



DEPARTMENT CIRCULAR

NO. 12

Series of 2020

SUBJECT : GUIDELINE ON THE USE OF THE PhilGAP CERTIFIED MARK

Pursuant to Administrative Circular No. 01 Series of 2018 also known as the *Rules and Regulation on the Certification of PhilGAP for Crops, Superseding Administrative Circular No. 10 Series of 2013*, Article VI. PhilGAP Certified Mark, this guideline is hereby issued:

I. BASIC DESIGN ELEMENTS AND COLORS

The PhilGAP Certified Mark (Figure 1) shows the basic design elements of the certification mark, the PhilGAP logo with the text "**PhilGAP**" situated at the bottom of the circle. The logo of the Department of Agriculture (DA) at the upper left corner of the circle, the logo of the Bureau of Plant Industry (BPI) at the lower right corner of the circle and with the check mark at the center with green color and black line indicating conformities to standards, the DA logo indicating its respective original color of yellow and green; the BPI logo indicating its respective yellow, green and light green and; and black for the circle enclosing the logo and the inscription "PhilGAP". The type face use is Impact Regular for the word "PhilGAP".



Figure 1. PhilGAP Certified Mark

II. RULES ON THE USE OF THE PhilGAP CERTIFIED MARK

A. Figure 1

1. The PhilGAP Certified Mark, FIGURE 1 shall be used EXCLUSIVELY by the BPI-Plant Product Safety Services Division (PPSSD)-Accreditation Inspection Section (AIS) on the following but not limited to:
 - a. PhilGAP Certificate
 - b. Letterhead
 - c. Tarpaulin
 - d. Inspectors-prescribed Uniform



Figure 2. PhilGAP Certified Mark with Certificate Number

B. Figure 2

1. The PhilGAP Certified Mark, FIGURE 2 can be used by a PhilGAP Certified Farm during the validity of the certificate.
2. The PhilGAP Certified Mark, FIGURE 2 shall include the Certificate Number on which the type face use is Impact Regular both for the word 'PhilGAP' and the Certificate Number of the PhilGAP certified farm with proper size of the inscription, and with the format "BPI-000-00"
 - a. In which the *BPI* stands for Bureau of Plant Industry;
 - b. the next 3 digits indicates the number of the certificate issued on that year and;
 - c. the succeeding 2 digits indicate the year of the certificate is issued.

A handwritten signature or mark, possibly a stylized 'C' or a similar symbol, located at the bottom center of the page.

3. The PhilGAP Certified Mark, FIGURE 2 shall be used EXCLUSIVELY by a PhilGAP Certified Farm on the following but not limited to:
 - a. Certified products, including primary packaging
 - b. Signboard posted on the farm with specifications as indicated *in AC No.1, series of 2018, Article V, Section 15.8*
 - c. Product documentations and catalogue pages
 - d. Tarpaulins and Websites
 - e. Marketing material
4. A PhilGAP Certified Farm shall seek first a written approval on the use of PhilGAP Certified Mark to the Director of the Bureau of Plant Industry

III. MARK AND INSCRIPTION MISUSE

1. To avoid misinterpretation, the PhilGAP Certified Mark is therefore not allowed to be used on:
 - a. Certificates (except PhilGAP certificate), statements of conformity, reports etc.
 - b. Business cards
 - c. Stationery, letterheads, envelopes, invoices and fax sheets.
 - d. Vehicles
 - e. Corporate publications
2. The original artwork of the PhilGAP Certified Mark shall be used in a way that preserves the integrity of the mark. Therefore, the mark should not be altered or used in an improper way.
 - a. Do not modify the color.
 - b. Do not distort any part of the mark.
 - c. Do not alter the relative size of any element of the mark.
 - d. Do not position the mark on a visually distracting background or on pictures.
 - e. Do not separate and modify any elements of the mark.
 - f. Do not place the mark inside any kind of box or other shape that may mistakenly be considered part of the mark.
 - g. Do not print at less than 100 % ink density (opacity).
 - h. Do not use the mark as decorative element that is repeating it or portions of it like a wallpaper pattern.
 - i. Do not modify the font type and color of the inscription.
3. Any uses of the PhilGAP Certified Mark not addressed in this guide are considered unacceptable unless approved by the DA-BPI.

IV. DISTANCE AND SIZE OF THE MARK

1. The PhilGAP mark maybe enlarged or reduced but shall maintain its height-width proportion.
2. The minimum reduced size is 20 mm (in height). This is the minimum size at which numbers and letters are legible.



V. OTHER USES

Any other usage of the PhilGAP Certified Mark shall seek approval from the Director of the Bureau of Plant Industry

VI. EFFECTIVITY

This Circular shall take effect fifteen (15) days after the complete publication in two (2) newspapers of general circulation and submission of copies to the office of National Administrative Register, UP Law Center.

Done this 24 of July 2020.


WILLIAM D. DAR, PhD
Secretary

DEPARTMENT OF AGRICULTURE

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Department of Agriculture
BUREAU OF PLANT INDUSTRY

692 San Andres Street Malate, Manila, Philippines

E-mail Address: bpi.information@yahoo.com

Tel. No.: (02) 525-7909, (02) 525-2987 | Website: bpi.da.gov.ph

A. SUBJECT

Request for Approval of the Department Circular on the Guideline on the Use of the PhilGAP Certified Mark

B. BACKGROUND

In reference to the Department of Agriculture – Administrative Circular No. 01, Series of 2018, *Rules and Regulation on the Certification of Philippine Good Agricultural Practice (PhilGAP) for Crops, Superseding Administrative Circular No. 10 Series of 2013*, ARTICLE VI, the PhilGAP Certified Mark is an official logo with prescribed specifications.

This circular has been reviewed by the DA Legal Service and their recommendation has been considered,

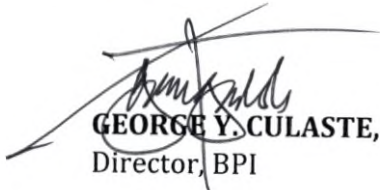
C. ACTION REQUESTED

Approval and signature of the Department Circular on the Guideline on the Use of the PhilGAP Certified Mark

D. CONTACT DETAILS

MA. ESPERANZA DG. UY
Plant Product Safety Services Division, BPI
8523-7154

E. FROM:


GEORGE Y. CULASTE, Ph.D.
Director, BPI

22 June 2020

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Director, BPI

22 June 2020



Republic of the Philippines
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
1100 Quezon City

June 5, 2020

MEMORANDUM

FOR : USEC. CHERYL MARIE NATIVIDAD CABALLERO
Chief of Staff (COS), Office of the Secretary

FROM : DA LEGAL SERVICE

SUBJECT : REQUEST FOR LEGAL OPINION ON THE SPECIAL ORDER
REGARDING THEN GUIDELINES ON THE OF PHILIPPINE
GOOD AGRICULTURAL PRACTICE (PhilGAP) CERTIFIED
MARK

On June 4, 2020, we received your request for comment for the above matter.

Upon review of the appended Special Order, we render our opinion as follows:

1. Upon careful review of the draft Special Order we suggest that it should be in the form of a **Circular**.

This is in accordance with Section 50, Chapter 11, Book IV of E.O. No. 292 which provides:

"SECTION 50. General Classification of Issuances. - The administrative issuances of Secretaries and heads of bureaus, offices or agencies shall be in the form of circulars or orders.

(1) Circulars shall refer to issuances prescribing policies, rules and regulations, and procedures promulgated pursuant to law, applicable to individuals and organizations outside the Government and designed to supplement provisions of the law or to provide means for carrying them out, including information relating thereto; and

(2) Orders shall refer to issuances directed to particular offices, officials, or employees, concerning specific matters including assignments, detail and transfer of personnel, for observance or compliance by all concerned." (Emphasis supplied.)

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Then Special Order includes provisions involving stakeholders outside the Department of Agriculture. Thus, the subject issuance should be in the form of a Circular.

2. As stated earlier, the draft Special Order should have been in the form of a Circular. A Circular supplements provisions of law, and has the power and effect of law. Hence, if an issuance is a Circular, **publication is mandatory**.

Regardless of its nomenclature, its contents shall dictate the need for publication. The draft Special Order is in fact a Circular, thus, publication is still mandatory.

This is in accordance with Section 18, Chapter 5, Book 1 of E.O. 292, which provides:

*"Section 18. When Laws Take Effect. - Laws shall take effect after fifteen (15) days following the completion of their **publication** in the Official Gazette or in a newspaper of general circulation, unless it is otherwise provided." (Emphasis supplied.)*

Kindly insert provisions containing the requirement of publication.

3. Lastly, we suggest registering the PhilGAP mark to the Intellectual Property Office (IPOPhil) as this is a distinguishing mark or a form of a trademark used to identify goods and/or services that meet certain standards or specifications. Though the PhilGAP Mark falls under the category of a Certification Mark, which is not registrable in the Philippines, we propose that the Department of Agriculture (DA) may ask the of IPOPhil on which category this PhilGAP mark will fall and how to register the said mark. This is to fully protect the use of the PhilGAP mark.

We hope we were able to assist you on the foregoing. However, please be reminded that this review is limited to the legal aspect of the draft Guidelines and does not delve upon its technical aspect. This Office will leave the technical facet of the said Guidelines to technical personnel of the requesting unit.

For your consideration.


ATTY. ARMANDO R. CROBALDE, JR.
OIC- Director

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