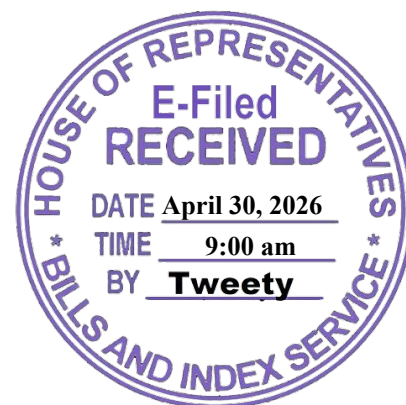


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **9019**



Introduced by **REP. NATHANIEL “Atty. Nat” M. ODUCCADO**

EXPLANATORY NOTE

Pursuant to the mandate of the 1987 Philippine Constitution that the State shall protect local industries against unfair trade practices, this bill addresses the act of dumping, defined as the importation of goods into the Philippines at prices lower than their normal value in the exporting country for domestic consumption. Such practice places local producers at a disadvantage and undermines fair competition.

Recent comparative studies on anti-dumping regimes, including an analysis of Indonesia’s legal framework, highlight that dumping remains a persistent global trade concern capable of causing material injury to domestic industries and destabilizing national economies. These studies show that both the Philippines and Indonesia, as developing economies under the WTO system, face similar pressures in balancing trade liberalization with the need to safeguard domestic industries from unfair import surges. They likewise reflect shared juridical challenges such as prolonged investigation processes, evidentiary limitations in proving material injury, and risks of anti-dumping measures being perceived as disguised protectionism, thereby underscoring the need for stronger standards and more transparent procedures.

The Indonesian experience further emphasizes that anti-dumping enforcement is most effective when grounded on clear evidentiary rules, improved institutional transparency, and strict causation analysis between dumping and injury. It also highlights a normative dimension of trade protection, where anti-dumping measures are viewed as instruments of substantive justice aimed at preventing economic harm, which is an approach consistent with the Philippines’ constitutional policy of social justice and protection of domestic industries.

This measure seeks to address the weaknesses in Republic Act No. 8752, which has been viewed by several sectors as unfavorable to domestic industries. It restores the method for determining the normal value of goods subject to a dumping complaint, a safeguard that was removed when R.A. No. 8752 superseded Republic Act No. 7843. Comparative experience shows that the proper determination of normal value is a critical element in establishing the existence of dumping and ensuring that anti-dumping measures are grounded on objective and verifiable standards. By reinstating this process, the bill ensures a clearer and more reliable basis for

¹Priviet Social Sciences Journal (2026). Legal review of dumping practices in Indonesia: A comparative study of international economic law and Sharia economic law. Available at <https://www.journal.privietlab.org/index.php/PSSJ/article/view/1464>

evaluating dumping cases.

Moreover, the bill removes the requirement for the posting of a surety bond by an affected industry or interested party upon filing a complaint. Considering that the filing of a dumping case already entails significant time and resources, the removal of this requirement prevents the imposition of additional burdens that may discourage legitimate claims. Evidence from other jurisdictions shows that procedural complexity and cost barriers often weaken the capacity of domestic industries to avail of trade remedies, thereby limiting the effectiveness of anti-dumping laws.

In addition, the bill amends provisions of the Tariff and Customs Code of the Philippines by removing the authority of the Tariff Commission to withhold the imposition of definitive anti-dumping duties when all legal requirements have been satisfied. While the welfare of consumers and other industries remains important, international practice emphasizes that anti-dumping determinations must primarily rest on the existence of dumping, material injury, and causation, rather than on broader economic considerations that may dilute enforcement.

Allowing such external considerations to influence anti-dumping cases may weaken enforcement, as imports sold below normal value may temporarily benefit certain sectors while causing long-term harm to domestic industries. Comparative experience further shows that anti-dumping measures must function as corrective tools to restore fair competition, not as discretionary instruments subject to competing policy preferences. The resolution of a dumping case must therefore be anchored on the existence of the unfair trade act itself. Without these amendments, the current framework may continue to hinder the successful prosecution of valid complaints.

Finally, the bill provides that fifty percent (50%) of the duties collected from a successful dumping case shall be returned to the petitioning companies through their respective industry associations. This measure is intended to encourage vigilance among industries in reporting dumping practices, while also contributing to increased government revenue.

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



REP. NATHANIEL “ATTY. NAT” M. ODUCADO
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HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **9019**

Introduced by **REP. NATHANIEL “ATTY. NAT” M. ODUCAO**

**AN ACT PROVIDING GREATER PROTECTION TO LOCAL INDUSTRIES
THROUGH THE IMPOSITION OF ANTI-DUMPING DUTY, AMENDING FOR THE
PURPOSE SECTION 301, PART 2, TITLE II, BOOK 1 OF THE TARIFF AND
CUSTOMS CODE OF THE PHILIPPINES, AS AMENDED BY REPUBLIC ACT NO.
8752**

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

SECTION 1. Section 301, Part 2, Title II, Book I of the Tariff and Customs Code of the Philippines, as amended, is hereby further amended as follows:

“PART 2. SPECIAL DUTIES

“SEC. 301. *Anti-Dumping Duty*.-

“(a) Whenever any product, commodity or article of commerce imported into the Philippines at an export price less than its normal value in the ordinary course of trade for the like product, commodity or article destined for consumption in the exporting country is causing or is threatening to cause material injury to a domestic industry, or materially retarding the establishment of a domestic industry producing the like product, the Secretary of Trade and Industry, in the case of agricultural product, commodity or article, or the Secretary of Agriculture, in the case of agricultural product, commodity or article (both of whom shall act upon the findings of the Tariff Commission (hereinafter referred to as the Commission), shall cause the imposition of an anti-dumping duty equal to the margin of dumping on such product, commodity or article and on like product, commodity or article thereafter imported to the Philippines under similar circumstances, in addition to ordinary duties, taxes and charges imposed by the law on imported product, commodity or article. However, the anti-dumping duty may be less than the margin if such lesser duty will be adequate to remove the injury to the domestic industry. [Even when all the requirements for the imposition have been fulfilled, the decision on whether or not to impose a definitive anti-dumping duty remains the prerogative of the Commission. It may consider, among others, the effect of imposing an anti-dumping duty on the welfare of consumers and/or the general public and other related local industries.]

“THE NORMAL VALUE OF AN ARTICLE SHALL BE THE COMPARABLE PRICE IN THE ORDINARY COURSE OF TRADE FOR THE LIKE ARTICLES WHEN DESTINED FOR DOMESTIC CONSUMPTION, WHICH FOR THIS PURPOSE OF THIS ACT, MEANS THE COUNTRY OF PRODUCTION OR MANUFACTURE.

“IF THE NORMAL VALUE OF AN ARTICLE CANNOT BE DETERMINED, THE FOLLOWING RULES SHALL APPLY:

‘IF THE ARTICLE IS NOT BEING SOLD IN THE ORDINARY COURSE OF TRADE IN THE DOMESTIC MARKET OF THE EXPORTING COUNTRY OR IF THE SALE DOES NOT ALLOW A FAIR COMPARISON OR IF THE NORMAL VALUE IS NOT AVAILABLE OR UNRELIABLE BECAUSE OF ASSOCIATION OR A COMPENSATORY ARRANGEMENT BETWEEN THE EXPORTER AND THE IMPORTER OR A THIRD PARTY OR THE AGENCY PROVIDING THE NORMAL VALUE IS STATE-CONTROLLED OR JOINTLY OWNED BY THE STATE OR THE EXPORTING COUNTRY, OR WHERE PRODUCTS ARE NOT IMPORTED DIRECTLY FROM THE COUNTRY OF PRODUCTION THEN, THE NORMAL VALUE SHALL BE BASED ON THE HIGHER VALUES DETERMINED FROM ANY OF THE FOLLOWING METHODS, SUCH AS BUT NOT LIMITED TO, THE NORMAL VALUE OF LIKE ARTICLES IN A PROXY COUNTRY AT THE SAME STAGE OF ECONOMIC DEVELOPMENT OF THE INDUSTRY PRODUCING LIKE PRODUCTS, OR THE COST OF PRODUCTION IN THE COUNTRY OF PRODUCTION OR MANUFACTURE WHICH IS BASED ON C AND F PRICE OF SUCH ARTICLES INCLUDING DUTIES, SURCHARGES, AND TAXES WHEN IMPORTED BY AN IMPORTER IN THE COUNTRY OF PRODUCTION.”

“ x x x

“(b) ***Initiation of Action*** – An anti-dumping investigation may be initiated upon receipt of a written application from any person whether natural or juridical, representing a domestic industry, which shall include evidence of: (a) dumping, (b) injury, and (c) causal link between the dumped imports and the alleged injury. Simple assertion, unsubstantiated by relevant evidence, cannot be considered sufficient to meet the requirements of the paragraph. The application shall contain such information as is reasonably available to the applicant on the following: 1) the identity of the applicant and a description of the volume and the value of the domestic production of the like product of the applicant; 2) a complete description of the alleged dumped product, the name of the country of origin or export under consideration, the identity of each known exporter of foreign producer and a list of known persons importing the product under consideration; 3) information on the normal value of the product under consideration in the country of origin or export; and 4) information on the evolution of the volume of the alleged dumped imports, the effect of these imports on the price of the like products in the domestic market, and the consequent impact of the imports on the domestic industry.

“Philippine Trade, Agriculture or Finance attachés, as well as Consular Officials in the concerned exporting member countries are mandated to furnish the applicant pertinent information or documents to support his complaint within a period not exceeding thirty (30) days from receipt of a request.

“The application shall be filed with the Secretary of Trade and Industry in the case of non-agricultural products, commodities or articles, or the Secretary of Agriculture in the case of agricultural products, commodities or articles. [The Secretary shall require the petitioner to post a surety bond in such reasonable amount as to answer for any and all damages which the importer may sustain by reason of the filing of a frivolous petition. He shall immediately release the surety bond upon making an affirmative preliminary determination.]

“x x x

“(t) Administrative Support – Upon the effectivity of this Act, the Departments of Trade and Industry, Agriculture and the Tariff Commission, shall ensure the efficient and effective implementation of this Act by creating a special unit within their agencies that will undertake the functions relative to the disposition of anti-dumping cases. FIFTY PERCENT OF THE DUMPING DUTIES COLLECTED ARISING FROM A PARTICULAR DUMPING PROTEST SHALL BE RETURNED TO THE PETITIONING COMPANY(IES) THROUGH ITS (THEIR) INDUSTRY ASSOCIATION AS MAY BE ACCREDITED BY THE DEPARTMENT OF TRADE AND INDUSTRY OR THE DEPARTMENT OF AGRICULTURE, AS THE CASE MAY BE. [All anti-dumping duties collected] THE BALANCE OF FIFTY PERCENT shall be earmarked for the strengthening of the capabilities of these agencies to undertake their responsibilities under this Act.”

SEC. 2. *Repealing Clause.* – Section 301, Part 2, Title II, Book I of the Tariff and Customs Code, as amended by Republic Act No. 7843 and all other laws decrees, rules and regulations, ordinances, executive or administrative orders, and such other presidential issuances related to dumping which are inconsistent with any of the provisions of this Act are hereby repealed, amended or otherwise modified accordingly.

SEC. 3. *Separability Clause.* – If any of the provisions of this Act is declared invalid by a competent court, the remainder of this Act or any provisions not affected by such declaration of invalidity shall remain in full force and effect.

SEC. 4. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in at least one (1) newspaper of general circulation.

Approved,