



REPUBLIC OF THE PHILIPPINES
TARIFF COMMISSION

**IN THE MATTER OF THE FORMAL
INVESTIGATION ON THE IMPOSITION OF
DEFINITIVE SAFEGUARD MEASURES
AGAINST IMPORTATIONS OF ORDINARY
PORTLAND CEMENT AND BLENDED
CEMENT FROM VARIOUS COUNTRIES**

**(AHTN 2022 Subheading Nos. 2523.29.90 and
2523.90.00)**

**FOR: SAFEGUARD MEASURE
TCI (SG) No. SG-2025-OC-Cement**

ORDER OF PRELIMINARY CONFERENCE

Pursuant to paragraph 2, Section 6 of Commission Order No. 2021-02 (*Revised Rules of Procedure for the Conduct of Formal Investigations Pursuant to Republic Act No. 8800*), this Commission hereby issues this Order covering matters that were taken up, discussed, and agreed upon by the parties who were present during the Preliminary Conference held on 13 March 2025.

1. TIMELINES

ACTIVITY	DATE/DEADLINE
Submission of Adjustment Plan	25 March 2025
Submission of Initial Memoranda / Position Papers	04 April 2025
Conduct of Ocular Inspection / Verification of Submissions	Starting 04 April 2025
Issuance of Tariff Commission (TC) Staff Report (<i>indicative</i>)	15 May 2025
Submission of Comments on TC Staff Report (<i>indicative</i>)	22 May 2025
Submission of: (1) Affidavits of Witnesses; and (2) List of Additional Issues for the Public Hearing (<i>indicative</i>)	22 May 2025
Conduct of TC Public Hearings (<i>indicative</i>)	02-06 June 2025
Submission of Amended/Final Memoranda and Position Papers (<i>indicative</i>)	16 June 2025
Submission of Formal Investigation Report to the Secretary of Trade and Industry (<i>indicative</i>)	24 June 2025

Timelines are indicative and may be subject to change due to circumstances beyond the Commission's control, which may include requests for extension and submission of required information or documents and requests for re-scheduling of data verification.

2. RULES OF PROCEDURE

Commission Order No. 2021-02 provides the procedure that will govern the conduct of the Formal Investigation of the present petition for the imposition of safeguard measures against importations of Ordinary Portland Cement and Blended Cement from various countries.

3. NATURE OF INVESTIGATION

The investigation of the Commission is fact-finding and administrative in nature. It shall be conducted in a summary manner. However, the Commission may require interested parties to formally present evidence for purposes of determining and clarifying factual matters that are relevant in the conduct of the investigation.

During the course of the investigation, the Commission may issue and apply procedural directions to secure just and expeditious determination of matters in issue.

4. APPLICATION OF THE RULES OF COURT

The relevant provisions of the 2019 Revised Rules of Court of the Philippines, whenever practicable and convenient, may be applied suppletory or by analogy in the implementation of Commission Order No. 2021-02. However, no dilatory tactics or unnecessary or unjustified delays shall be allowed, and the technical rules of evidence shall not be applied.

5. APPEARANCE OF COUNSELS AND PARTIES

Parties may appear by themselves or through their counsel/s or authorized representative/s. Should parties be represented by counsel/s or authorized representative/s, the necessary authority and the contact details of the counsel/s or representative/s thereof must be submitted to the Commission on or before the scheduled Preliminary Conference. Counsel/s or authorized representative/s of parties shall have authority to bind their clients in all matters of procedure.

The Commission shall post the list of counsels/representatives of interested parties, with their respective contact details, on the Commission's website for purposes of copy furnishing of submissions to other parties.

6. INCLUSION AND EXCLUSION OF PARTIES

As a general rule, parties who did not submit answers to the required questionnaires during the preliminary investigation shall have no legal personality to participate in the Formal Investigation, including the public hearings.

However, for valid reasons, an interested party may file a written request with the Commission to be included in the formal investigation within seven (7) working days after the Preliminary Conference. Once the request is approved, the party shall be required to submit a fully accomplished Commission questionnaire and other relevant data and information that can be subjected to verification, within fifteen (15) working days from receipt of notice, as an indispensable requirement for inclusion of a party in the proceedings.

7. FORMAL REQUIREMENTS

The original copy of all written submissions (i.e., pleadings and/or other documents/evidence) must: (i) indicate the names of all persons in whose behalf the filing is made; (ii) be signed by the party or authorized representative/s and shall show the contact details of the same; and (iii) indicate the case number/docket designation assigned by the Commission.

The signature of the party or its representative on any document filed with the Commission constitutes as a certification that the signatory has read and knows the content of the submission and that to the best of the signatory's knowledge, the information contained therein is based on a well-grounded fact and is warranted by existing law or it is not interposed for any improper purpose.

All written submissions, including supporting documents, shall be in hard copies [eight (8) copies of confidential version and two (2) copies of non-confidential version], clearly marked confidential or non-confidential, with accompanying electronic copies in the file format acceptable to the Commission. Copies of submissions not otherwise confidential shall be served to the other parties.

8. MODES OF SERVICE/NOTICE

Service of pleadings and notices may be made using personal service, registered mail, special courier, facsimile, or electronic mail. The date of transmission for facsimile or electronic mail shall be deemed to be the date of service. A notice to counsel representing a party is considered notice to the latter.

In case of voluminous pleadings or documents and/or numerous parties, the Commission may, upon proper motion of a party, waive the requirement of service, provided that a copy of such pleadings or documents together with its annexes is filed with the Commission and made available for examination and reproduction and the notice of such filing and availability is duly served on the parties by the party filing it.

9. TREATMENT OF CONFIDENTIAL INFORMATION

Information which is confidential shall not be disclosed to the public without the express authority of the owner of the information.

Parties providing confidential information shall submit two (2) copies of non-confidential summaries thereof to be placed in a public file and made available to all interested parties upon the initiation of the investigation. These summaries must contain sufficient details to permit a reasonable understanding of the confidential information to enable other parties to respond to claims based on such information. In exceptional circumstances wherein summarization of confidential information is not possible, the party must state the reason/s why it cannot be provided.

A party claiming confidentiality is required to provide justifications why said information can be considered as such. Should there be an issue on the nature of the information, the Commission shall issue an appropriate Order stating the reasons for its finding/s.

Where any request for confidentiality is not warranted or the party is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, such information may be disregarded by the Commission, unless it can be demonstrated to the Commission's satisfaction from appropriate sources that the information is correct.

10. MAINTENANCE OF PUBLIC FILE

A public file shall be maintained by the Commission. Except for confidential information, it shall contain a copy of all submissions from interested parties and all relevant correspondences concerning the investigation including the list of counsels/authorized representatives of interested parties. The Commission may, upon written request, make available for examination and reproduction to interested parties all relevant information in its custody that are not considered confidential.

11. SUBMISSION OF INITIAL MEMORANDA/POSITION PAPERS

The parties shall, within fifteen (15) working days from termination of the Preliminary Conference, submit to the Commission their respective memoranda/position papers and documentary evidence and information in support of their position/s. Copies of these submissions not otherwise confidential shall be served to the other parties, subject to the provisions on Modes of Service/Notice.

12. RECOURSE TO OTHER DATA AND INFORMATION

In addition to the information and/or submissions by the parties, the Commission may request additional data and information from other sources, both domestic and foreign, to enable it to support its findings. Without the required submissions from the parties, the Commission shall base its findings on the best available information. If necessary, the Commission may seek the opinion of experts or other resource persons on an issue or subject matter relevant to the present case.

13. CONDUCT OF ON-SITE/ONLINE INVESTIGATIONS AND DATA VERIFICATION

The Commission will verify information provided and obtain further details through the conduct of on-site/online investigations, to include ocular inspections, visits, and data verifications.

Any interested party shall, when required, allow the Commission access to necessary information, or otherwise provide the necessary information to enable the Commission to expedite the investigation. The Commission may also visit other domestic producers, importers, foreign exporters or producers who have not provided a submission to the investigation. Visits or inspections may be conducted by the Commission even without the presence of other interested parties.

Prior to the scheduled visit/s, parties shall be advised of the general nature of the information to be verified and the pertinent documents that may be required during the on-site investigation. However, the Commission is not precluded from conducting further verification and inquiry on other relevant information during the said investigation.

14. SUBMISSION OF ADJUSTMENT PLAN

The concerned domestic industry, or other parties representing the domestic industry, shall submit to the Commission their adjustment plan to import competition on or before 25 March 2025.

The adjustment plan shall provide a clear quantification of the domestic industry's proposed goals and detail efforts that the domestic industry and other concerned parties will make to place the domestic industry in a more competitive position.

The adjustment plan shall include specific efforts to be undertaken by the domestic industry for each year of progressive liberalization of the measure. It shall likewise include a timeframe to enable the Commission to monitor attainment of submitted goals and efforts over the specified period.

15. ISSUANCE OF STAFF REPORT AND COMMENTS THERETO

At least five (5) working days before the scheduled public hearing, the Commission shall issue a public version of a Staff Report which shall cover, among others, its findings on product comparability, volume of increased imports, and other relevant data and information pertinent to the investigation duly verified.

All identified interested parties shall be provided a copy of the Staff Report and within five (5) working days from receipt thereof, submit their comments thereon, copy furnished other parties. If no comment is filed, then the factual findings in the Staff Report will be binding to the party who did not submit its comment.

The findings of the Commission in its Staff Report are preliminary, subject to the comments submitted by the Parties.

16. SUBMISSION OF AFFIDAVITS OF WITNESSES AND LIST OF ADDITIONAL ISSUES FOR THE PUBLIC HEARING

At least five (5) working days before the scheduled public hearing, parties are required to submit to the Commission affidavits of their witnesses which shall serve as the direct examination of the witness, copy the opposing parties.

Should a party desire to submit additional issues for the public hearing, other than the issues on product comparability and volume of increased imports which are excluded in the coverage of matters for discussion in the public hearing, the same shall be submitted at least five (5) working days before the scheduled hearing for consideration of the Commission.

17. CONDUCT OF PUBLIC HEARING

The Commission, after due notice, shall conduct a public hearing to give all interested parties who submitted themselves to the jurisdiction of the Commission the opportunity to be heard and to present evidence, including the opportunity to respond to the presentations of other parties and to submit their views, among others, on the effect/s of imposing a safeguard measure on the welfare of consumers and/or the general public, and other related local industries. The public hearing shall be conducted continuously for not more than five (5) working days unless otherwise determined or earlier terminated by the Commission.

All interested parties may appear at the public hearing and present, under oath, evidence relevant and material to the subject matter of the investigation.

The order of the hearing shall be as follows:

- a. Presentation of evidence by the domestic industry;
- b. Clarificatory questions/examination by oppositor/s or other interested parties;
- c. Presentation of evidence by the oppositor/s or other interested parties; and
- d. Clarificatory questions/examination by the domestic industry.

Issues on product comparability and volume of increased imports are excluded from the coverage of the matters for discussion in the public hearing. A party who did not submit affidavits or list of issues may be deemed to have no controversial/contestable matter to raise and hence, will be given less priority in the order of parties to ask clarificatory questions during the public hearing.

Failure to appear on the scheduled public hearings is considered a waiver to propound clarificatory questions to the witnesses who were presented on that day.

18. SUBMISSION OF AMENDED AND/OR FINAL MEMORANDA/POSITION PAPER

Parties who earlier submitted their respective memoranda/position papers may submit amended and/or final memoranda/position papers to the Commission within ten (10) calendar days from termination of the public hearing.

Copies of submissions not otherwise confidential shall be served to the other parties.

19. TERMINATION OF INVESTIGATION

The Commission shall terminate its investigation if:

- a. there is no domestic like or directly competitive product to the imported product under consideration; or
- b. the product is not being imported into the Philippines in increased quantities whether absolute or relative to domestic production.

The Commission shall give public notice of the termination of the investigation through publication in two (2) newspapers of general circulation. Said Notice shall be posted on the website of the Commission.

20. ISSUES RAISED

No other issues were raised during the Preliminary Conference.

SO ORDERED.

Issued at Quezon City, Metro Manila, 19 March 2025.

MariLou P. Mendoza
Digitally signed

MARILOU P. MENDOZA
Chairperson

