

## COMMISSION RESOLUTION NO. 30-2022

### ADOPTING PCC MEMORANDUM CIRCULAR NO. 22-001

**WHEREAS**, the Philippine Competition Act<sup>1</sup> (“Act”) grants the Philippine Competition Commission (the “PCC” or the “Commission”) the power to impose sanctions, fines or penalties for any noncompliance with or breach of the Act and its implementing rules and regulations (“IRR”), and to charge reasonable fees to defray the administrative cost of the services rendered;

**WHEREAS**, under the Government Procurement Reform Act<sup>2</sup> the PCC is recognized as a Procuring Entity authorized to accept payment for Bid Documents, and accept Bid Securities, Performance Securities, and Guarantee Deposits;

**WHEREAS**, the Manual on Disposal of Government Property, authorizes the PCC to sell government properties qualified for disposal and accept payment therefor;

**WHEREAS**, the Commission recognizes the need to modernize its system of collection of payments and fees to render a more efficient service to the public pursuant to the Ease of Doing Business and Efficient Government Service Delivery Act of 2018<sup>3</sup>;

**WHEREAS**, the PCC entered into a Memorandum of Agreement with the Land Bank of the Philippines (“LBP”) for the use of the LBP’s Link.BizPortal (“Link.Biz”) which allows PCC clients to transact business or pay their monetary obligations online using any of the payment options offered by the LBP;

**NOW, THEREFORE**, in view of the foregoing considerations, the Commission has **RESOLVED**, as it hereby **RESOLVES**, to adopt PCC Memorandum Circular No. 22-001 and the Implementing Guidelines on Payment of Filing Fees, Fines, Penalties, and other Charges dated 20 December 2022.

**DONE** this 20<sup>th</sup> day of December 2022 in Quezon City, Philippines.

<sup>1</sup> Republic Act No. 10667.

<sup>2</sup> Republic Act No. 9184.

<sup>3</sup> Republic Act No. 11032.

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**JOHANNES BENJAMIN R. BERNABE**  
Officer-in-Charge, Office of the Chairperson

[SIGNATURE REDACTED]

**EMERSON A. AQUENDE**  
Commissioner

[SIGNATURE REDACTED]

**MARAH VICTORIA S. QUEROL**  
Commissioner

[SIGNATURE REDACTED]

**MICHAEL B. PELOTON**  
Commissioner

## **PCC MEMORANDUM CIRCULAR NO. 22-001**

**Subject: Revised Rules on Payment**

**Section 1.** The following transactions shall be paid through the allowed modes of payment under these rules:

- a. Notification and/or Filing Fees;
- b. Fines and/or Penalties imposed by virtue of the Act;
- c. Payments and receivables by virtue of the Government Procurement Reform Act, such as, but not limited to, the payment of bid documents, bid securities, performance securities, guarantee deposits, and liquidated damages;
- d. Refund for cash advances, disallowed expenditures, and excess payments;
- e. Imposable proportionate penalty related to training and scholarship grants;
- f. Payment for government equipment and/or properties, qualified for selling and disposal;
- g. Payment for PCC data and/or documents;
- h. Inter-agency fund transfer; or
- i. Other sum of monies that are due to the PCC, under the Act or other relevant laws and rules.

**Section 2.** The PCC, through its Collecting Officer, shall accept the following modes of payment:

- a. Cash;
- b. Cashier's or Manager's Check, payable to the Philippine Competition Commission, and issued by a bank duly licensed and authorized by the Bangko Sentral ng Pilipinas pursuant to the Manual of Regulations for Banks;
- c. Postal Money Order; or
- d. Online Payment through the utilization of authorized online payment facilities, such as, but not limited to Land Bank of the Philippines' Link.BizPortal.

Regular and/or Personal Checks shall not be allowed.

**Section 3.** The transaction is deemed completed if paid in full at the time and date when:

- a. The Cash Payment has been tendered to the PCC;
- b. The Cashier's or Manager's Check or Postal Money Order has been cleared and credited to the PCC's designated bank account; or
- c. The Online Payment has been successfully cleared and credited by the authorized online payment facilities to the PCC's account.

Further, the transaction shall be considered to have been completed on the date of payment if the same has been received or credited to PCC's account on or before 5:00 PM of such date, Philippine Standard Time ("PST"). Transactions completed beyond 5:00 PM PST shall be considered as payments made the next working day.

**Section 4.** The PCC, through the Office of the Executive Director, may issue internal guidelines for the proper implementation of this Circular, including its amendment, modification, and/or repeal, as necessary.

**Section 5.** The use of an online payment facility shall be subject to the terms and conditions imposed by the third-party online payment facility operator.

The PCC makes no representation or warranties on the availability, timeliness, correctness and quality of the delivery of services by the third-party online payment facility operator, and the PCC shall bear no liability or responsibility for the damages incurred by users on account of the negligence, error or mistake of the third-party online payment facility operator, its officers, employees, and contracted service providers.

**Section 6.** This Memorandum Circular may be modified, amended, supplemented, or repealed, as may be deemed necessary and proper by the Commission, in accordance with the provisions of the Act and other relevant existing laws and rules.

**Section 7.** The second paragraph of Section B of PCC Memorandum Circular No. 17-002 s.2017 is hereby amended pursuant to Section 2 hereof.

All other orders, rules and regulations, and issuances of the Commission, or any part thereof inconsistent with the provisions of this Circular are hereby repealed, amended or modified accordingly.

**Section 8.** If any part or provision of this Memorandum Circular is declared unconstitutional or invalid by a court of competent jurisdiction, the other parts or provisions not otherwise affected shall remain in full force or effect.

**Section 9.** This Circular shall take effect after fifteen (15) days from publication in a newspaper of general circulation or in the Official Gazette and filing with the Office of the National Administrative Register of the U.P. Law Center.

Quezon City, Philippines, 20 December 2022.