

Chapter 1 : Thesis proposal ang kasaysayan ng maynila by Reg Luxardo Dela Cruz - Issuu

A general act for the organization of municipal governments in the Philippine Islands; enacted by the United States Philippine Commission, January 31, With index, and an appendix containing forms for municipal documents and announcements required by the provisions of the act.

Eighth Congress Republic Act No. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest. It shall not include an unsolicited gift of nominal or insignificant value not given in anticipation of, or in exchange for, a favor from a public official or employee. This term shall also apply to the parties to a voting trust. Norms of Conduct of Public Officials and Employees. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas. They shall endeavor to maintain and defend Philippine sovereignty against foreign intrusion. They shall at all times uphold the Constitution and put loyalty to country above loyalty to persons or party. They shall not indulge in extravagant or ostentatious display of wealth in any form. B The Civil Service Commission shall adopt positive measures to promote 1 observance of these standards including the dissemination of information programs and workshops authorizing merit increases beyond regular progression steps, to a limited number of employees recognized by their office colleagues to be outstanding in their observance of ethical standards; and 2 continuing research and experimentation on measures which provide positive motivation to public officials and employees in raising the general level of observance of these standards. Duties of Public Officials and Employees. The reply must contain the action taken on the request. Such report shall be open and available to the public within regular office hours. In the absence of duly authorized signatories, the official next-in-rank or officer in charge shall sign for and in their behalf. System of Incentives and Rewards. For this purpose, a Committee on Awards to Outstanding Public Officials and Employees is hereby created composed of the following: It shall be the task of this Committee to conduct a periodic, continuing review of the performance of public officials and employees, in all the branches and agencies of Government and establish a system of annual incentives and rewards to the end that due recognition is given to public officials and employees of outstanding merit on the basis of the standards set forth in this Act. The conferment of awards shall take into account, among other things, the following: Incentives and rewards to government officials and employees of the year to be announced in public ceremonies honoring them may take the form of bonuses, citations, directorships in government-owned or controlled corporations, local and foreign scholarship grants, paid vacations and the like. They shall likewise be automatically promoted to the next higher position with the commensurate salary suitable to their qualifications. In case there is no next higher position or it is not vacant, said position shall be included in the budget of the office in the next General Appropriations Act. The Committee on Awards shall adopt its own rules to govern the conduct of its activities. Prohibited Acts and

Transactions. These prohibitions shall continue to apply for a period of one 1 year after resignation, retirement, or separation from public office, except in the case of subparagraph b 2 above, but the professional concerned cannot practice his profession in connection with any matter before the office he used to be with, in which case the one-year prohibition shall likewise apply. As to gifts or grants from foreign governments, the Congress consents to: The Ombudsman shall prescribe such regulations as may be necessary to carry out the purpose of this subsection, including pertinent reporting and disclosure requirements. Nothing in this Act shall be construed to restrict or prohibit any educational, scientific or cultural exchange programs subject to national security requirements. The two documents shall contain information on the following: The documents must be filed: All public officials and employees required under this section to file the aforestated documents shall also execute, within thirty 30 days from the date of their assumption of office, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may show their assets, liabilities, net worth, and also their business interests and financial connections in previous years, including, if possible, the year when they first assumed any office in the Government. Husband and wife who are both public officials or employees may file the required statements jointly or separately. B Identification and disclosure of relatives. C Accessibility of documents. After such period, the statement may be destroyed unless needed in an ongoing investigation. The same rule shall apply where the public official or employee is a partner in a partnership. The requirement of divestment shall not apply to those who serve the Government in an honorary capacity nor to laborers and casual or temporary workers. Review and Compliance Procedure. In the event a determination is made that a statement is not so filed, the appropriate Committee shall so inform the reporting individual and direct him to take the necessary corrective action. The individual to whom an opinion is rendered, and any other individual involved in a similar factual situation, and who, after issuance of the opinion acts in good faith in accordance with it shall not be subject to any sanction provided in this Act. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Sections 7, 8 or 9 of this Act shall be punishable with imprisonment not exceeding five 5 years, or a fine not exceeding five thousand pesos P5, , or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos P25, If another sanction hereunder or under any other law is heavier, the latter shall apply. It shall transmit all cases for prosecution arising from violations of this Act to the proper authorities for appropriate action: Provided, however, That it may institute such administrative actions and disciplinary measures as may be warranted in accordance with law. Nothing in this provision shall be construed as a deprivation of the right of each House of Congress to discipline its Members for disorderly behavior. The Civil Service Commission is hereby authorized to promulgate rules and regulations necessary to carry out the provisions of this Act, including guidelines for individuals who render free voluntary service to the Government. The Ombudsman shall likewise take steps to protect citizens who denounce acts or omissions of public officials and employees which are in violation of this Act. Provisions for More Stringent Standards. Thereafter, such sum as may be needed for its continued implementation shall be included in the annual General Appropriations Act. Approved, February 20,

Chapter 2 : Acts of the Philippine commission, no - Details - Trove

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Philippines – The Philippines, officially the Republic of the Philippines, is a sovereign island country in Southeast Asia situated in the western Pacific Ocean. It consists of about 7, islands that are categorized broadly under three main geographical divisions from north to south, Luzon, Visayas, and Mindanao, the capital city of the Philippines is Manila and the most populous city is Quezon City, both part of Metro Manila. The Philippines has an area of , square kilometers, and it is the eighth-most populated country in Asia and the 12th most populated country in the world. As of , approximately 10 million additional Filipinos lived overseas, multiple ethnicities and cultures are found throughout the islands. In prehistoric times, Negritos were some of the archipelagos earliest inhabitants and they were followed by successive waves of Austronesian peoples. Exchanges with Chinese, Malay, Indian, and Islamic nations occurred, then, various competing maritime states were established under the rule of Datus, Rajahs, Sultans or Lakans. This resulted in Roman Catholicism becoming the dominant religion, during this time, Manila became the western hub of the trans-Pacific trade connecting Asia with Acapulco in the Americas using Manila galleons. Aside from the period of Japanese occupation, the United States retained sovereignty over the islands until after World War II, since then, the Philippines has often had a tumultuous experience with democracy, which included the overthrow of a dictatorship by a non-violent revolution. Before that became commonplace, other such as *Islas del Poniente*. From the Treaty of Paris, the name Philippines began to appear, since the end of World War II, the official name of the country has been the Republic of the Philippines. The metatarsal of the Callao Man, reliably dated by uranium-series dating to 67, years ago is the oldest human remnant found in the archipelago to date and this distinction previously belonged to the Tabon Man of Palawan, carbon-dated to around 26, years ago. Negritos were also among the archipelagos earliest inhabitants, but their first settlement in the Philippines has not been reliably dated, there are several opposing theories regarding the origins of ancient Filipinos

2. Politics of the Philippines – This system revolves around three separate and sovereign yet interdependent branches, the legislative branch, the executive branch, and the judicial branch. Executive power is exercised by the government under the leadership of the president, legislative power is vested in both the government and the two-chamber Congress, the Senate and the House of Representatives. Judicial power is vested in the courts with the Supreme Court of the Philippines as the highest judicial body, Elections are administered by an independent Commission on Elections every three years starting Held every second Monday of May, the winners in the elections take office on the following June 30, local government is produced by local government units from the provinces, cities, municipalities and barangays. While the most regions do not have power, and exist merely for administration purposes. While local government units enjoy autonomy, much of their budget is derived from allocations from the national government, the upper house, the Senate, is composed of 24 senators elected via the plurality-at-large voting with the country as one at-large district. The House of Representatives is headed by the Speaker, each bill needs the consent of both houses in order to be submitted to the president for his signature. If the president vetoes the bill, Congress can override the veto with a two-thirds supermajority, Congress decisions are mostly via majority vote, except for voting on constitutional amendments and other matters. Each house has its own inherent power, with the Senate given the power to vote on treaties, the constitution provides Congress with impeachment powers, with the House of Representatives having the power to impeach, and the Senate having the power to try the impeached official. The party of the president controls the House of Representatives. From to , the Philippines was under a two-party system, with the Nacionalistas and their offshoots Liberals alternating power, the political climate ushered in a multi-party system which persists into this day. Executive power is vested to the President, in practice however, the president, who is both the head of state and head of government, is directly elected to a single six-year term via first past the post. In case of death, resignation or incapacitation, the Vice President acts as the president until the expiration of the term, the Vice President is elected separately from the president, and may be of differing political parties. While the vice president has no powers aside from acting

as president when the latter is unable to do so. The cabinet is composed of the heads of the executive departments, which provide services to the people. The president is also the commander in chief of the Armed Forces of the Philippines, the president is also given several military powers, although once exercised, Congress is able to prolong or end it 3. Although Senate presidents are elected at the start of each Congress, a tied vote, therefore, means that the motion is lost, and that the Senate President cannot cast a tie-breaking vote since that would mean that the presiding officer would have had voted twice. In the Senate, he supervises the committees and attended its hearings and meetings if necessary, the Senate was created on with the abolition of the Philippine Commission as the upper house with the Philippine Assembly as the lower house. Quezon was elected Senator from the now-defunct 5th Legislative District. All Senators from onwards were elected at-large, with the whole Philippines as one constituency, currently there are seven living former Senate Presidents, Living Former Senate Presidents Legend, Boldface means still an incumbent Senator. Gloria Macapagal Arroyo – She was the countrys second female president, and the daughter of former President Diosdado Macapagal. She entered government in , serving as assistant secretary and undersecretary of the Department of Trade, after serving as a senator from to , she was elected to the vice presidency under President Joseph Estrada, despite having run on an opposing ticket. After Estrada was accused of corruption, she resigned her position as Secretary of Social Welfare and Development and joined the growing opposition to the president. Estrada was soon forced from office by the EDSA Revolution of and she was elected to a full six-year presidential term in the controversial May Philippine elections, and was sworn in on June 30, Following her presidency, she was elected to the House of Representatives, on November 18,, Arroyo was arrested following the filing of criminal charges against her for electoral fraud. On July 19,, she was acquitted by the Supreme Court by a vote of and she is a member of the Philippine Academy of the Spanish Language. Diosdado Boboy Macapagal, Jr. She spent the first years of her life in Lubao, Pampanga, at the age of four, she chose to live with her maternal grandmother in Iligan City. She stayed there for three years, then split her time between Mindanao and Manila until the age of 11 and she is fluent in English, Tagalog, Spanish and several other Philippine languages, most importantly, Kapampangan, Ilokano, and Cebuano. A municipality was named in her honor, Gloria, Oriental Mindoro and she attended Assumption Convent for her elementary and high school education, graduating valedictorian in She then earned her Bachelor of Arts degree in Economics from Assumption College, in , Arroyo married lawyer and businessman Jose Miguel Arroyo of Binalbagan, Negros Occidental, whom she had met while still a teenager. From to , she held teaching positions in schools, notably the University of the Philippines. She was promoted to Undersecretary two years later, in her concurrent position as Executive Director of the Garments and Textile Export Board, Arroyo oversaw the rapid growth of the garment industry in the late s 5. President of the Philippines – The President of the Philippines is the head of state and head of government of the Philippines. The President leads the executive branch of the Philippine government and is the commander-in-chief of the Armed Forces of the Philippines, Filipinos refer to their President as Pangulo or Presidente. The President serves a single, fixed, six-year term without possibility of re-election, in Filipino, one of the two official languages of the Philippines, the President is referred to as Pangulo. In the other languages of the Philippines such as the Visayan languages. Depending on the chosen for these terms, a number of persons could alternatively be considered the inaugural holder of the office. When the Katipunan started a revolt against the Spanish colonial government in August While the term Katipunan remained, Bonifacios government was known as the Tagalog Republic. Bonifacios revolutionary government never controlled territory for any significant period. Some historians contend that including Bonifacio as a past president would imply that Macario Sacay, in March , during the Philippine Revolution against Spain Emilio Aguinaldo was elected president of the revolutionary government at the Tejeros Convention. The new government was meant to replace the Katipunan, though the latter was not formally abolished until , Aguinaldo was again elected President at Biak-na-Bato in November, leading the Republic of Biak-na-Bato. Navy vessel and renewed the revolution. He formed a government on May 24, and issued the Philippine Declaration of Independence on June 12, On June 23,, Aguinaldo transformed his government into a revolutionary government. On January 23,, he was then elected President of the First Philippine Republic, consequently, this government is also called the Malolos Republic. The First Philippine

Republic was short-lived and never internationally recognized, the Philippines was transferred from Spanish to American control by the Treaty of Paris of 1898, signed in December of that year. The Philippine-American War broke out between the United States and Aguinaldos government and his government effectively ceased to exist on April 1, 1899, after he pledged allegiance to the United States following his capture by U. Duterte studied political science at the Lyceum of the Philippines University, graduating in 1952, Duterte was among the longest-serving mayors in the Philippines, serving seven terms totaling more than 22 years in office. Duterte has alternately confirmed and denied his involvement in the killings, Duterte has repeatedly confirmed that he personally killed three kidnapping suspects while Mayor of Davao in 2005. On May 9, 2010, Duterte won the Philippine presidential election with 31% of the vote. He has vowed to pursue an independent foreign policy, Duterte was born on March 14, 1944, in Maasin. Duterte, a Cebuano lawyer, and his mother Soledad Duterte, was a school teacher from Cabadbaran, Agusan and a civic leader of Maranao descent. Dutertes father was acting mayor of Danao, Cebu and subsequently the governor of Davao province. Rodrigos cousin Ronald, on the hand, served as Cebu City mayor from 1988 to 1992. Ronalds father, Ramon Duterte, also held the position from 1964 to 1968, the Dutertes consider the Cebu-based political families of the Durano and the Almendras clan as relatives. Duterte also has relatives from the Roa clan in Leyte through his mothers side, before they resettled to Davao, Dutertes family briefly lived in his birthplace in Maasin, Leyte, and in his fathers hometown in Danao, Cebu, until he was four years old. The Dutertes initially moved to Mindanao in 1952 but still went back and they finally settled in the Davao Region in 1954. Vicente as a lawyer engaged in practice, while Soledad taught in public schools as a teacher. Mrs Duterte, however, retired as a supervisor in 1968 when her lawyer-husband entered politics there, Duterte went to Laboon Elementary School in Maasin, for a year. He graduated in 1962 with a Bachelor of Arts degree in science at the Lyceum of the Philippines in Manila. He obtained a law degree from San Beda College of Law in 1965, in the same year, he passed the bar exam. Duterte has said that he was abused by a priest when he was a minor 7.

Vice President of the Philippines – The Vice President of the Philippines is the second-highest executive official of the government of the Philippines, after the President. The Vice President currently holds office at the Quezon City Reception House in Quezon City, the text of the Constitution refers to the person and office of the Vice-President, with a dash connecting the two words. However, the person and office is referred to today without the dash. This Supreme Council had no sovereignty, did not govern any state and this council was replaced later, with no such position existing during the countrys declaration of independence in 1946, which had a dictatorial government. Officially, the countrys first actual republic was founded in 1946, trias instead served in the cabinets of Apolinario Mabini and Pedro Paterno, as finance minister and war minister, respectively. Trias is not considered a Philippine Vice President as the Supreme Council did not proclaim any sovereign state, the Constitution of the Philippines established the position of Vice President, and may be appointed by the President to a cabinet position. After independence, the cabinet position became that of Secretary of Foreign Affairs. Arturo Tolentino was officially proclaimed Vice President-elect by the Regular Batasang Pambansa in 1948, within a week after Tolentinos oath, the People Power Revolution resulted in the collapse of the Marcos regime. Laurel were sworn in as President, the office of Vice President was abolished and not included in the original version of the Constitution. It was, however, reinstated in subsequent amendments, just before the elections in 1972 that led to the People Power Revolution that installed Corazon Aquino into the Presidency. The Vice President is elected in the manner as, but separately from. Both the President and the Vice President are elected by plurality vote where the candidate who garners the highest number of votes, whether a majority or not. The Vice President is barred from serving more than two consecutive terms, the Vice President is first in the presidential line of succession. The Constitution provides several circumstances where the Vice President shall assume the Presidency or serve as acting President, in case of the death, permanent disability, removal from office, or resignation of the President, the Vice President shall assume the Presidency 8.

Cities of the Philippines – A city is one of the units of local government in the Philippines. As of December 12, 2015, there are 160 cities, Cities are entitled to at least one representative in the Philippine House of Representatives if its population reaches 250,000, They are allowed to use a common seal, only an Act of Congress can create or amend a city charter, and with this city charter Congress confers on a city certain powers that regular municipalities or even other cities may not have. A citys local government is headed by an elected by popular vote. The vice

mayor serves as the officer of the Sangguniang Panlungsod. Upon receiving their charters, cities also receive a full complement of executive departments to serve their constituents. Some departments are established on a basis, depending on the needs of the city. Source, Local Government Code of , Cities, like municipalities, are composed of barangays, which can range from urban neighborhoods, to rural communities. Barangays are sometimes grouped into officially defined administrative districts, examples of such are the cities of Manila, Davao, Iloilo, and Samal.

Chapter 3 : Legislative district of Iloilo City - WikiVisually

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An employee who is unjustly dismissed from work shall be entitled to reinstatement without loss of seniority rights and other privileges and to his full backwages, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement. As amended by Section 34, Republic Act No. Regular and casual employment. An employment shall be deemed to be casual if it is not covered by the preceding paragraph: Provided, That any employee who has rendered at least one year of service, whether such service is continuous or broken, shall be considered a regular employee with respect to the activity in which he is employed and his employment shall continue while such activity exists. The services of an employee who has been engaged on a probationary basis may be terminated for a just cause or when he fails to qualify as a regular employee in accordance with reasonable standards made known by the employer to the employee at the time of his engagement. An employee who is allowed to work after a probationary period shall be considered a regular employee. Closure of establishment and reduction of personnel. In case of termination due to the installation of labor-saving devices or redundancy, the worker affected thereby shall be entitled to a separation pay equivalent to at least his one 1 month pay or to at least one 1 month pay for every year of service, whichever is higher. A fraction of at least six 6 months shall be considered one 1 whole year. Disease as ground for termination. The employer upon whom no such notice was served may hold the employee liable for damages. Serious insult by the employer or his representative on the honor and person of the employee; 2. Inhuman and unbearable treatment accorded the employee by the employer or his representative; 3. Commission of a crime or offense by the employer or his representative against the person of the employee or any of the immediate members of his family; and 4. Other causes analogous to any of the foregoing. When employment not deemed terminated. In all such cases, the employer shall reinstate the employee to his former position without loss of seniority rights if he indicates his desire to resume his work not later than one 1 month from the resumption of operations of his employer or from his relief from the military or civic duty. In case of retirement, the employee shall be entitled to receive such retirement benefits as he may have earned under existing laws and any collective bargaining agreement and other agreements: Retail, service and agricultural establishments or operations employing not more than ten 10 employees or workers are exempted from the coverage of this provision. Violation of this provision is hereby declared unlawful and subject to the penal provisions under Article of this Code.

Chapter 4 : Philippine Competition Act | Aumento IP

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While war was raging, American soldiers took time out to organize schools, and to teach classes. When General MacArthur assumed command, he continued the public education project and increased its budget. When the Taft Commission arrived in Manila, the Army had organized 39 schools in Manila with a daily attendance of between 4, and 5, students. Fred Atkinson to draft Act No. Some of the recommendations in the Todd Report were: That industrial schools for manual training be established as soon as a fair knowledge of English has been acquired. That all schools under government control be conducted in the English language so far as in any way practicable, and that the use of Spanish and the dialects be only for a period of transition. That English teachers, well trained in primary instruction, be brought over from the U. That a well-equipped normal school be established for instructing natives to be teachers of English. That in the larger towns a portion, at least, of the school house must be made of modern structure, plainly but well and properly equipped. That the school supported by the Government be absolutely divorced from the Church. If the natives desire schools in which religious instruction is to be given, that they furnish the entire support for the same from private sources, but attendance from the latter schools shall not excuse the children from attendance at the public school where English is taught. In addition, the Parochial Church school, if such are maintained, shall be required to be equal in character of general instruction to the public school. On January 21, , the commission enacted Act No. Section One of the act provided that primary instruction should be free of charge and open to all Filipinos. Atkinson became General Superintendent of Public Instruction. Atkinson was tasked to put up a school in every pueblo and empowered to fix the salaries of teachers, formulate curricula, purchase school supplies, construct school buildings, and disburse the funds of the Department. A Superior Advisory Board assisted Atkinson in policy making concerning educational needs and the condition of the islands. Act 74 divided the archipelago into divisions composed of school districts and ordered the creation of Normal and a Trade schools in Manila and a School of Agriculture in Negros. The first batch of 48 American teachers arrived in June The second batch of teachers men and women, accompanied by 4 nurses, 13 spouses arrived in August, and became known as the Thomasites , after the USS Thomas , one of the ships which transported them. From the very start, serious problems threatened the success of the educational program. Problems encountered included opposition from Catholic clerics, language difficulties, health problems and difficulty in adjusting to the tropical climate, financial problems brought on by delayed salary payments, lack of school buildings many of the 2, primary schools existing before the war had either been destroyed or pressed into use by the army as barracks, prisons, or hospitals [28] , etc. The Thomasites had a difficult time convincing their students to give more importance to activities that developed critical thinking than to those which simply required rote memorization, or that coming an hour late or being absent to attend a town fiesta was a big shortcoming. Some wealthy parents openly opposed the American educational system because of the insecurities it created. For them, education was a privilege of their class and should not be extended to the common people. To address this concern, education officials propagated the trade and agricultural schools, explaining that graduates of these schools were at a par with those earning degrees from the normal school and universities. The parents admired the way the American teachers treated their children and managed classroom activities. Specifically, they lauded the abolition of corporal punishment. The Pope promised to study the issue and expressed support for the American pacification program. The land was eventually resold to Filipinos, some of them tenants but the majority of them estate owners.

Chapter 5 : Acts of the Philippine commission, no - CORE

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Provided, Those which contribute to improving the production or distribution of goods and services or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefits, may not necessarily be deemed a violation of this Act. An entity that controls, is controlled by, or is under common control with another entity or entities, have common economic interests, and are not otherwise able to decide or act independently of each other, shall not be considered competitors for purposes of this section.

Abuse of Dominant Position. Provided, That the following shall be considered permissible price differentials: Provided, That nothing contained in this Act shall prohibit or render unlawful: Provided, That nothing in this Act shall be construed or interpreted as a prohibition on having a dominant position in a relevant market or on acquiring, maintaining and increasing market share through legitimate means that do not substantially prevent, restrict or lessen competition: Provided, further, That any conduct which contributes to improving production or distribution of goods or services within the relevant market, or promoting technical and economic progress while allowing consumers a fair share of the resulting benefit may not necessarily be considered an abuse of dominant position: Provided, finally, That the foregoing shall not constrain the Commission or the relevant regulator from pursuing measures that would promote fair competition or more competition as provided in this Act.

Review of Mergers and Acquisitions. Provided, That the Commission shall promulgate other criteria, such as increased market share in the relevant market in excess of minimum thresholds, that may be applied specifically to a sector, or across some or all sectors, in determining whether parties to a merger or acquisition shall notify the Commission under this Chapter. Should the Commission deem it necessary, it may request further information that are reasonably necessary and directly relevant to the prohibition under Section 20 hereof from the parties to the agreement before the expiration of the thirty 30 -day period referred. The issuance of such a request has the effect of extending the period within which the agreement may not be consummated for an additional sixty 60 days, beginning on the day after the request for information is received by the parties: Provided, That, in no case shall the total period for review by the Commission of the subject agreement exceed ninety 90 days from initial notification by the parties. When the above periods have expired and no decision has been promulgated for whatever reason, the merger or acquisition shall be deemed approved and the parties may proceed to implement or consummate it. All notices, documents and information provided to or emanating from the Commission under this section shall be subject to confidentiality rule under Section 34 of this Act except when the release of information contained therein is with the consent of the notifying entity or is mandatorily required to be disclosed by law or by a valid order of a court of competent jurisdiction, or of a government or regulatory agency, including an exchange. In the case of the merger or acquisition of banks, banking institutions, building and loan associations, trust companies, insurance companies, public utilities, educational institutions and other special corporations governed by special laws, a favorable or no-objection ruling by the Commission shall not be construed as dispensing of the requirement for a favorable recommendation by the appropriate government agency under Section 79 of the Corporation Code of the Philippines. A favorable recommendation by a governmental agency with a competition mandate shall give rise to a disputable presumption that the proposed merger or acquisition is not violative of this Act. Provided, That an entity shall not be prohibited from continuing to own and hold the stock or other share capital or assets of another corporation which it acquired prior to the approval of this Act or acquiring or maintaining its market share in a relevant market through such means without violating the provisions of this Act: Provided, further, That the acquisition of the stock or other share capital of one or more corporations solely for investment and not used for voting or exercising control and not to otherwise bring about, or attempt to bring about the prevention, restriction, or lessening of competition in the relevant market shall not be prohibited. A party seeking to rely on the exemption specified in Section 21 a must demonstrate that if the agreement were not implemented, significant efficiency gains would not be realized.

Finality of Ridings on

Mergers and Acquisitions. Control of an Entity. Determination of Anti-Competitive Agreement or Conduct. The Commission shall from time to time determine and publish the threshold for dominant position or minimum level of share in the relevant market that could give rise to a presumption of dominant position. In such determination, the Commission would consider the structure of the relevant market, degree of integration, access to end-users, technology and financial resources, and other factors affecting the control of a market, as provided in subsections a to g of this section. The Commission shall not consider the acquiring, maintaining and increasing of market share through legitimate means not substantially preventing, restricting, or lessening competition in the market such as but not limited to having superior skills, rendering superior service, producing or distributing quality products, having business acumen, and the enjoyment and use of protected intellectual property rights as violative of this Act. A public hearing shall be held to assist the Commission in making this determination. Conditions may be attached to the forbearance if the Commission deems it appropriate to ensure the long-term interest of consumers. In the event that the basis for the issuance of the exemption order ceases to be valid, the order may be withdrawn by the Commission. Fine of up to one hundred million pesos P., Fine of not less than one hundred million pesos P., In fixing the amount of the fine, the Commission shall have regard to both the gravity and the duration of the violation. Provided that these fines shall only accrue daily beginning forty-five 45 days from the time that the said decision, order or ruling was received. Provided that the schedule of fines indicated in this section shall be increased by the Commission every five 5 years to maintain their real value from the time it was set. The penalty of imprisonment shall be imposed upon the responsible officers, and directors of the entity. When the entities involved are juridical persons, the penalty of. Fact Finding; Preliminary Inquiry. The Commission, after considering the statements made, or documents or articles produced in the course of the fact-finding or preliminary inquiry, shall terminate the same by: The Commission, after due notice and hearing, and on the basis of facts and evidence presented, may issue an order for the temporary cessation or desistance from the performance of certain acts by the respondent entity, the continued performance of which would result in a material and adverse effect on consumers or competition in the relevant market. If the evidence so warrants, the Commission may file before the DOJ criminal complaints for violations of this Act or relevant laws for preliminary investigation and prosecution before the proper court. The preliminary inquiry shall, in all cases, be completed by the Commission within ninety 90 days from submission of the verified complaint, referral, or date of initiation by the Commission, motu proprio, of the same. Except as provided in Section 12 i of Chapter II of this Act, no law enforcement agency shall conduct any kind of fact-finding, inquiry or investigation into any competition-related matters. Relationship With Sector Regulators. The Commission shall still have jurisdiction if the issue involves both competition and noncompetition issues, but the concerned sector regulator shall be consulted and afforded reasonable opportunity to submit its own opinion and recommendation on the matter before the Commission makes a decision on any case. Where appropriate, the Commission and the sector regulators shall work together to issue rules and regulations to promote competition, protect consumers, and prevent abuse of market power by dominant players within their respective sectors. Power to Investigate and Enforce Orders and Resolutions. It shall determine if any provision of this Act has been violated, enforce its orders and carry out its resolutions by making use of any available means, provisional or otherwise, under existing laws and procedures including the power to punish for contempt and to impose fines. Likewise, the Commission shall, to the extent possible, subject such information to the confidentiality rule provided under this section when it issues notices, bulletins, rulings and other documents: The identity of the persons who provide information to the Commission under condition of anonymity, shall remain confidential, unless such confidentiality is expressly waived by these persons. Any violation of this provision shall be imposed a fine of not less than one million pesos PI., Immunity from suit will be granted to an entity reporting illegal anti-competitive activity before a fact-finding or preliminary inquiry has begun if the following conditions are met: Even after the Commission has received information about the illegal activity after a fact-finding or preliminary inquiry has commenced, the reporting entity will be granted leniency, provided preceding conditions b and c and the following additional requirements are complied with: An entity cooperating or furnishing information, document or data to the Commission in

connection to an investigation being conducted shall not be subjected to any form of reprisal or discrimination. Such reprisal or discrimination shall be considered a violation of this Act subject to the sanctions provided in this Act. Nothing in this section shall preclude prosecution for entities that report to the Commission false, misleading, or malicious information, data or documents damaging to the business or integrity of the entities under inquiry as a violation of said section. An entity found to have reported false, misleading or malicious information, data, or document may be penalized by a fine not less than the penalty imposed in the section reported to have been violated by the entity complained of. The DOJ-OFC may likewise grant leniency or immunity as provided in this section in the event that there is already a preliminary investigation pending before it. The plea cannot be used against the defendant entity to prove liability in a civil suit arising from the criminal action nor in another cause of action: Provided, That a plea of Nolo Contendere may be entered only up to arraignment and subsequently, only with the permission of the court which shall accept it only after weighing its effect on the parties, the public and the administration of justice. Provided, That the ruling is for a specified period, subject to extension as may be determined by the Commission, and based on substantial evidence. In the event of an adverse binding ruling on an act, course or conduct, agreement, or decision, the applicant shall be provided with a reasonable period, which in no case shall be more than ninety 90 days, to abide by the ruling of the Commission and shall not be subject to administrative, civil, or criminal action unless the applicant fails to comply with the provisions of this Act; b Show Cause Order. Provided, That a consent order shall not bar any inquiry for the same or similar acts if continued or repeated; d Monitoring of Compliance. Appeals of the Decisions of the Commission. The appeal shall not stay the order, ruling or decision sought to be reviewed, unless the Court of Appeals shall direct otherwise upon such terms and conditions it may deem just. In the appeal, the Commission shall be included as a party respondent to the case. Basic Necessities and Prime Commodities. The Commission shall underwrite or advance litigation costs and expenses, including legal fees and other expenses of external counsel, or provide legal assistance to its Chairperson, Commissioners, officers, employees, or agents in connection with any civil, criminal, administrative or any other action or proceeding, to which they are made a party by reason of, or in connection with, the exercise of authority or performance of duties and functions under this Act: Provided, That such legal protection shall not apply to any civil, criminal, administrative, or any action or proceeding that may be initiated by the Commission, against such Chairperson, Commissioners, officers, employees, or agents: Provided, further, That the Chairperson, Commissioners, officers, employees, or agents, who shall resign, retire, transfer to another agency or be separated from the service, shall continue to be provided with such legal protection in connection with any act done or omitted to be done by them in good faith during their tenure or employment with the Commission: Provided, finally, That in the event of a settlement or compromise, indemnification shall be provided only in connection with such matters covered by the settlement as to which the Commission is advised by counsel that the persons to be indemnified did not commit any negligence or misconduct. The costs and expenses incurred in defending the aforementioned action, suit or proceeding may be paid by the Commission in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of the Chairperson, Commissioner, officer, employee, or agent to repay the amount advanced should it ultimately be determined by the Commission that one is not entitled to be indemnified as provided in this section. Jurisdiction of the Regional Trial Court. If the defendant or anyone is charged in the capacity of a director, officer, shareholder, employee, or agent of a corporation or other juridical entity who knowingly and willfully authorized the commission of the offense charged, the Regional Trial Court of the city or province where such corporation or juridical entity conducts its principal place of business, shall have jurisdiction. For criminal actions, the time the violation is discovered by the offended party, the authorities, or their agents; and For administrative and civil actions, the time the cause of action accrues. 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 entities or those claiming to have rights through such entities: 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, 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 favor of the Commission. 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. Provided, however, That it shall not be illegal to use the association as a forum to discuss or promote quality standards, efficiency, safety, security, productivity, competitiveness and other matters of common interest involving the industry: Provided, further, That such is done without any anti-competitive intent or effect. Provided, That one 1 of the two 2 Senators and one 1 of the two 2 House Members shall be nominated by the respective Minority Leaders of the Senate and the House of Representatives. Implementing Rules and Regulations. Provided, That, the Commission may revise such implementing rules and regulations as it deems necessary: Provided, however, That such revised implementing rules and regulations shall only take effect fifteen 15 days following its publication in two 2 newspapers of general circulation. Appropriations and Use of Fees, Charges and Penalties. All fees, fines, penalties collected by the Commission shall not be retained by the Commission, but will be remitted to the National Treasury and shall accrue to the general funds. Such funds necessary for the continuous and effective operation of the Commission shall be included in the annual General Appropriations Act. Records of public proceedings shall be made available to the public subject to Section 34 of this Act. Provided, further, That during the said two 2 -year period, the government shall undertake an advocac program to inform the general public of the provisions of this Act. Provided, That violations of Article of the Revised Penal Code committed before the effectivity of this Act may continue to be prosecuted unless the same have been barred by prescription, and subject to the procedure under Section 31 of this Act; b Section 4 of Commonwealth Act No. Notwithstanding any provision herein, this Act shall have no retroactive effect.

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