

COMMISSION RESOLUTION No. 007-2020

SUSPENSION OF CERTAIN MERGER PROCESSES AND TIMELINES IN VIEW OF COMMUNITY QUARANTINE AND ALTERNATIVE WORK ARRANGEMENT TO MANAGE THE COVID-19 SITUATION

WHEREAS, on 12 March 2020, the World Health Organization has characterized the Coronavirus Disease 2019 (COVID-19) as a pandemic;

WHEREAS, following the sharp increase in the number of confirmed COVID-19 cases throughout the country, the Inter-Agency Task Force (IATF) for the Management of Emerging Infectious Disease issued Joint Resolution No. 11, s. 2020, raising the Code Alert System for the COVID-19 in the country to Code Red Sublevel 2, and recommending the imposition of Stringent Social Distancing Measures in the National Capital Region (NCR) for a period of thirty (30) days;

WHEREAS, following the President's adoption of IATF's recommendation, the Executive Secretary issued a Memorandum dated 13 March 2020 providing further directives and guidelines on the imposition of Stringent Social Distancing Measures in the NCR for thirty (30) days starting 00:00 a.m. of 15 March 2020 until 00:00 a.m. of 14 April 2020;

WHEREAS, among the Stringent Social Distancing Measures to manage the COVID-19 situation in the NCR are the imposition of Community Quarantine and the implementation of alternative work arrangements in the Executive branch;

WHEREAS, as of 15 March 2020, there are one hundred forty (140) confirmed cases of COVID-19 in the Philippines, with numbers expected to increase as agencies and local government units continue to screen and monitor suspected cases;

WHEREAS, on 16 March 2020, the Civil Service Commission issued Announcement No. 12, s. 2020, giving heads of agencies the discretion to formulate and implement alternative work arrangements from 16 March to 14 April 2020, or until such time the Community Quarantine has been lifted over NCR;

WHEREAS, to ensure delivery of public service with due observance of preventive health measures, the Philippine Competition Commission (PCC) will maintain a skeletal workforce to serve on a rotation basis for the duration of the Community Quarantine;

WHEREAS, the Philippine Competition Act, its Implementing Rules and Regulations, and the Rules on Merger Procedure require parties to a merger or acquisition that satisfies the compulsory notification thresholds to notify the PCC within thirty (30) days from signing of definitive agreements relating to the merger or acquisition;

WHEREAS, merger parties and their ultimate parent entities failing to notify the PCC within the period for notification but have yet to consummate the merger or acquisition will be fined in the amount of $\frac{1}{2}$ of 1% of 1% of the value of transaction, but not exceeding Two Million Pesos;

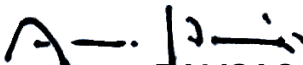
WHEREAS, numerous entities have expressed concerns regarding the timely submission of Notification Forms for transactions whose 30-day notification period will expire during the Community Quarantine period;

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 public health emergency;

NOW, THEREFORE, in view of the Community Quarantine throughout the NCR and the alternative work arrangement adopted by the PCC, and in the interest of the health and safety of PCC employees and stakeholders, the Commission has **RESOLVED**, as it hereby **RESOLVES**, to suspend the following merger processes and timelines from 16 March to 14 April 2020, or until such time the Community Quarantine has been lifted:

1. Acceptance of new Notification Forms and Letters of Non-Coverage;
2. Evaluation of sufficiency of Notification Forms and Letters of Non-Coverage already submitted to the PCC; and
3. Running of the 30-day Notification Period under Section 3.1 of the Rules on Merger Procedure. Notifying Parties shall have the remaining balance of the 30-day Notification Period to submit their Notification Forms to the PCC. Notification Forms submitted during the remaining period shall be considered to have been timely filed.

DONE this 16 March 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