



ADMINISTRATIVE ORDER

NO. 10

Series of 2020

SUBJECT: AMENDMENT TO THE DEPARTMENT OF AGRICULTURE (DA) ADMINISTRATIVE ORDER (AO) NO. 07 SERIES OF 2015, RELATIVE TO THE IMPLEMENTATION OF REPUBLIC ACT NO. 7581, OTHERWISE KNOWN AS THE "PRICE ACT" OF THE PHILIPPINES, AND REVOKING ADMINISTRATIVE ORDER No. 07, SERIES OF 2016

WHEREAS, DA AO No. 07, Series of 2015, as amended, sought the creation of Bantay Presyo Technical Committee (BPTC) headed by Assistant Secretary for Agribusiness and Marketing Assistant Service (AMAS) with the following members: Assistant Directors of the Bureau of Plant Industry (BPI), the Bureau of Animal Industry (BAI), the Bureau of Fisheries and Aquatic Resources (BFAR), Deputy Director of the National Meat Inspection Service (NMIS), Deputy or Assistant Administrators of the National Dairy Authority (NDA) and the Sugar Regulatory Administration (SRA), and the National Coordinators of the Rice Program and of the Corn Program;

WHEREAS, meantime, the Office of the Undersecretary for Consumer Affairs is a new entity in the DA primarily assigned on the development of programs for the welfare/ common good of the consumers and the implementation of the Price Act as stipulated under Special Order No. 10, Series of 2020 dated January 07, 2020;

WHEREAS, the present organizational structure of the Department must be attuned to its mandates, including the effective, and efficient implementation of the Price Act;

WHEREAS, there is a need to restructure the existing committees and establish complementary enforcement and adjudication services in order to strengthen and reinforce the implementation of the Price Act and conform to the New Thinking for Agriculture of the present administration;

WHEREAS, with the recent declaration of the President of a national emergency relative to the pandemic caused by COVID-19, there has to be an immediate enforcement and adjudication response relative to the implementation of the Automatic Price Control and against unreasonable or unlawful machinations of prices and supply of basic agricultural commodities in the market;

NOW THEREFORE, by virtue of the powers, in me, vested by Executive Order No. 292, otherwise known as the Administrative Code of the 1987, as well as Republic Act No. 7581, otherwise known as the Price Act of 1992, Administrative Order No. 07, series of 2015, as amended by Administrative Order No. 07, series of 2016, is hereby further amended as follows:

Section 1. Section 1, Rule II (Bantay Presyo Technical Committee) of DA AO No. 07, series of 2015, as amended by DA AO Order No. 07, Series of 2016, is hereby amended to read as follows:

"Section 1, Bantay Presyo Technical Committee (BPTC) - Bantay Presyo Technical Committee – A Bantay Presyo Technical Committee is hereby created to be chaired by a DA- Undersecretary with the Assistant Secretary for Agribusiness and Marketing Assistance Service (AMAS) as the Vice Chair, the members of which shall be determined by the Secretary.

The Secretariat of BPTC shall be headed by an official to be designated by the Secretary who shall also serve as the Executive Director of the BPTC. The BPTC Secretariat shall coordinate the implementation of the resolutions and policies of BPTC, oversee the monitoring operations, coordinate with the Price Coordinating Council and perform such other functions necessary for the full implementation of the Price Act."

Section 2. Paragraph 2 of Section 1, Rule III (Monitoring) of DA AO No. 07, Series of 2015, as amended by DA AO Order No. 07, Series of 2016, is hereby amended to read as follows:

"Section 1. Monitoring Teams - xxx

The Central Bantay Presyo Monitoring Team (CBPMT) and its composition shall be designated by the Secretary. It shall report to the Executive Director of BPTC who shall consolidate and prepare all the reports for the BPTC.

"The monitoring teams at the Regional Field Offices shall be referred to as the *Regional Bantay Presyo Monitoring Teams*. The composition and the number of monitoring teams shall be determined by the Regional Executive Director concerned; Provided that each Regional Bantay Presyo Monitoring Team shall include as member, a representative from the Regional Agriculture and Fisheries Council (RAFC); Provided further, that the Regional Executive Director may also tap, enlist, solicit, or request the assistance of other national government agencies (NGAs) including PNP,



the local government units (LGUs) through its Local Price Coordinating Councils, non-government organizations (NGOs), people's organization (POs), civic organizations, professionals, academe, state universities and colleges (SUCs), private sector, as well as local partners for the effective and efficient monitoring of prices of agri-products and commodities and to effectively carry out the objective of the Price Act under the "Whole-of-Nation Approach" consistent with the "New Thinking" for agriculture.

Section 4 – Paragraphs b and c of Section 2, Rule III (Monitoring) of DA AO No. 07, series of 2015, as amended by DA AO Order No. 07, series of 2016, are hereby amended to read as follows:

"Section 2. Duties and Responsibilities – Each Monitoring Team shall have the following duties and responsibilities:

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b. Prepare complaints and related documentation for violation of the Price Act, its IRR, and this Order and file the same with the appropriate Adjudication Officer/s;

c. Prepare reports on monitoring activities conducted and submit the same to the Executive Director of BPTC (for reports prepared by the CBPMT) or to the Regional Executive Director concerned (for reports prepared by the RBPMT) within forty-eight (48) hours after the conduct of each monitoring activity.

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For purposes of this Order, the BPTC Secretariat shall prepare a uniform format for the report."

Section 5 –Section 4, Rule III (Monitoring) of Administrative Order No. 07, series of 2015, as amended by DA AO Order No. 07, series of 2016, is hereby amended to read as follows:

"Section 4. Evaluation of the Report – Evaluation of the Report – The reports submitted by the Monitoring Teams shall be evaluated by the Executive Director, BPTC or the Regional Executive Director concerned who shall submit a monthly evaluation report to the Secretariat of BPTC, together with appropriate recommendations, such as, but not limited to:"

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Section 6 – Section 1, Rule IV (Suggested Retail Price) of Administrative Order No. 07, series of 2015, as amended by DA AO Order No. 07, series of 2016, is hereby amended to read as follows:

“Section 1. Issuance of the Suggested Retail Price – Without prejudice to the provisions of Sections 6 and 7 of RA No. 7581, the Secretary of the Department of Agriculture may, upon the recommendation of the BPTC, or the Regional Executive Director, as the case may be, issue a “Suggested Retail Price” (SRP) for particular agricultural commodities on national regional and/or provincial basis.”

Section 7–Section 3, Rule V (Administrative Procedure for Administrative Actions for Violations of R.A. No. 7581) of Administrative Order No. 07, series of 2015, as amended by DA AO Order No. 07, series of 2016, is hereby amended to read as follows:


“Section 3. Designation of Adjudication Officers – For purposes of the implementation of pertinent provisions of this Rule, the Secretary shall designate Adjudication Officers who shall report directly to the Executive Director of the BPTC or the Regional Executive Director, as the case may be.”

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Section 8 – A Supplemental Provision to Section 5, Rule V of Administrative Order No. 07, Series of 2015, is hereby included as Section 5.a. to read as follows:

“Section 5. a. Designation of Enforcement Officers –The Secretary or Regional Executive Directors shall designate Enforcement Officers who shall perform the following functions:

- a. Conduct enforcements on confirmed violations;
- b. Issue Letter of Inquiry (LOI) and Show Cause Order (SCO) against erring individuals, retailers, owners, proprietors or agents of any establishments/ entities or similar establishments offering for sale to the general public any agricultural commodities;
- c. Serve Notices of Violations (NOV) to the erring individuals, retailers, owners, proprietors or agents of any establishments/ entities or similar establishments;
- d. In coordination with the DA's Legal Service, prepare complaints or formal charges and related documentation for



violation of the Price Act, its IRR and file the same with the Adjudication Officer/s;

- e. Convene regular and emergency meetings from time to time;
- f. Submit accomplishment and status report to the BPTC Executive Director; and
- g. Perform such other relevant tasks, duties and responsibilities as required and in consonance with the implementation of the Price Act.

Section 9. Administrative procedure for violations of R.A. No. 7581 during Automatic Price Control and imposition of Mandated Price Ceiling –There is hereby promulgated an Administrative Procedure for Violations of the Automatic Price Control in consonance with Paragraph a of Section 2, Rule V of Administrative Order No. 07, Series of 2015, and Mandated Ceiling Price, to be incorporated as Rule V-A, as follows:

"RULE V-A

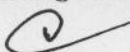
Section 1. Scope and Applicability of these Rules. – These Rules shall apply only to periods of declared **national emergency**, or in areas declared as **disaster area, under state of calamity, under martial law, state of rebellion, state of war or when the writ of habeas corpus is suspended pursuant to Section 6 of RA No. 7581;** or when conditions under the **Section 7** thereof so warrants.

Section 2. Nature of the Proceedings. – Proceedings under this Order shall be summary in nature, in keeping with the demands of national emergency. As such, these Rules shall be liberally construed in order to promote the ends and purposes of the Price Act in a just, speedy and inexpensive manner. The technical rules of procedures obtaining in the regular courts of justice shall therefore be unavailing, without necessarily sacrificing the over-arching interest of due process.

In situations not covered by any specific provision under these Rules, the Rules of Court shall apply in suppletory character.

Section 3. Complaint. – The complaint is the pleading which initiates proceedings under these Rules. It shall contain narration of facts constituting the offenses or violations of the Price Act.

In case the complaint is filed by a private complainant, s/he shall indicate his name and address, contact or cellular phone number, or email address, and the description of the basic necessity and/or prime commodity subject of the alleged violation.



It must also clearly indicate the name/s of the Respondent/s, its proprietor, establishment name, and their residence/s or business address or exact location.

Section 4. Who may file. – The DA Enforcement and Monitoring Team, any law enforcement agency, or any private complainant, may file the formal charge or complaint.

Section 5. Where to file. – In Metro Manila, the complaints shall be filed at the Department's Central Office. For violations committed outside the geographical jurisdiction of the National Capital Region (NCR), all complaints shall be filed at the DA Regional Field Office having jurisdiction over the area where the violation took place.

Section 6. Pool of Qualified Adjudication Officers. – The DA Central Office, and its Regional Field Offices shall have such a number of qualified and competent Adjudication Officers who are members of the Bar, as may be necessary to adjudicate contested cases.

Section 7. Preliminary determination of cause and jurisdiction. – Immediately upon receipt of the complaint, the Adjudication Officer shall, within 24 hours from filing of the complaint or formal charge, determine the existence of the jurisdictional facts of the complaint.

If jurisdiction is found wanting, he shall immediately dismiss the complaint initiated by a private complainant. In case of formal charge is initiated by DA- Enforcement Team, or the Department's Price Monitoring Team, the Adjudication may immediately schedule clarificatory hearing to determine the sufficiency of the complaint.

Section 8. Summons. – If jurisdiction over the subject matter as well as over the respondent is found to exist, and sufficiency of alleged facts are found to exist, the Adjudication Officer shall forthwith issue a summons, attaching thereto a copy of the complaint.

The summons shall indicate the date, time, and place of the formal investigation, and in precise language, require the respondent to state whether he opts to:

- (a) contest the charges levelled against him/her or the establishment;
- (b) plead guilty therefor and manifests willingness to pay the fines and penalties under the law and its implementing rules and regulations (IRR), in which case it shall be disposed of in accordance with law and this Rules.



Section 9. Temporary closure or Temporary restraining order - The Secretary may, *motu proprio* or upon recommendation of the adjudicating officer, issue Temporary Closure Order or Temporary Restraining Order to the Respondent or establishment for a period of not more than ten (10) days, pending investigation of the case;

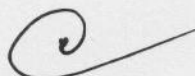
Section 10. Seizure. - The Department may, upon determination of the cause and jurisdiction of the case in a summary proceeding, seize the basic necessities and prime commodities subject of a violation of the Price Act, and order their sale to the public at reasonable prices whenever the nature of or the demand of goods so requires.

Section 11. Answer. - An answer is a pleading in which the Respondent sets forth his defenses which must be filed within 48 hours from receipt of the Summons. The Respondent must, in his Answer, indicate his business address, contact or cellular phone number or email address, **and must attach his business legal documents, as the case may be, such as Barangay Permit, Business Permit (Mayor's Permit), Department of Trade and Industry (DTI) certificate, BIR Certificate, Certificate of Incorporation (SEC), latest General Information Sheet (GIS).**

If the case is initiated by a Private Complainant, Respondent must serve copy of his answer to said complainant. No motion for extension of time to file Answer shall be entertained.

Section 12. Optional Clarificatory Conference - The Adjudication Officer may set a preliminary conference if, in his evaluation of the case, there are other details and issues which needs clarification from the parties. He shall set the same on the 2nd day from receipt of Respondent's Answer. If the said 2nd day falls on a Saturday, Sunday or Holiday, it shall be set on the next working day.

Section 13. Simultaneous Submission of Position Paper - The parties shall simultaneously submit their respective Position Papers, serving copy to the other party, within 3 days from notice or submission of Answer. If the Adjudication Officer elects to conduct Clarificatory Conference, he shall order the parties to submit their Position Papers within 2 days after the said conference.



Section 14. Decision. – Decisions shall be written in clear and unequivocal language, indicating thereto the factual bases of its ruling. It shall be promulgated within 5 days upon submission of the Position Papers.

Section 15. Motion for Reconsideration – A motion for reconsideration (MR) seeking relief from the Decision or resolution may be filed within seventy-two (72) hours from receipt of the decision or ruling sought to be reconsidered. Only one MR shall be filed with the Adjudication Officer.

Section 16. Appeal. Immediately upon receipt of the denial of the MR, the aggrieved party may still opt to appeal his decision to the Office of the Secretary (OSEC), in which case, the aggrieved party shall file a Notice of Appeal with the Adjudication Officer, serving copies thereof upon the prevailing party, with a request for the transmission of the records of the case to the Office of the Secretary (OSEC), upon payment of the required appeal fees. A duly perfected appeal shall stay the execution of the decision appealed from, until the OSEC shall finally dispose of the same.

The OSEC shall review the records of the proceedings and may, on its own initiative or upon motion, receive additional evidence.

Whenever the OSEC disposition sustains the decision of the Adjudication Officer, the decision appealed from shall immediately become final and executory, without prejudice to the respondent resorting to higher authorities and/or exhausting his administrative remedies preparatory to his/her resort to judicial forum under the Rules of Court.

Section 17. Execution of Judgement, Decision. – The Decision shall become final and executory within TEN (10) days after receipt by the parties of a copy thereof and shall be subject for execution and enforcement by the Administrative Officer or such other officer as may be designated by the Regional Director, or the enforcement arm of the Department of Agriculture.”



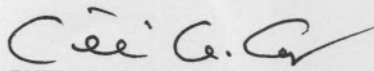
Section 10. Section 1, Rule VII (General Provisions) of AO No. 07, series of 2015, as amended, is hereby amended to read as follows:

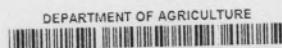
"Section 1. Criminal and other Action Procedure - In the enforcement of penal provisions under R.A. No. 7581, as amended, the usual procedure for prosecution under penal laws shall be observed in accordance with the New Rules of Criminal Procedure. Provided the Secretary or his authorized representatives, may pursue criminal actions against violators of the penal provisions of this Act, without prejudice to the filing of similar cases for violation of Philippine Competition Law, Revised Penal Code and other relevant laws."

All other issuances or parts thereof which are inconsistent with this Order are hereby repealed, amended, and/or supplemented accordingly.

This Order shall take effect immediately and shall remain in full force and effect unless otherwise revoked, amended or modified in writing.

Done this 20th day of March 2020.


WILLIAM D. DAR, Ph.D.
Secretary _{CH}



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