

COMMISSION RESOLUTION No. 18-2020

APPROVING THE INTERIM GUIDELINES ON THE OPERATIONS OF THE MERGERS AND ACQUISITIONS OFFICE DURING THE GENERAL COMMUNITY QUARANTINE AND MODIFIED GENERAL COMMUNITY QUARANTINE

WHEREAS, on 8 March 2020, President Rodrigo R. Duterte, recognizing the need for a whole-of-government approach to address the Corona Virus Disease (“COVID-19”) outbreak, issued Proclamation No. 922 declaring a State of Public Health Emergency throughout the Philippines due to the confirmation of local transmission of COVID-19 in the Philippines;

WHEREAS, on 29 May 2020, the Inter-Agency Task Force for the Management of Emerging Infectious Disease (“IATF”) issued Joint Resolution No. 41, s. 2020, classifying the NCR as a high-risk area, placing it under General Community Quarantine (“GCQ”) from 1 June 2020 until 15 June 2020, and enforcing minimum public health standards in areas under community quarantine;

WHEREAS, on 2 June 2020, the Philippine Competition Commission (“PCC” or the “Commission”) issued Commission Resolution No. 12-2020 extending the effectivity during GCQ of the *Interim Guidelines on the Operations of the Mergers and Acquisitions Office during the Modified Enhanced Community Quarantine* (“MAO *Interim Guidelines for MECQ*”) to ensure that certain reglementary functions may be performed with a view to an efficient delivery of public service and utmost adherence to preventive health measures, in compliance with the minimum public health standards recommended by the IATF;

WHEREAS, on 15 June 2020, the IATF issued Joint Resolution No. 46-A, s. 2020, extending the imposition of GCQ and enforcement of minimum public health standards over the NCR from 16 June 2020 to 30 June 2020 and subsequently extended by IATF Joint Resolution Nos. 50-A and 55-A, s. 2020, until 31 July 2020;

WHEREAS, under the Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines (“Omnibus Guidelines”) issued by the IATF on 3 July 2020, work in government offices in areas under GCQ may be under such alternative working arrangements as agencies may deem proper in accordance with the relevant rules and regulations issued by the Civil Service Commission, which includes work-from-home, skeleton workforce, and other alternative working arrangements;

WHEREAS, under minimum public health standards, as defined in the Omnibus Guidelines, all sectors in all settings must implement non-pharmaceutical interventions, which refer to public health measures that do not involve vaccines,

medications or other pharmaceutical interventions, which individuals and communities can carry out in order to reduce transmission rates, contact rates, and the duration of infectiousness of individuals in the population to mitigate COVID-19;

WHEREAS, the health and safety of PCC employees, transacting parties, resource persons, and other stakeholders are of the utmost concern to the Commission during this period of GCQ;

WHEREAS, Section 16 of Republic Act No. 10667, otherwise known as the Philippine Competition Act ("PCA"), mandates the PCC to review mergers and acquisitions based on factors deemed relevant by the Commission and to this end, Section 19 of the PCA empowers the Commission to adopt and publish rules and regulations relating to the notification procedures for the review of mergers and acquisitions;

WHEREAS, to promote the efficient delivery of public service while ensuring that certain reglementary functions are performed with utmost adherence to the minimum public health standards recommended by the IATF, there is a need to provide interim guidelines to allow the Mergers and Acquisitions Office to perform certain mandates previously suspended by the *MAO Interim Guidelines for MECQ*;

NOW, THEREFORE, in view of the GCQ throughout the NCR, the minimum public health standards recommended by the IATF, and in the interest of the health and safety of PCC employees and stakeholders with a view to an efficient delivery of public service, the Commission has **RESOLVED**, as it hereby **RESOLVES**, to approve the *Interim Guidelines on the Operations of the Mergers and Acquisitions Office during the General Community Quarantine and Modified General Community Quarantine ("MAO GCQ and MGCQ Guidelines")*, attached hereto.

RESOLVED, FURTHER, that the *MAO Interim Guidelines for MECQ* shall remain in force, as provided in Section 4 of the MAO GCQ and MGCQ Guidelines. Any provision in Commission Resolution Nos. 11-2020 and 12-2020 which is inconsistent or contrary to this Resolution is hereby modified accordingly.

RESOLVED, FINALLY, that this Resolution shall be effective for the duration of the General Community Quarantine or Modified General Community Quarantine, unless otherwise modified or revoked by the Commission.

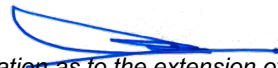
DONE this 16 July 2020 in Quezon City, Philippines.


ARSENIO M. BALISACAN
Chairman


JOHANNES BENJAMIN R. BERNABE
Commissioner


AMABELLE C. ASUNCION
Commissioner


MACARIO R. DE CLARO, JR.
Commissioner


(with reservation as to the extension of the Phase 1 and Phase 2 review periods in Section 37 upon the waiver by the Notifying Parties, which should be studied and reviewed by the Commission in the future vis-à-vis the text and spirit of Section 17 of the Philippine Competition Act)

EMERSON B. AQUENDE
Commissioner