

**COMPETITION ENFORCEMENT
OFFICE OF THE PHILIPPINE
COMPETITION COMMISSION,**

Complainant,

- versus -

**BORACAY BUSINESS
ADMINISTRATION OF SCUBA SHOPS,
ECLIPSE DIVE CENTER BORACAY,
INC., UNDERWATERWORLD
EXPLORER, INC., DIVEGURUS DIVING
SERVICES, AQUALIFE DIVERS
ACADEMY, FISHEYE DIVERS,
VICTORY DIVERS, BIG BLUE DIVE
RESORT CORP., BORACAY ISLAND
NEW WAVE DIVERS, BORACAY
SCUBA INC., CALYPSO DIVING
INTERNATIONAL, EASY DIVE, GO
DIVING, NEPTUNE DIVE CENTER,
ISLAND STAFF DIVING & TOUR
SHOPPE INC., KE & SAM DIVE
CENTER, LAPU-LAPU DIVING CENTER,
LETS GO DIVING, MARIO DIVING
GROUP CO., MILKY'S DIVE CENTER
AND HELMET-DIVING AND SCUBA
DIVING, OCEAN PHIL., PARADISE DIVE
CENTER, PARTY HOUSE DIVING,
SHARKY DIVING, SCOTTY'S
SHANGRILA, SEA WORLD CORP.,
BORACAY VIKING DIVERS CENTER
INC., WHITEBEACH DIVERS, YAPAK K.
DIVE ACADEMY INC., YEGRINA DIVE
CENTER, DIVERS ADVENTURES, BLUE
OCEAN, BLUE SEA DIVERS, BORACAY
D5 DIVING CENTER, CALYPSO
FRIDAYS, FROG DIVERS
PROFESSIONAL TRAINING CORP.,
PROSCUBA DIVING, SCUBA CHAMP
INC., SEA GAIA INC. DIVING RESORT,
FREE WILLY DIVING, INC., SEAPARK
DIVING,**

Respondents.

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PCC Case No. E-2021-001

For: Violation of Sec. 14(a)(1) of
Republic Act No. 10667 or the
Philippine Competition Act

SUMMONS

TO: KE & SAM DIVE CORP.
Barangay Balabag
Boracay, Malay, Aklan

Through:

President, Executive Head, General Manager,
Corporate Secretary, Treasurer, Compliance Officer,
In-house Counsel, Director, Trustee, Managing
Agent, General Agent, or any other Authorized
Agent.

Please take notice that an administrative complaint for violation of Section 14(a)(1) of Republic Act No. 10667 or the Philippine Competition Act has been filed against you by the Competition Enforcement Office (“Complainant”) before this Commission.

The charge involves the alleged execution by and among members of the Boracay Business Administration of Scuba Shops (BBASS) of prohibited agreements, specifically the *2016 BBASS Rules and Regulations*, the *15 January 2018 Price Agreement among Dive Shops, Instructors, Assistant Instructors and Divemasters* and the *1 February 2019 Price Agreement among Dive Shops, Instructors, Assistant Instructors and Divemasters*, which restrict competition as to price, or components thereof, or other terms of trade. Complainant’s detailed claim is stated in the *Statement of Objections* dated 13 December 2021 attached and served with this Summons.

In order to defend against this complaint, you are required to respond to the *Statement of Objections*, within **sixty (60) days** from receipt of this Summons, by filing with the Commission a Verified Answer stating your defense in writing and serving a copy to the Complainant. You have the right to defend yourself or to be represented in this case by counsel.

Your failure to file a verified answer may be sufficient ground for you to lose the opportunity to answer or participate in any stage of the case. Such failure will also authorize the Commission to render a decision granting such relief as the records and evidence may warrant and impose the appropriate penalties and remedies.

You may refer to Rule IV of the 2017 Rules of Procedure of Philippine Competition Commission to direct you on the contents of the Verified Answer, the prohibited motions, and the procedures observed in the adjudication proceedings before the Commission.

Any and all filings to the Commission must be done in accordance with PCC Interim Guidelines During Periods of Community Quarantine issued on 25 May 2021.

16 December 2021.

For the Commission:

A handwritten signature in black ink that reads "Sfv Supapo-Sandigan". The signature is written in a cursive, flowing style.

SHERYL FORTUNE V. SUPAPO-SANDIGAN
Chief, Adjudication Services Division