
17 courts as specified under applicable laws.
18

19 **ARTICLE V** 20 **MISCELLANEOUS PROVISIONS** 21

22 **SEC. 29. *Congressional Oversight Committee.*** – For the effective implementation
23 of this Act, there shall be created a Congressional Oversight Committee on Ease of Doing
24 Business, hereinafter referred to as the Committee, to be composed of five (5) members
25 from the Senate, which shall include the Chairpersons of the Senate Committees on Trade
26 and Commerce and Entrepreneurship, Civil Service Government Reorganization and
27 Professional Regulation, and Economic Affairs; and five (5) members from the House of
28 Representatives which shall include the Chairpersons of the House Committees on Trade
29 and Industry, Civil Service Government Reorganization and Professional Regulation, and
30 Economic Affairs. The Committee shall be jointly chaired by the Chairpersons of the
31 Senate Committee on Trade and Commerce and Entrepreneurship and the House of
32 Representatives Committee on Trade and Industry.
33

34 The Committee shall cease to exist five (5) years after its organization. Its functions,
35 duties and responsibilities together with all of its records, shall be transferred to the
36 Commission. Provided, That the Commission shall periodically submit reports on the
37 implementation of this Act to Congress through the Senate Committee on Trade and
38 Commerce and Entrepreneurship and the House Committee on Trade and Industry.
39

40 **SEC. 30. *Appropriations.*** – The amount of Twenty million pesos (P20,000,000) as
41 initial funding for the Commission to be charged against the unexpended Contingency
42 Funds of the Office of the President is hereby appropriated. Thereafter, the amount
43 needed for the operation and maintenance of the Commission shall be included in the
44 annual General Appropriations Act.
45

46 **SEC. 31. *Transitory Provision.*** – All business regulatory management programs and
47 business-related anti-red tape initiatives across government agencies shall be rationalized
48 and the management thereof shall be transferred to the Commission. The DTI, the
49 National Competitiveness Council (NCC), DOF, the Development Academy of the
50 Philippines (DAP), the National Economic Development Authority (NEDA) shall submit to
51 the Commission a report of the status of their respective projects related to business
52 regulatory management.
53

1 The Commission, in consultation with the Competitiveness Bureau of the DTI shall
2 determine the composition of the temporary Secretariat of the Commission. The
3 teams/units involved in regulatory improvement and/or ease of doing business-related
4 programs of the DTI-Competitiveness Bureau shall serve as temporary Secretariat of the
5 Commission until such time that its organizational structure is determined. Provided, That
6 the DTI-Competitiveness Bureau shall serve as Secretariat to the Commission for no
7 longer than six (6) months upon the effectivity of this Act.

8
9 **SEC. 32. *Transition from Manual to Software-Enabled Business Registration.*** -

10 The DICT, in coordination with the members of the Commission, local government units
11 and other concerned agencies, shall within one (1) year after the effectivity of this Act
12 develop the necessary software and technology-neutral platforms and secured
13 infrastructure for the implementation of this Act.

14
15 **SECTION 33. *Implementing Rules and Regulations.*** - The Commission, in
16 consultation with concerned government agencies, private sector, and other
17 stakeholders, shall issue the implementing rules and regulations of this Act within ninety
18 (90) days after the effectivity of this Act.

19
20 **SECTION 34. *Separability Clause.*** - If any part or provision of this Act is declared as
21 unconstitutional or invalid, the other provisions, which are not affected, shall continue to
22 be in full force and effect.

23
24 **SECTION 35. *Repealing Clause.*** - All laws, executive orders, decrees, rules and
25 regulations, or any part thereof inconsistent with the provisions of this Act are deemed
26 repealed, amended or modified accordingly.

27
28 **SECTION 36. *Effectivity.*** - This Act shall take effect fifteen (15) days after its complete
29 publication in at least two (2) newspapers of general circulation.

30
31 Approved,
32