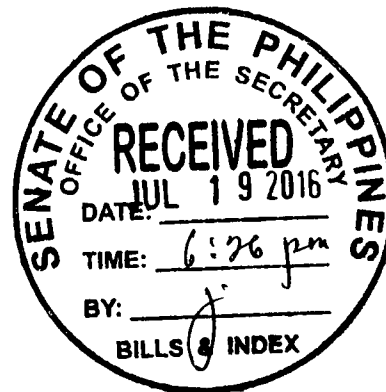


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. No. 632



Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
CREATING THE PHILIPPINE TRADE REPRESENTATIVE OFFICE AND
APPROPRIATING FUNDS THEREFORE

EXPLANATORY NOTE

In the context of a globalizing world, the Philippines is one of the countries which liberalized identified sectors in its economy in order to reach global market while maintaining its local industries' advantage. The government has participated in different trade and investment agreements with other countries, both as an independent country and as part of trading blocs, in an effort to spur economic development in the country.

As the numbers of our country's trade and investment agreements with other countries continue to grow, the Philippines, however, lacks a dedicated government agency that consolidates and studies the impact of these agreements vis-a-vis our development goals and national interest.

This bill, thus, seeks to create the Office of the Philippine Trade Representative which shall formulate cross-trade strategy that is cohesive with our development goals in order to maximize our country's benefits in agreements that we enter into. This Office will be the central agency responsible for all these trade agreements.

Under this bill, it will be mandated to formulate national and domestic priorities, as well as trade positions in line with country's economic goals; advise the President and the Congress on the impacts of agreements we wish to enter; assert and protect the rights and interests of the Philippines under all bilateral, regional and multilateral trade and investment agreements; and represent the country in all agreements it wish to enter into.

This measure was filed and approved in the House of Representatives during the 15th Congress.

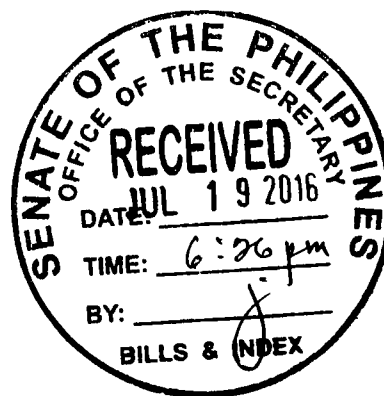
In view of the foregoing, the immediate approval of this bill earnestly recommended.


ANTONIO "SONNY" F. TRILLANES IV
Senator

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. No. 632



Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
CREATING THE PHILIPPINE TRADE REPRESENTATIVE OFFICE AND
APPROPRIATING FUNDS THEREFORE

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Title.** – This Act shall be known as the “Charter of the Philippine Trade
2 Representative Office.”

3
4 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to pursue
5 a trade policy that serves the general welfare, create jobs, ensures food security and rural and
6 industrial development, among others, and utilizes all forms and arrangements of exchange
7 on the basis of fair trade. The State recognizes that market access in itself is not the end goal
8 of trade negotiations.

9
10 It is also the declared policy of the State to ensure the right of the people and their
11 organizations to be duly informed on matters of public concern, and the right to effectively
12 and reasonably participate in economic decision making.

13
14 Congress has the power to regulate commerce, including commerce with foreign
15 nations, and the power to reorganize the bureaucracy in order to make it more responsive to
16 the needs of all the stakeholders in the Philippine economy and the exigencies of international
17 economic relations. As any international economic, commercial or trade agreement entered
18 into by the Government constituents’ regulation of commerce and will affect the different
19 stakeholders in our economy, it is essential that any agreement is harmonized with the
20 Philippine Constitution and existing domestic commercial laws. Congress is cognizant of
21 current efforts being undertaken by government in pursuing a unified framework towards an
22 integrated industry and trade strategy. Such efforts need to be supported and institutionalized
23 to ensure continued and consistent execution. Thus, the State shall ensure that a single office
24 shall, with competence and accountability, spearhead all efforts of government agencies in
25 formulating trade policies and measures by institutionalizing stakeholder engagement,
26 strengthening the trade policy research network and enhancing inter-agency coordination and
27 cooperation.

28
29 **SEC. 3. Definition of Terms.** –

30
31 a) *Ambassador* – refers to a diplomatic official accredited to a foreign sovereign or
32 government, or to an international organization, to serve as the official representative

1 of the country. In everyday usage, it applies to the ranking plenipotentiary minister
2 stationed in a foreign capital. The host country typically allows the ambassador
3 control over a specific territory called an embassy, whose territory, staff and even
4 vehicles are generally afforded diplomatic immunity from most laws of the host
5 country.
6

7 b) *Civil Society* – the totality of voluntary civic and social organizations and institutions
8 that form the basis of a functioning society as opposed to the formal institutions and
9 structures of a State.
10

11 c) *Commerce* – the entire range of activities connected with the production,
12 manufacturing, accumulation, gathering, mining, raising, harvesting, exchange or
13 buying and selling of something of economic value such as agricultural products,
14 minerals, goods, services, information, debt instruments, shares of stock or equity,
15 derivatives and money. It also includes capital formation, either through debt or
16 equity; savings; and investments. Finally, it likewise includes the obligations, rights,
17 and duties of all economic entities such as natural persons, corporations, partnerships
18 and governmental entities.
19

20 d) *Consultation mechanism* – the means by which stakeholders and sectors could
21 participate effectively and meaningfully in the governmental process of drawing up
22 our international trade policy, and in coming up with all other policies and rules
23 affecting all aspects of international trade.
24

25 e) *Fair trade* – a trading partnership based on dialogue, transparency and respect that
26 seeks greater equity in international trade. It contributes to sustainable development
27 by securing and offering better trading conditions to the marginalized producers and
28 workers.
29

30 f) *Investment* – the act of putting money to a business, either by directly buying or
31 leasing assets, hiring personnel, and entering into a whole gamut of contracts needed
32 to run an ongoing concern, or by buying equity in a business – typically in the form of
33 shares of stock.
34

35 g) *Multisectoral* – a grouping of different sectors of the economy.
36

37 h) *Nongovernment organizations (NGOs)* – non-stock, non-profit corporations organized
38 under the laws of the Republic of the Philippines doing charitable, educational,
39 religious, social, economic, and other not-for-profit endeavors.
40

41 i) *Private sector* – sector of the economy that is owned by or is composed of private
42 individuals, including natural persons doing business in their personal capacity.
43

44 j) *Research* – the study of the potential or actual economic implications of a proposed or
45 existing trade agreement and the validation of its findings among the stakeholders;

- 1 k) *Sectors* – the different economic or commercial groups composed of members with
2 substantially common commercial interest, including business, labor, peasants,
3 farmers, fisher folk, consumers, private sector, public sector, service sector and
4 manufacturing sector.
5
- 6 l) *Stakeholders* – persons or groups of persons with legitimate interest in commerce or
7 whose economic well-being will be affected by any government policy or law
8 affecting commerce, either as factors in the production, sale, or distribution of goods
9 and services, or as consumers or beneficiaries thereof.
10
- 11 m) *Trade* – the voluntary exchange of goods, services and all things of economic value,
12 whether or not across national borders.
13
- 14 n) *Trade and Investment Agreement* or *International Trade and Investment Agreement* –
15 an accord whereby two (2) or more countries bind themselves to a set of rules that
16 govern the commercial and investment transactions of persons originating from any of
17 the parties to the agreement. When it is just between two (2) countries, it is called a
18 *Bilateral Agreement*. On the other hand, if it involves more than two (2) countries,
19 then it is called a *Multilateral Agreement*. *Regional Agreements* are those among
20 countries within the same geographical area as contemplated by the agreement.
21 *Plurilateral Agreements* are specialized agreements included in a Multilateral
22 Agreement, and where the parties have the option of acceding.
23
- 24 o) *Trade dispute* – a disagreement between two (2) or more countries to a trade
25 agreement that arises when at least one (1) country adopts a trade policy measure or
26 takes some action that one or more fellow members considers to be a breach of
27 agreement, or a failure to live up to the obligations under the agreement.
28

29 **SEC. 4. *Establishment*** – The Philippine Trade Representative Office, hereinafter
30 referred to as the Trade Office, shall be under the Department of Trade and Industry (DTI),
31 thereby strengthening its present trade negotiation process.
32

33 The Trade Office shall be headed by the Philippine Trade Representative who shall hold
34 the rank of Undersecretary.
35

36 The Trade Office shall have three (3) Deputy Trade Representatives, each of whom
37 shall hold the rank of Assistant Secretary.
38

39 Within thirty (30) days from the effectivity of this Act, the President shall appoint the
40 Philippine Trade Representative and the Deputy Trade Representatives upon the
41 recommendation of the Secretary with the endorsement of various stakeholders.
42

43 **SEC. 5. *Qualifications and Limitation on Appointments.*** –
44

45 (a) *Qualifications* – The Philippine Trade Representative and Deputy Trade
46 Representatives must be natural-born citizens of the Philippines; of good moral character; of
47 unquestionable integrity and known probity and patriotism; and must have academic training,

1 experience and competence in business, economics, international trade law, and policy or
2 trade negotiations.

3
4 The Philippine Trade Representative and Deputy Trade Representatives shall not,
5 during their tenure in office, engage in the practice of any profession or intervene, directly or
6 indirectly, in any contract with the government, or in any franchise or special privilege
7 granted by the government or any subdivision, agency or instrumentality thereof, including
8 government-owned or -controlled corporations (GOCCs) or their subsidiaries. They shall
9 strictly avoid conflicts of interest in the conduct of their office.

10
11 (b) Limitations on Appointments; Disqualifications. – No person shall be appointed
12 Philippine Trade Representative if the person has directly represented, aided or advised a
13 foreign entity in any trade and/or investment negotiation or trade dispute against the
14 Philippines.

15
16 Likewise, the Philippine Trade Representative, the Deputy Trade Representatives and
17 all the members of the research group and legal team of the Trade Office shall not be allowed
18 to be employed, commissioned, or retained by foreign entities, or render any kind of
19 consultancy service or related work for foreign clients on trade and investment issues within
20 two (2) years after the expiration or termination of their service with the Trade Office. They
21 shall likewise maintain at all times the confidentiality of all matters that they have handled
22 during their service with the Trade Office.

23
24 **SEC. 6. *Functions and Responsibilities of the Trade Office.*** The Trade Office shall:

25
26 (a) Conduct research and legal studies related to trade and investments that will enhance
27 trade policy formulation;

28
29 (b) Obtain, collate and maintain a database that shall include, but not be limited to, trade
30 and investments statistics, trade and investment-related laws, policies, trade and investment
31 agreements and initiatives which have implications on the development of the Philippine
32 negotiating position in trade and investment agreements, and which shall be accessible to
33 stakeholders;

34
35 (c) Undertake consultations with stakeholders in all aspects of trade policy formulation
36 and negotiation. Stakeholders must also be directly involved in formulating positions related
37 to trade and investments negotiations in line with the national development agenda;

38
39 (d) Formulate the Philippine trade position aimed to support the achievement of the
40 economic goals defined in the Constitution that is a product of a regular and meaningful
41 consultation with relevant government agencies and various civil society stakeholders;

42
43 (e) Negotiate trade and investment agreements on the basis of the Philippine Constitution
44 and other laws, and represent the Philippines in all international trade negotiations including
45 any matter considered under the purview of world trade organizations, other regional and
46 bilateral commodity and those pertaining to direct investment negotiations in which the
47 Philippines participates;

1 (f) Advise the President and Congress through the DTI Secretary on international trade
2 and investments policies, its implications on the domestic economy and the impact of
3 domestic policies on international trade and investments commitments;
4

5 (g) Assert and protect the rights and interests of the Philippines under all bilateral,
6 regional and multilateral trade and investment agreements by coordinating quick and decisive
7 inter-agency response including, but not limited to, cases of unfair trade practices, import
8 surges and rules on investment;
9

10 (h) Appoint, employ and fix the compensation, in accordance with existing compensation
11 laws, of such officers and employees as are necessary, and prescribe their authority and
12 duties, subject to Civil Service Commission laws, rules and regulations;
13

14 (i) Employ and compensate experts and consultants in accordance with the relevant laws;
15

16 (j) Promulgate such rules and regulations as may be necessary to carry out the functions,
17 powers and duties vested herein;
18

19 (k) Enter into and perform such contracts, leases, cooperative agreements or other
20 transactions as may be necessary in the conduct of the work of the Trade Office and on such
21 terms as the Philippine Trade Representative may deem appropriate with any agency or
22 instrumentality of the Philippine government or with any public or private person, firm,
23 association, corporation or institution; and
24

25 (l) Adopt an official seal.
26

27 **SEC. 7. Functions of the Philippine Trade Representative.** – For the purpose of carrying
28 out the functions of the Trade Office. The Philippine Trade Representative shall:
29

30 a) Create the organizational structure of the Trade Office consistent with its mandate and
31 functions provided for in this Act and according to strategic needs, which structure
32 shall be reviewed regularly;
33

34 b) Head the Trade Office and exercise control and supervision over all its functions,
35 activities and its organization;
36

37 c) Serve as the chief trade negotiator of the Philippines in international trade and
38 investment agreements including, but not limited to, the World Trade Organization
39 (WTO), regional, bilateral and plurilateral negotiations, in which the Philippines
40 participates;
41

42 d) Create sectoral and thematic desks that will receive and facilitate referral to
43 appropriate agencies of complaints, information and concerns pertaining to trade and
44 investment matters;

- 1 e) Chair the Inter-Agency Coordinating Committee on international trade and
2 investments;
3
4 f) Monitor and enforce the implementation of Philippine international trade policy,
5 including direct investment matters to the extent that they are related to international
6 trade policy;
7
8 g) Coordinate with national agencies in the performance of functions, including the right
9 to issue compulsory processes pursuant to Section 15 of this Act;
10
11 h) Call upon and deputize, in times of trade policy formulation and negotiations, the
12 national agencies and the deputized agency whose functions are related to or affect
13 international trade policy, including direct investment matters to the extent that these
14 are related to international trade policy;
15
16 i) Act as co-chairperson of the Multi-Sectoral Advisory Committee in its regular and
17 special meetings; and
18
19 j) Perform such other functions inherent to the functions of the Philippine Trade
20 Representative and as the President may direct pursuant to this Act.
21

22 **SEC. 8. *Ex officio Positions and Functions of the Philippine Trade Representative.*** –
23 The Philippine Trade Representative shall be entitled to the following ex officio positions and
24 functions:

- 25 a) Senior representative on anybody that the President may establish for the purpose
26 of advising the President on overall economic policies in which international trade
27 matters predominate; and
28
29 b) Participant in all economic summits and other international meetings in which
30 international trade is a major topic.
31

32 **SEC. 9. *Functions and Duties of the Deputy Trade Representatives.*** – The Deputy
33 Trade Representatives shall, as their principal function, conduct trade negotiations under this
34 Act, and shall have such other functions as the Philippine Trade Representative may direct, to
35 wit:

- 36 a) Lead the negotiations for their respective sectors and/or areas of concern;
37
38 b) Convene and chair the Sub-Sectoral Advisory Committee and the Inter-Agency
39 Coordinating Subcommittee for their respective sectors and/or areas of concern;
40
41 c) Ensure proper coordination among the various government agencies involved in
42 their specific sectors of concern and harmonize conflicting negotiating positions;
43
44 d) Prepare sector-specific proposals and negotiating positions and strategies; and
45
46 e) Perform all other functions as may be delegates by the Philippine Trade
47 Representative or as may be require by the nature or exigencies of the functions
48 and responsibilities of the Trade Office.

1 **SEC. 10. *Inter-Agency Coordinating Committee and Subcommittees.*** – In
2 connection with the performance of the functions, the Philippine Trade Representative shall,
3 to the extent necessary for the proper administration and execution of the trade and
4 investment agreements of the Philippines, draw upon the expertise of and consult with
5 national agencies.
6

7 The Philippine Trade Representative shall consult with concerned agencies and any
8 other agency on trade and investment policy issues without prejudice to the exercise by the
9 Bangko Sentral ng Pilipinas (BSP) of its authority as an independent central monetary
10 authority under the Constitution and Republic Act No. 7653, otherwise known as the “New
11 Central Bank Act”. All agencies consulted by the Philippine Trade Representative shall
12 participate actively, cooperate fully and promptly provide to the Philippine Trade
13 Representative all documents and information requested.
14

15 Further, the Inter-Agency Subcommittees shall provide inputs and support to the
16 Deputy Trade Representatives.
17

18 **SEC. 11. *Membership in the National Economic and Development Authority***
19 ***(NEDA) Board.*** – The Philippine Trade Representative shall be a member of the National
20 Economic and Development Authority (NEDA) Board which was reorganized under
21 Executive Order No. 230. The Philippine Trade Representative shall have the same rights and
22 obligations as all the other members of the Board.
23

24 **SEC. 12. *Organization of the Trade Office.*** – Pursuant to the provisions of this Act
25 and to function effectively, the Philippine Trade Representative shall be internally supported
26 by a Trade Research, Data Collection, Analysis and Dissemination Service, and a Legal
27 Service. Both Services shall comprise the Trade Office.
28

29 **SEC. 13. *The Trade Research, Data Collection, Analysis and Dissemination***
30 ***Service.*** – The Trade Research, Data Collection, Analysis and Dissemination Service under
31 the Trade Office shall have the following specific functions and responsibilities:
32

- 33 a) Improve and strengthen the capacity of the Trade Office on research, data
34 collection, analysis and dissemination of trade and investments statistics, laws and
35 policies, agreements and other related information;
36
- 37 b) Generate, maintain and update records/files of comprehensive national and
38 international trade statistics, tariff and non-tariff measures, and investment-related
39 data;
40
- 41 c) Conduct sectoral and macro level impact assessment and/or potential effects of the
42 country’s trade negotiating positions or an eventual trade agreement and validate
43 such studies;
44
- 45 d) Provide the general public access to trade data and information and other relevant
46 documents through online databases, journals, publications, and other media;

- 1 e) Collaborate with government and nongovernment research institutions on trade
2 and investment policies and programs in relation to the national development
3 program;
4
- 5 f) Tap the foreign trade service corps to acquire market intelligence information with
6 regard to commercial, industrial and general economic conditions as well as
7 noneconomic conditions affecting Philippine products both in the export and
8 domestic markets;
9
- 10 g) Perform other functions as may be provided by law or assigned by the Trade
11 Representative or the Deputy Trade Representatives; and
12
- 13 h) Conduct or facilitate the conduct of trainings and courses for the benefit of the
14 technical staff of the Trade Office and other government personnel directly or
15 indirectly engages in trade and investment policy work in order to build, improve
16 and enhance their capacity and competence in trade and investment negotiations.
17

18 **SEC. 14. *The Legal Service.*** – The Legal Service shall have the following functions
19 and responsibilities:
20

- 21 a) Provide legal advice to the Trade Office including legal advice on trade and
22 investment negotiations;
23
- 24 b) Interpret laws and rules affecting the operations of the Trade Office;
25
- 26 c) Prepare contracts and instruments to which the Trade Office is a party, and
27 interpret provisions of contracts covering work performed for the Trade Office by
28 private entities;
29
- 30 d) Assist in the promulgation of rules governing the activities of the Trade Office;
31
- 32 e) Prepare comments on proposed legislation concerning the Trade Office;
33
- 34 f) Assist the Solicitor General in suits or cases involving the Trade Office or its
35 officers or employees, or act as their principal counsel in all actions taken in their
36 official capacity before judicial or administrative bodies;
37
- 38 g) Assist the Trade Office in ensuring that the rights and interests of the Republic of
39 the Philippines are protected in the WTO agreements, other multilateral trade,
40 regional, plurilateral and bilateral trade and investment agreements; and ensure
41 that the counterpart countries comply with their obligations in the agreements;
42

1 h) Represent the Republic of the Philippines in any dispute settlement before the
2 WTO, other multilateral trade agreements, bilateral trade agreements or in any
3 other suit involving international trade; and
4

5 i) Perform such other functions as may be directed by the Philippine Trade
6 Representative.
7

8 **SEC. 15. Issuance of Compulsory Processes.** – Pursuant to Section 7 of this Act, the
9 Trade Office, in aid of trade policy formulation and negotiations, shall have the power and
10 authority to invite or summon by *subpoena ad testificandum* any public official, private
11 citizen or any other person to testify before it, or require any person by *subpoena duces tecum*
12 to produce before it such records, reports, documents or other materials as it may require.
13 There shall be complied within thirty (30) days from receipt of the subpoena issued;
14 otherwise any failure to comply is punishable under Section 22 of this Act.
15

16 **SEC. 16. Filing of Cases Against Violators.** – The Trade Office shall have the
17 authority to file cases and other appropriate legal actions to further its mandate under Section
18 7(f) and (g) and collaborate, if necessary, with relevant government agencies and
19 stakeholders in order to protect the rights and interests of the Philippines in relation to trade
20 and trade-related investments.
21

22 **SEC. 17. The Multi-Sectoral Advisory Committee (MSAC).** – There is hereby
23 created a Multi-Sectoral Advisory Committee hereinafter referred to as the MSAC.
24

25 The MSAC shall be composed of representatives of industries, agriculture, labor,
26 small business, service industries, retailers and consumers and shall be broadly representative
27 of key economic sectors and groups affected by trade.
28

29 Members of the MSAC and the Subcommittees shall be appointed by the Philippine
30 Trade Representative upon the endorsement of various NGOs and stakeholders. Members of
31 the MSAC shall serve without either compensation or reimbursement of expenses.
32

33 The MSAC will meet as needed at the call of the MSAC Chairperson or the
34 Philippine Trade Representative depending on various factors such as the level of activity of
35 trade negotiations.
36

37 **SEC. 18. Duties and Functions of the MSAC.** –

38 a) The MSAC shall provide information and advice to the Philippine Trade
39 Representative on trade and trade-related matters towards the achievement of the
40 economic goals defined in the Constitution that are aimed at balancing the interest
41 of these various stakeholders with respect to:

- 42 1. Negotiating objectives and bargaining positions before entering into a
43 trade and investment agreement;
- 44 2. The operation, implementation and monitoring of any trade and investment
45 agreement once entered into;
- 46
- 47
- 48

- 1 3. Dispute settlements, noncompliance and/or violations to any trade and
2 investment agreement; and
3
4 4. Other matters arising in connection with the development, implementation
5 and administration of the trade and investment policy.
6

- 7 b) The MSAC shall provide technical support to the Philippine Trade Representative
8 by drawing upon the knowledge and expertise of its members;
9
10 c) Prior to any trade negotiations, the MSAC shall participate in the development of
11 the negotiation objectives and bargaining positions of the country and at the
12 conclusion of negotiation for its trade agreement entered into, provide a report to
13 the Philippine Trade Representative to form part of the latter's report to the
14 President and Congress, pursuant to Section 6(f) of this Act. The report of the
15 MSAC shall include an assessment and evaluation of whether and to what extent
16 the agreement promotes Philippine economic interests and achieves the applicable
17 overall and principal negotiation objectives set forth;
18
19 d) The MSAC shall accompany and advice the Philippine delegation in trade and
20 investment negotiation missions; and
21
22 e) The MSAC shall likewise recommend to the Philippine Trade Representative the
23 participation of a private sector representative to accompany the Philippine
24 delegation in an observer capacity in trade negotiations.
25

26 **SEC. 19. *Meetings and Staff Support of the MSAC.*** – The Philippine Trade
27 Representative shall:
28

- 29 a) Preside over the MSAC which shall meet as needed depending on various factors
30 such as the level of activity of trade negotiations;
31
32 b) Call for regular meeting of the MSAC during the first and third quarters of the
33 year, and may call for special meetings as may be necessary depending on various
34 factors such as the level of activity of trade negotiations;
35
36 c) Approve and set the agenda for all MSAC meetings; and
37
38 d) Provide the secretariat and other necessary staff support for the MSAC meetings.
39

40 **SEC. 20. *Sub-Sectoral Advisory Committee (SSAC).*** – There is hereby created a
41 Sub-Sectoral Advisory Committee, hereinafter referred to as the “SSAC”, to be organized by
42 the Philippine Trade Representative for trade and investment policy formulation and
43 negotiations.
44

45 The SSAC shall be broadly representative of the key sectors and groups of the
46 economy, particularly with respect to those sectors and groups which are affected by trade,
47 and shall consist of representatives of industry, the academe, agriculture, fisheries, labor,
48 small business, service industries, retailers, consumer interest and other stakeholder groups.

1 Members of the MSAC and the SSAC shall be appointed by the Philippine Trade
2 Representative upon the endorsement of various NGOs and stakeholders. Members of the
3 committees shall serve without either compensation or reimbursement of expenses.
4

5 The Chairpersons of the MSAC and the SSAC shall be elected by their respective
6 members.
7

8 **SEC. 21. Confidentiality Agreement.** – To protect the Trade Office from the
9 unauthorized disclosure of classified information and information relating to trade policy, the
10 members of the MSAC and its Subcommittees shall enter into a confidentiality agreement
11 with the Trade Office and comply with other requirements established with the Trade Office.
12

13 **SEC. 22. Penalties.** –

- 14 a) Non-compliance on the Issuance of Compulsory Processes. – Any person or entity
15 who fails to comply to the *subpoena* issued by the Trade Office within the thirty
16 (30) day deadline shall suffer the penalty of imprisonment for a period of not less
17 than six (6) months but not more than one (1) year or shall be imposed a fine of
18 not less than One hundred thousand pesos (P100,000.00) but not more than Five
19 hundred thousand pesos (P500,000.00), at the discretion of the court.
20
- 21 b) Violation of Confidentiality of Agreement. – Any person or entity who shall
22 violate the confidentiality of agreement under this Act shall suffer the penalty of
23 imprisonment for a period of not less than six (6) months but not more than one
24 (1) year or shall be imposed a fine of not less than Two hundred fifty thousand
25 pesos (P250,000.00) but not more than Five hundred thousand pesos
26 (P500,000.00), at the discretion of the court.
27
- 28 c) Other Violations. – After due notice and hearing, the Philippine Trade
29 Representative shall, upon findings of culpability, impose administrative fines
30 against any person, organization or any other entity in such amount as it may
31 deem reasonable which in no case shall be less than Fifty thousand pesos
32 (P50,000.00) for any violation of any provision under this Act.
33

34 **SEC. 23. Transfer of Functions.** – The functions of the Bureau of International Trade
35 Relations under the DTI, Attaches and Permanent Mission to the WTO, the Association of
36 Southeast Asian Nations (ASEAN) and the United Nations International Organization
37 (UNIO), and the trade negotiating and policy-making functions of the Tariff and Related
38 Matters Committee (TRMC) are hereby transferred to the Trade Office.
39

40 The foregoing transfer of powers and functions shall include all applicable funds and
41 appropriations, records, equipment, property and personnel as may be necessary.
42

43 **SEC. 24. Implementing Rules and Regulations.** – The Trade Office under DTI in
44 consultation with the Department of Agriculture, the Department of Foreign Affairs and the
45 NEDA, shall issue the rules and regulations necessary to implement the provisions of this Act
46 sixty (60) days from the date of appointment of the Philippine Trade Representative.
47

48 **SEC. 25. Appropriations.** – The amount necessary to implement the provisions of this
49 Act shall be charged against the current year's appropriations of the Bureau of International
50 Trade Relations under the DTI, Attaches and Permanent Mission to the WTO, the ASEAN,

1 the UNIO, the TRMC and other concerned agencies. Thereafter, such sums as may be
2 necessary for its continued implementation shall be included in the annual General
3 Appropriations Act.

4
5 **SEC. 26. *Separability Clause.*** – If any section or provision of this Act shall be
6 declared unconstitutional or invalid, the other sections or provisions not affected thereby shall
7 continue to be in full force and effect.

8
9 **SEC. 27. *Repealing Clause.*** – All laws, rules and regulations and other issuances
10 inconsistent with the provisions of this Act, including Section 6 of Executive Order No. 230,
11 Series of 1987 and relevant provisions of Executive Order No. 133, Series of 1987, are
12 deemed modifies, revoked or repealed accordingly.

13
14 **SEC. 28. *Effectivity.*** – This Act shall take effect fifteen (15) days following its
15 complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,