

## COMMISSION RESOLUTION NO. 15-2020

### RESUMING ACCEPTANCE BY THE MERGERS AND ACQUISITIONS OFFICE OF LETTERS OF NON-COVERAGE FROM COMPULSORY NOTIFICATION

**WHEREAS**, on 21 April 2020, and pursuant to Republic Act No. 11469 or the *Bayanihan to Heal As One Act*,<sup>1</sup> the Office of the President issued Administrative Order No. 30 (“A.O. 30”) directing all government offices to formulate and issue guidelines, any law to the contrary notwithstanding, to be applied in areas under community quarantine or to individuals coming from such areas, on the interruption of periods for the filing of documents, payment of taxes, charges, and other fees, and cancellation of proceedings before their respective offices, and on the movement of timelines for the release of benefits;

**WHEREAS**, on 23 April 2020, the Philippine Competition Commission (“PCC”) issued Commission Resolution No. 10-2020, in compliance with the directives under A.O. 30, affirming its previous resolution, Commission Resolution No. 07-2020;

**WHEREAS**, on 11 May 2020, the Inter-Agency Task Force (“IATF”) issued Joint Resolution No. 35, s. 2020, placing the National Capital Region (“NCR”) under a Modified Enhanced Community Quarantine (“MECQ”) from 16 May 2020 to 31 May 2020;

**WHEREAS**, on 18 May 2020, the PCC approved through Commission Resolution No. 11-2020 the *Interim Guidelines on the Operations of the Mergers and Acquisitions Office during the MECQ* (“MAO *Interim Guidelines for MECQ*”) to allow the Mergers and Acquisitions Office to perform its mandate in compliance with A.O. 30 and with due regard to Stringent Social Distancing Measures as recommended by the IATF;

**WHEREAS**, on 29 May 2020, the 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 to 15 June 2020, and enforcing minimum public health standards in areas under community quarantine;

**WHEREAS**, on 2 June 2020, the PCC issued Commission Resolution No. 12-2020 extending the effectivity during GCQ of the *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 A.O. 30 and the minimum public health standards recommended by the IATF;

<sup>1</sup> Enacted 24 March 2020.

**WHEREAS**, under the Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines issued by the IATF on 03 June 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**, 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;

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

**WHEREAS**, to promote the efficient delivery of public service while ensuring that certain reglementary functions are performed with utmost adherence to A.O. 30 and the minimum public health standards recommended by the IATF, there is a need to amend the *MAO Interim Guidelines for MECQ* for the resumption of acceptance of Letters of Non-Coverage from Compulsory Notification for transactions not required by other government agencies to be notified to the PCC.

**NOW, THEREFORE**, in view of the above, with utmost consideration of 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 resumption of acceptance and processing of Letters of Non-Coverage from Compulsory Notification during GCQ, whether or not a certification to this effect from the PCC is required by other government agencies, in accordance with the following procedure:

1. After submission by the party of the hard<sup>2</sup> and digital<sup>3</sup> copies of the Request for Letter of Non-Coverage and of all the information and documents required under the Commission's *Revised Guidelines on Letters of Non-Coverage from Compulsory Notification*,<sup>4</sup> the MAO shall evaluate the Request Letter and inform the party by e-mail of any additional information that may be necessary to assess the transaction.
2. After evaluation of the Request for Letter of Non-Coverage and all information and documents submitted in relation thereto, the MAO shall issue a response via e-mail.
3. Notwithstanding the foregoing, where the party has availed of the provisions of Sections 12 or 13 of the *MAO Interim Guidelines for MECQ*, the MAO shall issue its response to the Request for Letter of Non-Coverage only after

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<sup>2</sup> Refer to the *Instructions for Using the PCC Client Appointment System (PCAS) for the Mergers and Acquisitions Office* in securing appointments to submit hard copies of information and documents.

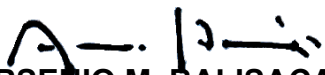
<sup>3</sup> Refer to *Annex A: Instructions on Uploading Documents to the PCC SharePoint Facility of the MAO Interim Guidelines for MECQ* in uploading documents required by the PCC.

<sup>4</sup> Issued on 29 November 2019.

the party has fully complied with its undertaking/s. In line with this, the processing time shall be extended until the party has fully complied with its undertaking/s.

This Resolution shall remain effective for the duration of the GCQ, unless otherwise modified or revoked by the Commission.

**DONE** this 18 June 2020 in Quezon City, Philippines.

  
**ARSENIO M. BALISACAN**  
Chairman

  
**JOHANNES BENJAMIN R. BERNABE**  
Commissioner

  
**AMABELLE C. ASUNCION**  
Commissioner

  
**MACARIO R. DE CLARO, JR.**  
Commissioner

  
**EMERSON B. AQUENDE**  
Commissioner