



REPUBLIC OF THE PHILIPPINES
TARIFF COMMISSION

TCI (SG) No. SG-2025-OC-Cement

30 September 2025

HIS EXCELLENCY WALLACE MINN-GAN CHOW

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Subject: Formal Investigation on the Imposition of a Definitive Safeguard Measure Against Importations of Ordinary Portland Cement (AHTN 2022 Subheading No. 2523.29.90) and Blended Cement (AHTN 2022 Subheading No. 2523.90.00) from Various Countries [TCI (SG) No. SG-2025-OC-Cement]

Dear **Representative Minn-Gan Chow:**

The Tariff Commission (Commission), pursuant to Section 14 of Republic Act (RA) No. 8800 (*Safeguard Measures Act*), in relation to Section 24 of Commission Order No. 2021-02, or the *Revised Rules of Procedure for the Conduct of Formal Investigations Pursuant to Republic Act No. 8800 (Safeguard Measures Act)*, respectfully provides a copy of its Final Report on the afore-captioned Formal Investigation (*see attached*).

For inquiries, Director Ma. Lourdes M. Saluta, Head of the Task Force for this case, may be reached by the Embassy's representative/s at these email addresses: TC.Assist@mail.tariffcommission.gov.ph and/or Records@tariffcommission.gov.ph.

Thank you.

Respectfully yours,

 Digitally signed

MARILOU P. MENDOZA

Chairperson

Attachment: as stated



REPUBLIC OF THE PHILIPPINES
TARIFF COMMISSION

FINAL REPORT

FORMAL INVESTIGATION ON THE IMPOSITION OF DEFINITIVE SAFEGUARD MEASURES AGAINST IMPORTATIONS OF ORDINARY PORTLAND CEMENT AND BLENDED CEMENT FROM VARIOUS COUNTRIES (AHN 2022 Subheading Nos. 2523.29.90 and 2523.90.00)

TCI (SG) No. SG-2025-OC-Cement

Public Version

30 September 2025

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Acronyms and Abbreviations

AANZFTA	- ASEAN-Australia-New Zealand Free Trade Agreement
ACFTA	- ASEAN-China Free Trade Agreement
AD	- Anti-Dumping
AHKFTA	- ASEAN-Hong Kong China Free Trade Agreement
AHTN	- ASEAN Harmonised Tariff Nomenclature
AIFTA	- ASEAN-India Free Trade Agreement
AJCEPA	- ASEAN-Japan Economic Partnership Agreement
AKFTA	- ASEAN-Korea Free Trade Agreement
Apo	- Apo Cement Corporation
ASEAN	- Association of Southeast Asian Nations
ASTM	- American Society for Testing and Materials
ATIGA	- ASEAN Trade in Goods Agreement
BOC	- Bureau of Customs
BOI	- Board of Investments
BPS	- Bureau of Product Standards
C ₃ A	- Tricalcium aluminate
CeMAP	- Cement Manufacturers' Association of the Philippines
CMC	- Customs Memorandum Circular
CMO	- Customs Memorandum Order
CO ₂	- Carbon dioxide
Commission or TC	- Tariff Commission
COPS	- Cost to Produce and Sell
COVID-19	- Coronavirus Disease 2019
DA	- Department of Agriculture
DAO	- Department Administrative Order
DTI	- Department of Trade and Industry
Eagle	- Eagle Cement Corporation
EBIT	- Earnings Before Interest and Taxes
EIEDs	- Electronic Import Entry Declarations
EO	- Executive Order
FTA	- Free Trade Agreement
GATT	- General Agreement on Tariffs and Trade
Goodfound	- Goodfound Cement Corporation
GFCF	- Gross Fixed Capital Formation
Holcim	- Holcim Philippines Inc.
IRRs	- Implementing Rules and Regulations
kg	- Kilogram
ktpa	- Kilo tons per annum
ktpd	- Kilo tons per day
LOI	- Loss on Ignition
M	- Million
MFN	- Most Favoured Nation
MgO	- Magnesium Oxide
MT	- Metric ton
MTPA	- Million tonnes per annum
MWp	- Mega Watt Peak
OPC	- Ordinary Portland Cement
PH-EFTA FTA	- Philippines-European Free Trade Association Free Trade Agreement
PH-KR FTA	- Philippine-Korea Free Trade Agreement
PHP	- Philippine Peso
PJEPa	- Philippines-Japan Economic Partnership Agreement
PNS	- Philippine National Standard

POI	- Period of Investigation
PS	- Philippine Standard
RA	- Republic Act
RCEP	- Regional Comprehensive Economic Partnership Agreement
Republic	- Republic Cement & Building Materials, Inc
ROS	- Return on Sales
SG	- Safeguard
SO ₃	- Sulfur trioxide
SOC	- Statement of Confirmation
Solid	- Solid Cement Corporation
Taiheiyo	- Taiheiyo Cement Philippines, Inc.
TRAIN	- Tax Reform for Acceleration and Inclusion
USD	- US Dollar
WHR	- Waste Heat Recovery
WTO	- World Trade Organization

1. TERMS OF REFERENCE

1.1. Background

1.1.1. The *Motu Proprio* Initiation

In a *Letter* dated 28 October 2024 and received on 31 October 2024, the Secretary of Trade and Industry advised the Tariff Commission (TC or Commission) that, pursuant to Section 6 of Republic Act (RA) No. 8800, otherwise known as the Safeguard Measures Act, the Department of Trade and Industry (DTI) would “*initiate, motu proprio, a preliminary safeguard investigation on the importation of cement from various countries*” to determine if there is evidence that increased imports of cement is a substantial cause of, or are threatening to substantially cause, serious injury to the domestic industry.

The product covered by the preliminary investigation is cement classified under ASEAN Harmonised Tariff Nomenclature (AHTN) 2022 Subheading Nos. 2523.29.90 and 2523.90.00. The period of investigation (POI) was 2019 to June 2024.¹

1.1.2. Preliminary Determination and Imposition of Provisional Measure

Having found *prima facie* evidence, the DTI proceeded with the preliminary investigation to determine whether cement is being imported into the Philippines in increased quantities and is causing serious injury to the domestic industry.

The DTI, in its Preliminary Determination Report issued on 20 February 2025, established the existence of a causal link between the increased imports of the product under consideration and serious injury to the domestic industry. The DTI also found that the evidence submitted by all interested parties justify the imposition of a provisional measure to prevent further injury to the local industry which is difficult to repair.²

Also on 20 February 2025, the DTI issued Department Administrative Order (DAO) No. 25-01 (series of 2025) imposing a provisional safeguard measure, in the form of a cash bond, of PHP 400/Metric Ton (MT) or equivalent to PHP 16/40 kilogram (kg) bag, on importations of cement, except for imports originating from developing countries pursuant to Rule 8.8 of the Implementing Rules and Regulations (IRRs) of RA No. 8800. The provisional measure is effective for 200 days from the date of effectivity or until the earlier of the following: the issuance of a relevant Customs Memorandum Order (CMO) by the Bureau of Customs (BOC), or 15 days after the publication of the DAO in two newspapers of general circulation. The BOC issued CMO No. 70-2025 on 21 March 2025 to implement the aforesaid DTI-DAO No. 25-01.

¹ Report on the *Motu Proprio* Initiation of a Preliminary Safeguard Measures Investigation on the Importation of Cement from Various Countries (SGM Case No. 01-2024), 28 October 2024, DTI.

² Report on the Preliminary Determination of the Safeguard Measures Investigation on the Importation of Cement from Various Countries (SGM Case No. 01-2024), 20 February 2025, DTI.

1.2. Endorsement of Case to the Tariff Commission

In a *Letter* dated 20 February 2025 and received on 25 February 2025, the Secretary of Trade and Industry endorsed the case to the Commission and requested the conduct of a formal investigation to determine the merits of imposing a definitive safeguard measure on importations of cement pursuant to Section 9 of RA No. 8800 and its IRRs.

In addition to furnishing a copy of DTI-DAO No. 25-01 (series of 2025) and its Preliminary Determination Report, the Secretary likewise transmitted to the Commission the complete records of the case, contained in the following folders:

Table 1.1. Records of the Case Endorsed to the Commission

Folder I	DTI Initiation Report (Confidential and Non-Confidential versions)
Folder II	Importers' Responses to DTI - Bureau of Import Services Questionnaire
Folder III	Exporters' Responses to DTI - Bureau of Import Services Questionnaire
Folder IV	Other Correspondences

The Commission commenced its formal investigation on 04 March 2025.

2. SAFEGUARD ACTION

2.1. The Safeguard Measures Act of 2000

RA No. 8800, or the “Safeguard Measures Act”, provides for general safeguard measures to afford relief to domestic industries suffering from serious injury or the threat thereof as a result of increased imports.

Section 5 of RA No. 8800 states:

“The Secretary shall apply a general safeguard measure upon a positive final determination of the Commission that a product is being imported into the country in increased quantities, whether absolute or relative to the domestic production, as to be a substantial cause of serious injury or threat thereof to the domestic industry; however, in the case of non-agricultural products, the Secretary shall first establish that the application of such safeguard measures will be in the public interest.”

Section 15 provides:

“The duration of the period of an action taken under the General Safeguard Provisions of this Act shall not exceed four (4) years. Such period shall include the period, if any, in which provisional safeguard relief under Section 8 was in effect.

The effective period of any safeguard measure, including any extensions thereof under Section 19 may not, in the aggregate, exceed ten (10) years.”

Under the Safeguard Measures Act, a general safeguard investigation has several stages as follows:

a. Initiation of Action Involving General Safeguard Measures

Section 6 provides:

“Any person, whether natural or juridical, belonging to or representing a domestic industry may file with the Secretary a verified petition requesting that action be taken to remedy the serious injury or prevent the threat thereof to the domestic industry caused by increased imports of the product under consideration. xxx

In the absence of such a petition, the Secretary may, motu proprio, initiate a preliminary safeguard investigation if there is evidence that increased imports of the product under consideration are a substantial cause of, or are threatening to substantially cause, serious injury to the domestic industry.”

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b. Preliminary Determination

Section 7 provides:

“Not later than thirty (30) days from receipt of the petition or a motu proprio initiation of the preliminary safeguard investigation, the Secretary, shall on the basis of the evidence and submission of the interested parties, make a preliminary determination that increased imports of the product under consideration are a substantial cause of, or threaten to substantially cause, serious injury to the domestic industry. xxx

Upon a positive preliminary determination that increased importation of the product under consideration is a substantial cause of, or threatens to substantially cause, serious injury to the domestic industry, the Secretary shall, without delay, transmit its records to the Commission for immediate formal investigation.”

c. Formal Investigation

The Tariff Commission shall conduct the formal investigation to determine:

- if the domestic product is a like product or a product directly competitive to the imported product under consideration;
- if the product is being imported into the Philippines in increased quantities (whether absolute or relative to domestic production);
- the presence and extent of serious injury or threat thereof to the domestic industry that produces like or directly competitive product; and
- the existence of a causal relationship between the increased imports of the product under consideration and the serious injury or threat thereof to the affected domestic industry.

Commission Order No. 2021-02, or *the Revised Rules of Procedure for the Conduct of Formal Investigations Pursuant to Republic Act No. 8800*, governs the procedure for the conduct of formal investigations on the imposition of safeguard measure before the Commission.

Section 3 thereof provides:

“Section 3. Nature of the 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.

The Commission may, in the course of its investigation, issue and apply procedural directions to secure just and expeditious determination of matters in issue.” (Emphasis and underscoring ours)

The Commission shall conclude its formal investigation and submit a report of its findings and conclusions to the DTI Secretary, for industrial products, or to the Department of Agriculture (DA) Secretary, for agricultural goods, within 120 calendar days from receipt of the request from the Secretary, except when the Secretary certifies the same as urgent, in which case the Commission shall complete the investigation and submit the report within 60 calendar days.

Upon its positive determination, the Commission shall recommend to the Secretary an appropriate definitive general safeguard measure.

The Commission also undertakes the following post-formal investigation activities:

- monitoring of the domestic industry’s progress and specific efforts to bring about a positive adjustment to import competition;
- conduct of investigation on requests for extension and re-application of safeguard measures;
- conduct of investigation on requests for reduction, modification and termination of safeguard action; and
- after the termination of the safeguard measure, evaluation of the effectiveness of the actions taken by the domestic industry in facilitating positive adjustment to import competition.

d. Decision

Within 15 calendar days from receipt of the final report of the Commission, the DTI or DA Secretary shall make a decision, taking into consideration the general safeguard measures recommended by the Commission.

If the determination is affirmative, the Secretary shall issue, within two calendar days after making his decision, a written instruction to the heads of the concerned government agencies to implement the appropriate general safeguard measure as determined by him.

In the event of a negative final determination by the Commission, or if the cash bond is in excess of the definitive safeguard duty assessed, the Secretary shall immediately issue, through the Secretary of Finance, a written instruction to the Commissioner of Customs, authorizing the return of the cash bond or the remainder thereof, as the case may be, previously collected as provisional safeguard measure within 10 days from the date the final decision had been made, provided that the government shall not be liable for any interest on the amount to be returned.

The Secretary shall not accept for consideration another petition from the same industry, with respect to the same imports of the product under consideration, within one year after the date of rendering such a decision.

2.2. The World Trade Organization (WTO) Agreement on Safeguards

Article XIX (Emergency Action on Imports of Particular Products) of the General Agreement on Tariffs and Trade (GATT) 1994 provides that:

“If, as a result of unforeseen developments and of the effect of the obligations incurred by a contracting party under this Agreement, including tariff concessions, any product is being imported into the territory of that contracting party in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers in that territory of like or directly competitive products, the contracting party shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury, to suspend the obligation in whole or in part or to withdraw or modify the concession.”

The Uruguay Round of Multilateral Trade Negotiations resulted in a new Agreement on Safeguards which interprets and elaborates Article XIX.

Article 2 of the Agreement provides that:

“A Member may apply a safeguard measure to a product only if that Member has determined, pursuant to the provisions set out below, that such product is being imported into its territory in such increased quantities, absolute or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the domestic industry that produces like or directly competitive products.”

A major feature of the Safeguards Agreement is its proscription of a range of negotiated trade-restricting arrangements, including voluntary export restraints.

Further, Article 7 of the same Agreement stipulates that:

“1. A Member shall apply safeguard measures only for such period of time as may be necessary to prevent or remedy serious injury and to facilitate adjustment. The period shall not exceed four years, unless it is extended under paragraph 2.

2. The period mentioned in paragraph 1 may be extended provided that the competent authorities of the importing Member have determined, in conformity with the procedures set out in Articles 2, 3, 4 and 5, that the safeguard measure continues to be necessary to prevent or remedy serious injury and that there is evidence that the industry is adjusting, and provided that the pertinent provisions of Articles 8 and 12 are observed.”

In order that a substantially equivalent level of WTO concessions and other obligations to affected WTO Members is maintained, a country imposing safeguard measures may offer “adequate means of trade compensation” to affected exporting countries. If an agreement is not reached on such compensation, said exporting countries are given an opportunity to suspend “substantially equivalent” concessions or obligations under the GATT 1994 after the measures have been in place for three years, or immediately if the safeguard action is taken against imports which have not increased in absolute terms and the measure does not conform to the provisions of the Agreement on Safeguards.

Disputes arising from the application of safeguard measures are subject to WTO dispute settlement procedures.

Safeguard measures, if imposed, must be liberalized progressively. A measure extended shall not be more restrictive than it was at the end of the initial period and should continue to be liberalized.

Article XIX of GATT 1994 stipulates that an emergency action is permissible only where the increase in imports (and the consequent serious injury or threat thereof) is due to unforeseen developments and the effect of GATT-WTO obligations, including tariff concessions. The Agreement on Safeguards, when it provides for the conditions for the application of safeguard measures (*i.e.*, increased importation, serious injury or threat thereof, and causal link) is, however, silent on the circumstances prescribed by Article XIX.

In relation to the current inquiry, one of the circumstances provided in Article XIX of GATT 1994 (*i.e.*, tariff concession) need not be demonstrated for the imported product under consideration (Ordinary Portland Cement Type 1 and Blended Cement) since it is not subject of any Philippine obligation or tariff concession under the WTO Agreement. Nonetheless, the current inquiry is governed by the national legislation (RA No. 8800) and the terms and conditions of the Agreement on Safeguards.

2.3. Free Trade Agreements (FTAs)

a. Association of Southeast Asian Nations Trade in Goods Agreements (ATIGA)

Article 86 (*Safeguard Measures*), Chapter 9 (*Trade Remedy Measures*) of the ATIGA provides that:

“Each Member State which is a WTO member retains its rights and obligations under Article XIX of GATT 1994, and the Agreement on Safeguards or Article 5 of the Agreement on Agriculture.”

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Article 11 (Notification Procedures), Chapter 1 (General Provisions) provides, among others:

- “1. Unless otherwise provided in this Agreement, Member States shall notify any action or measure that they intend to take:
 - (a) which may nullify or impair any benefit to other Member States, directly or indirectly under this Agreement; or*
 - (b) when the action or measure may impede the attainment of any objective of this Agreement.**
- 2. x x x*
- 3. A Member State shall make a notification to Senior Economic Officials Meeting (SEOM) and the ASEAN Secretariat before effecting such action or measure referred to in paragraph 1 of this Article. Unless otherwise provided in this Agreement, notification shall be made at least sixty (60) days before such an action or measure is to take effect. A Member State proposing to apply an action or measure shall provide adequate opportunity for prior discussion with those Member States having an interest in the action or measure concerned.”*

Considering that Ordinary Portland Cement Type 1 and Blended Cement are covered by the ATIGA, notice of any safeguard action shall be given to the Senior Economic Officials Meeting (SEOM) and the ASEAN Secretariat before effecting any such action or measure and adequate opportunity for consultation/s shall be accorded the governments of the affected ASEAN Member States.

b. ASEAN - Australia - New Zealand Free Trade Agreement (AANZFTA)

Article 9 (*Relationship to the WTO Agreement*), Chapter 7 (*Safeguard Measures*) of the AANZFTA Agreement provides, as follows:

- “1. Each Party retains its rights and obligations under Article XIX of GATT 1994, the Safeguards Agreement and Article 5 of the Agreement on Agriculture. This Agreement does not confer any additional rights or obligations on the Parties with regard to global safeguard measures.*
- 2. A party shall not apply a safeguard measure or provisional measure, as provided in Article 6 (Scope and Duration of Transitional Safeguard Measures) or Article 7 (Provisional Safeguard Measures) on a good that is subject to a measure that the Party has applied pursuant to Article XIX of GATT 1994 and the Safeguards Agreement, the Agreement on Agriculture or any other relevant provisions in the WTO Agreement, nor shall a Party continue to maintain a safeguard measure or provisional measure on a good that becomes subject to a measure that the Party applies pursuant to Article XIX of GATT*

1994 and the Safeguards Agreement, the Agreement on Agriculture or any other relevant provisions in the WTO Agreement.

3. *A Party considering the imposition of a global safeguard measure on an originating good of another Party or Parties shall initiate consultations with that Party or Parties as far in advance of taking such measure as practicable.”*

c. ASEAN - China Free Trade Agreement (ACFTA)

Article 9(1) on Safeguard Measures of the Agreement on Trade in Goods under the ACFTA Agreement provides, that *“Each Party, which is a WTO member, retains its rights and obligations under Article XIX of the GATT 1994 and the WTO Agreement on Safeguards.”* Furthermore, paragraph 11 of Article 9 states that *“When applying ACFTA safeguard measures, a Party shall not have simultaneous recourse to the WTO safeguard measures referred to in paragraph 1.”*

d. ASEAN - Hong Kong, China Free Trade Agreement (AHKFTA)

Article 1 of Chapter 7 of the AHKFTA states:

“Each Party affirms its rights and obligations with respect to another Party under Article VI of GATT 1994, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 in Annex 1A to the WTO Agreement, the Agreement on Subsidies and Countervailing Measures in Annex 1A to the WTO Agreement, Article XIX of GATT 1994, and the Agreement on Safeguards in Annex 1A to the WTO Agreement.”

e. ASEAN - India Free Trade Agreement (AIFTA)

Paragraph 1 of Article 10 (Safeguard Measures) provides:

“1. Each Party, which is a WTO Member, retains its rights and obligations under Article XIX of GATT 1994 and the Agreement on Safeguards in Annex 1A to the WTO Agreement (Agreement on Safeguards) and Article 5 of the Agreement on Agriculture in Annex 1A to the WTO Agreement (Agreement on Agriculture). Any action taken pursuant to Article XIX of GATT 1994 and the Agreement on Safeguards or Article 5 of the Agreement on Agriculture shall not be subject to the Agreement on Dispute Settlement Mechanism under the Framework Agreement (ASEAN-India DSM Agreement).”

Paragraph 11 of said Article further states:

“11. Notwithstanding the provisions of this Article, no Party may impose an AIFTA safeguard measure on a good to which actions are being applied pursuant to Article XIX of GATT 1994 and the Agreement on Safeguards on Article 5 of the Agreement on Agriculture. When a Party intends to apply, pursuant to Article XIX of GATT 1994 and the

Agreement on Safeguards or Article 5 of the Agreement on Agriculture, an action on a good to which an AIFTA safeguard measure is being applied, it shall terminate the AIFTA safeguard measure prior to the imposition of the action to be applied pursuant to Article XIX of GATT 1994 and the Agreement on Safeguards or Article 5 of the Agreement on Agriculture.”

f. ASEAN – Japan Comprehensive Economic Partnership Agreement (AJCEPA)

Paragraph 1 of Article 20 (Safeguard Measures) provides:

“1. A Party which is a member of the World Trade Organization may apply a safeguard measure to an originating good of the other Parties in accordance with Article XIX of GATT 1994 and the Agreement on Safeguards in Annex 1A to the WTO Agreement (hereinafter referred to as “the Agreement on Safeguards”), or Article 5 of the Agreement on Agriculture in Annex 1A to the WTO Agreement (hereinafter referred to as “Agreement on Agriculture”). Any action taken pursuant to Article XIX of GATT 1994 and the Agreement on Safeguards, or Article 5 of the Agreement on Agriculture shall not be subject to Chapter 9 of this Agreement.”

In addition, paragraph 9 (a) of said Article states:

“9(a) A Party applying a safeguard measure in connection with an importation of an originating good of another Party in accordance with Article XIX of GATT 1994 and the Agreement on Safeguards, or Article 5 of the Agreement on Agriculture, shall not apply the AJCEP safeguard measure to that importation.”

g. ASEAN – Korea Free Trade Agreement (AKFTA)

Paragraph 1 of Article 9 (Safeguard Measures) of the Agreement on Trade in Goods under the AKFTA Agreement states:

“Each Party which is a WTO member retains its rights and obligations under Article XIX of GATT 1994 and the WTO Agreement on Safeguards. Actions taken pursuant to Article XIX of GATT 1994 and the WTO Agreement on Safeguards shall not be subject to the Agreement on Dispute Settlement Mechanism under the Framework Agreement.”

In addition, paragraph 10 of said Article provides:

“Notwithstanding the provisions of this Article, no Party may impose an ASEAN-Korea FTA safeguard measure on a good to which actions are being applied pursuant to Article XIX of GATT 1994 and the WTO Agreement on Safeguards. When a Party intends to apply, pursuant to Article XIX of the GATT 1994 and the WTO Agreement on Safeguards, an action on a good to which ASEAN-Korea FTA safeguard measure is being

applied, it shall terminate the ASEAN-Korea FTA safeguard measure prior to the imposition of the action to be applied pursuant to Article XIX of GATT 1994 and the WTO Agreement on Safeguards.”

h. Philippines – European Free Trade Association Free Trade Agreement (PH-EFTA FTA)

Article 2.14 (*Global Safeguard Measures*) of PH-EFTA FTA states that:

“The rights and obligations of a Party in respect of global safeguards shall be governed by Article XIX of the GATT 1994 and the WTO Agreement on Safeguards. In taking measures under these WTO provisions, a Party shall, in accordance with WTO rules, exclude imports of an originating product from one or several Parties if such imports do not in and of themselves cause or threaten to cause serious injury.”

Further, paragraphs 1 and 2 of Article 2.15 (*Transitional Safeguard Measures*) of the same agreement states that:

“1. Where, as a direct result of the reduction or elimination of an import duty under this Agreement, any product originating in a Party is being imported into the territory of another Party in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to constitute a substantial cause of serious injury or threat thereof to the domestic industry of like or directly competitive products in the territory of the importing Party, the importing Party may take transitional safeguard measures to the minimum extent necessary to remedy or prevent the injury, subject to paragraphs 2 to 14.

2. Transitional safeguard measures shall only be taken upon clear evidence that increased imports have caused or are threatening to cause serious injury pursuant to an investigation in accordance with the procedures laid down in the WTO Agreement on Safeguards.”

i. Philippines – Japan Economic Partnership Agreement (PJEPA)

Paragraph 11 of Article 22 (*Emergency Measures*) under PJEPA provides:

“11. Each Party may take safeguard measures to the originating goods in accordance with:

(a) Article XIX of the GATT 1994 and the Agreement on Safeguards, provided that the originating good is the subject of the concession of that Party under the GATT 1994 and, by such a safeguard measure, that Party suspends the obligation of that Party under the GATT 1994 or withdraws or modifies the concession of that Party under the GATT 1994; or

- (b) *Article 5 of the Agreement on Agriculture in Annex 1A to the WTO Agreement (hereinafter referred to in this Chapter as “the Agreement on Agriculture”), provided that the originating good is the subject of the concession to that Party under the GATT 1994 and, by such a safeguard measure, that Party imposes the additional duty under Article 5 of the Agreement on Agriculture.”*

j. Philippines – Korea Free Trade Agreement (PH-KR FTA)

Article 3.2 of Chapter 3 (Trade Remedies) of the PH-KR FTA provides:

“1. If, as a result of the reduction or elimination of a customs duty under this Agreement, an originating good of the other Party is being imported into the territory of a Party in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that the imports of such originating good from the other Party constitute a substantial cause of serious injury, or threat thereof, to a domestic industry producing a like or directly competitive good in the territory of the importing Party, the Party may take a bilateral transitional safeguard measure in the form of:

(a) suspending the further reduction of any rate of customs duty on the good provided for under this Agreement; or

(b) increasing the rate of customs duty on the good to a level not to exceed the lesser of:

(i) the most-favored-nation (MFN) rate of duty applied at the time the bilateral transitional safeguard measure is taken; or

(ii) the MFN rate of duty applied on the day immediately preceding the date of the entry into force of this Agreement.

In addition, Article 3.3 of the same agreement states that:

“1. A Party shall notify the other Party in writing on the initiation of an investigation described in paragraph 2 and shall consult with the other Party as far in advance as practicable prior to applying a bilateral transitional safeguard measure, with a view to reviewing the information arising from the investigation and exchanging views on the bilateral transitional safeguard measure.

2. A Party shall apply a bilateral transitional safeguard measure only following an investigation by the Party’s competent authorities in accordance with Articles 3 and 4.2(c) of the Safeguards Agreement, which are incorporated into and made part of this Agreement, mutatis mutandis.

3. *In the investigation described in paragraph 2, the Party shall comply with the requirements of Articles 4.2(a) and 4.2(b) of the Safeguards Agreement, which are incorporated into and made a part of this Agreement, mutatis mutandis.*

x x x”

k. Regional Comprehensive Economic Partnership (RCEP) Agreement

Article 7.2 of Chapter 7 of the RCEP Agreement states that:

“1. If, as a result of the reduction or elimination of a customs duty under this Agreement, an originating good of another Party or Parties collectively is being imported into the territory of a Party in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to its domestic industry producing a like or directly competitive good, the importing Party may, to the extent necessary to prevent or remedy the serious injury to its domestic industry and to facilitate its domestic industry’s adjustment:

(a) suspend the further reduction of any rate of customs duty provided for in this Agreement on the originating good; or

(b) increase the rate of customs duty on the originating good to a level not to exceed the lesser of:

(i) the most-favoured-nation applied rate of customs duty in effect on the day when the transitional RCEP safeguard measure is applied; or

(ii) the most-favoured-nation applied rate of customs duty in effect on the day immediately preceding the date of entry into force of this Agreement for that Party.

2. The Parties understand that neither tariff rate quotas nor quantitative restrictions are permissible forms of transitional RCEP safeguard measures.

3. On request of any Party, the Committee on Goods may, no later than three years before the end of the transitional safeguard period, discuss and review the implementation and operation, including the duration, of the transitional RCEP safeguard measures.”

3. THE FORMAL INVESTIGATION

Section 9 of RA No. 8800 provides the legal basis for the Commission to conduct a formal investigation on the merits of imposing a definitive safeguard measure against importations of cement:

“Section 9. Formal Investigation. – Within five (5) working days from receipt of the request from the Secretary, the Commission shall publish the notice of the commencement of the investigation, and public hearings which shall afford interested parties and consumers an opportunity to be present, or to present evidence, to respond to the presentation of other parties and consumers and otherwise be heard. Evidence and positions with respect to the importation of the subject article shall be submitted to the Commission within fifteen (15) days after the initiation of the investigation by the Commission.

The Commission shall complete its investigation and submit its report to the Secretary within one hundred twenty (120) calendar days from receipt of the referral by the Secretary, except when the Secretary certifies that the same is urgent, in which case the Commission shall complete the investigation and submit the report to the Secretary within sixty (60) days.”

3.1. Period of Investigation

As mentioned earlier, the DTI's POI for the determination of import surge and serious injury to the domestic cement industry was 2019 to June 2024. The DTI followed Rule 7.2.a of the IRRs of RA No. 8800 which states that import data covering the last five years preceding an application for safeguard measure should be evaluated for purposes of substantiating claims of surge in imports.

For the purpose of the Commission's formal investigation, the POI was extended to include the most recent available data, specifically up to December 2024. This is in accordance with the requirement set forth by the WTO Appellate Body in the Argentina – Safeguard Measures on Imports of Footwear (EC) case³, which mandates that investigating authorities must assess recent imports, rather than merely considering trends in imports over the past five years or any other extended period.

3.2. Notice of Commencement of Formal Investigation

The Commission commenced its formal investigation through the issuance of a *Notice of Formal Investigation and Preliminary Conference* on 04 March 2025 (Annex A). Said *Notice* was published in *The Manila Times* and *Manila Standard* and was also uploaded on the Commission's website at <http://www.tariffcommission.gov.ph> on the same date (Annex B). Additionally, individual notices were sent via electronic mail to all parties on record.

³ WTO Document: WT/DS121/9

 Digitally signed

 Digitally signed

 Digitally signed

3.3. Conduct of Preliminary Conference

The Preliminary Conference was held on 13 March 2025.⁴ During said Conference, parties were apprised, among others, about the investigation timelines, rules of procedure under Commission Order No. 2021-02 (*Revised Rules of Procedure for the Conduct of Formal Investigations Pursuant to Republic Act No. 8800*); nature of investigation; the appearance of counsels and parties; inclusion/exclusion of parties; modes of service/notice; submission of initial memoranda/position papers; recourse to other data and information; treatment of confidential information; maintenance of public file; conduct of inspection/data verification activities; submission of adjustment plans; issuance of the Commission's Staff Report and submission of comments thereto; submission of affidavits of witnesses and list of additional issues for the Public Hearing; conduct of Public Hearing; and submission of amended and/or final memoranda/position papers.

Among the attendees to the Preliminary Conference were representatives and/or counsels of the following: the DTI; the local cement industry [Cement Manufacturers' Association of the Philippines (CeMAP); Goodfound Cement Corporation; Taiheiyo Cement]; importers (Cohaco Merchandising & Development Corporation; Fortem Cement Corporation; NGC Land Corporation; Philcement Corporation; PABAZA Import and Export Inc.); foreign exporters (Long Son Cement Plant - Long Son Co. Ltd.; NCL Trading Joint Stock Company; Omanco Material Vietnam Company Limited; Vicem Tam Diep Cement One Member Co. Ltd.; Viet Trade; Tokuyama Corporation; The Siam Cement Public Limited Company); and foreign governments (Taipei Economic and Cultural Office in the Philippines; Department of Foreign Trade, Ministry of Commerce of the Kingdom of Thailand; Thai Trade Center Manila).

On 19 March 2025, the Commission issued an *Order of Preliminary Conference* containing the matters discussed and agreed upon by the parties (Annex C). Said *Order* was posted on the Commission's website on the same date and was provided to all parties that attended the Preliminary Conference.

3.4. Request for Information

The preliminary determination by the DTI was based on the information submitted by four member-companies of CeMAP, namely: Holcim Philippines Inc. (Holcim), Republic Cement & Building Materials, Inc. (Republic), Solid Cement Corporation (Solid), and Apo Cement Corporation (Apo). The DTI also received a letter of support from Eagle Cement Corporation (Eagle).

To obtain a more comprehensive understanding of the domestic cement industry, the Commission requested, on 04 March 2025, those five companies which had cooperated with the DTI's preliminary investigation to accomplish TC Form 5-A⁵, with supporting documents, and submit additional information (e.g., list of cement products being produced/manufactured; sample test certificates; specific applications/uses for each cement product; detailed production process, including

⁴ Via Videoconferencing using the Microsoft Teams platform

⁵ TC Form 5-A: *Questionnaire for the Conduct of Formal Investigation on General Safeguard Measures Pursuant to Republic Act No. 8800 (Safeguard Measures Act): For Domestic Producer/Petitioner*

identification of specific additives being used; distribution channels; and adjustment plan. Except for Eagle, which submitted a letter expressing support for the *motu proprio* action initiated by DTI instead, the aforementioned cement producers complied with the Commission's request. The Commission also subsequently received submissions from the two other member-companies of CeMAP, namely, Goodfound Cement Corporation (Goodfound) and Taiheiyo Cement Philippines, Inc. (Taiheiyo).

In addition, on 03 April 2025, the Commission sent letters to six foreign exporters and seven importers requesting them to accomplish TC Form 5-B⁶ and TC Form 5-C⁷, respectively (Table 3.1).

Table 3.1. Parties Provided with TC Questionnaires

Exporters
1. Long Son Company Limited
2. NCL Trading Joint Stock Company
3. Nhuan Phat Trading Services and Transportation Company
4. Omanco Material Vietnam Company Limited
5. Sumitomo Osaka Cement Co., Ltd.
6. Vissai Ninh Binh Joint Stock Company
Importers
1. Cohaco Merchandising & Development Corporation
2. Fortem Cement Corporation
3. Lemery Cement Silo Tank Corporation
4. Marlusa Construction Supply*
5. NGC Land Corporation
6. Philcement Corporation
7. Samstone Multi Resources, Inc.*

*No submission received

The Commission did not receive any responses from Samstone Multi Resources, Inc and Marlusa Construction Supply.

3.5. Ocular Inspection / Data Verification / Meetings

As provided in its *Order of Preliminary Conference* dated 19 March 2025, the Commission shall conduct on-site investigations, to include ocular inspections and visits, to verify information provided or to obtain further details.

Ocular inspection and verification activities of the plant facilities and data submissions were undertaken on four CeMAP member-companies in connection with the Interim Review of the anti-dumping duties imposed on cement imported from Viet Nam⁸. Considering that the aforesaid CeMAP members are also parties to this formal investigation, the Commission utilized the findings from the inspection and verification of the Interim Review as part of the evidence in this formal investigation on safeguard measures. The Commission also conducted an ocular inspection/data verification on

⁶ TC Form 5B: *Questionnaire for the Conduct of Formal investigation on General Safeguard Measures Pursuant to Republic Act No. 8800 (Safeguard Measures Act): For Foreign Exporters*

⁷ TC Form 5C: *Questionnaire for the Conduct of Formal investigation on General Safeguard Measures Pursuant to Republic Act No. 8800 (Safeguard Measures Act): For Philippine Importers*

⁸ TCI (AD) No. AD-2024-IR-Cement-VN

the submissions of Philcement Corporation. The following on-site investigations were undertaken:

Table 3.2. Conduct of On-Site Investigation

Company	Location	Date
1. Holcim Philippines, Inc.	Plant: Matictic, Norzagaray, Bulacan	21 January 2025
	Main Office: 7F Two World Square, Mckinley Hill, Fort Bonifacio, Taguig	11 February 2025
2. Republic Cement & Building Materials, Inc.	Plant: Brgy. Minuyan, Norzagaray, Bulacan	28 January 2025
	Main Office: Menarco Tower, 32 nd Street, BGC, Taguig City	13 February 2025
3. Solid Cement Corporation	Plant: Sitio Tagbac, Brgy., San Jose, Antipolo City, Rizal	04 February 2025
	Main Office: 34/F BDO Life Megaplaza, 358 Sen. Gil J. Puyat Avenue, Makati City	18 February 2025
4. APO Cement Corporation	Plant: Tina-an, City of Naga, Cebu	06 February 2025
	Main Office: 34/F BDO Life Megaplaza, 358 Sen. Gil J. Puyat Avenue, Makati City	20 February 2025
5. Philcement Corporation	Plant: Garcia Road, Mariveles Diversion Road, Mariveles, Bataan	13 May 2025
	Main Office: Rockwell, Makati City	14 May 2025

3.6. Issuance of Staff Report

Prior to the scheduled public hearing, the Commission issued, on 02 June 2025, its Staff Report containing its initial findings on the determination of product comparability and volume of increased imports. All concerned parties were provided a copy of said Report and were given five working days from receipt thereof to submit their comments.

The following parties submitted their comments to the Staff Report (Annex D):

Table 3.3. Parties with Comments to the Staff Report

Party	Date of Submission
Nhuan Phat Trading Service and Transportation Company Limited	06 June 2025
CeMAP	10 June 2025
Davao Multibuild Corporation	10 June 2025
Philippine Competition Commission	10 June 2025
Marlusa Construction Supply and Samstone Multi Resources Inc.	13 June 2025
Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, NGC Land Corporation, PABAZA Import and Export Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation	16 June 2025

3.7. Notice and Conduct of Public Hearing

Based on its preliminary findings in the Staff Report, the Commission issued a *Notice of Public Hearing* on 02 June 2025, setting the case for hearing⁹ on the aspects of serious injury or threat thereof and existence of causal relationship between increased imports and serious injury on 16-20 June 2025.

The said *Notice* was posted on the Commission's website on the date of its issuance, and was published in the 03 June 2025 issues of *The Manila Times* and *Manila Standard* (Annex E).

During the five-day duration of the public hearings, the representatives and/or counsels of the following parties were present:

- a. Domestic Industry/Petitioner: CeMAP, represented by Britanico Sarmiento & Ringler Law Offices
- b. Importers: COHACO Merchandising and Development Corporation, Fortem Cement Corporation, NGC Land Corporation, Pabaza Import and Export Incorporated, Lemery Cement Silo Tank Corporation, and Philcement Corporation, represented by Villaraza & Angangco; Marlusa Construction Supply and Samstone Multi Resources Incorporated;
- c. Exporters: Siam Cement Public Limited Company, Vietnam Trading Services and Import Export Limited Company, and Vissai Ninh Binh Joint Stock Company;
- d. Foreign Government: Department of Foreign Trade Ministry of Commerce of the Kingdom of Thailand and Taipei Economic and Cultural Office of the Philippines;
- e. Philippine Government: the DTI; and
- f. Other registered participants which included private companies, members of the media, and private individuals.

The petitioner presented its evidence while the oppositors were given the opportunity to cross-examine, respond, and seek clarifications on the same. Thereafter, the importers and exporters (oppositors) presented their respective evidence, and the petitioner was likewise given the opportunity to respond against said oppositors' claims. Other interested parties were given the opportunity to be heard and submit their views before the Commission.

The parties were given until 30 June 2025 to file their respective Final Memoranda/Position Papers. Having no further issues for discussion, the public hearings were terminated on 19 June 2025.

The List of Attendees during the public hearing are in *Annex F*.

⁹ Via Videoconferencing using the Microsoft Teams platform

3.8. Submission of Final Memoranda/Position Papers

The following parties submitted their respective Final Memoranda/Position Papers to the Commission (Annex G):

Table 3.4. Parties with Submissions After the Public Hearing

Party	Date of Submission
CeMAP	30 June 2025
Davao Multibuild Corporation	10 July 2025
Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, NGC Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation	10 July 2025

3.9. Issuance of Final Report of Findings and Conclusions

Under RA No. 8800, the Commission has 120 calendar days from receipt of the records of the case to complete its investigation and submit a Report of its findings and reasoned conclusions, whether favorable or not, to the Secretary. However, it should be noted that in the completion of its investigation, the Commission takes into account circumstances beyond its control, which include, among others, requests for extension on filing of pleadings and/or submission of required information or documents, and requests for rescheduling of data verification activities.

Further, it bears stressing that in the formulation of its Report, the Commission accords due consideration to all submissions of the parties, whether filed before the DTI or the Commission, including the arguments presented in their Initial Position Papers, Comments to the Staff Report, and Final Memoranda/Position Papers.

Thereafter, the Commission, after submission of its Report to the Secretary, will make said Report available to the public *sans* confidential information, and publish a summary thereof in two newspapers of general circulation.

On the part of the Secretary, he/she shall issue a written instruction to the heads of the concerned government agencies to implement the appropriate general safeguard measures, if any, within 15 days from receipt of the Report of the Commission.

In the event of a negative final determination by the Commission, or if the cash bond is in excess of the definitive safeguard duty assessed, the Secretary shall immediately issue, through the Secretary of Finance, a written instruction to the Commissioner of Customs, authorizing the return of cash bond, or the remainder thereof as the case may be, previously collected as provisional general safeguard measure within 10 days from the date a final decision has been made, provided that the government shall not be liable for any interest on the amount to be returned.

The Secretary shall not accept for consideration another petition from the same industry, with respect to the same imports of the product under consideration, within one year after the date of rendering such a decision.

4. THE PARTIES' SUBMISSIONS

All position papers, affidavits and other documentary evidence received by the Commission to date are tabulated in Annex H. A public file containing non-confidential information/submissions is being maintained by the Commission and is available, upon request, to all interested parties.

4.1. The Domestic Cement Manufacturers

4.1.1. Cement Manufacturers' Association of the Philippines

Position on Imposition of Definitive Safeguard Measures Against Importations of Cement

In a position paper received by the Commission on 14 April 2025, CeMAP reiterated its support for the imposition of safeguard measures against importations of cement (AHTN 2022 Subheading Nos. 2523.29.90 and 2523.90.00) from various countries. The association cited the following justifications:

Table 4.1. Position of CeMAP Member-Firms

Issue	Position/s
On Increased Imports	- There is an increase in imports in both absolute and relative terms. - The data on import volumes would show the consistent increasing trend since 2014. From a mere 4,000 tons in 2014, the current volume of traders' imports is now at an all-time-high of 7,637,196 tons, which is anticipated to continue to rise in the coming years. - The increase is recent and sudden as the rising trend has become more apparent in the latter part of the POI. - This rapid increase is also sharp and significant enough that it caused material injury to the domestic industry. - There is a significant decline in the market share of the domestic industry with the imports consuming more than 7 percentage points of the market share of the domestic industry by the end of the POI.
On Serious Injury and/or Threat of Serious Injury	- As a result of this surge in imports, the domestic manufacturers currently suffer from serious injury as shown by the declines in their market share, sales, production, profits, and employment. - The domestic manufacturers have slowed down their production resulting in an overall decrease in their production volumes during the POI. - The capacity utilization of the domestic manufacturers has also been reduced. - Another effect of the declining market share of the domestic industry is the decrease in the revenues generated by domestic manufacturers. - The domestic manufacturers lose their potential income as imported cement takes over the share of locally manufactured cement. - Due to the decrease in production and decline in profitability of local manufacturers, they are forced to reduce their employees, i.e., they are

Issue	Position/s
	unable to retain the same number of workers while their business operations slow down. The surge in imports suppressed market prices, forcing domestic producers to absorb rising energy and production costs.

Adjustment Plan

Rule 4.1 of the IRRs of RA No. 8800 defines adjustment plan as an “*action plan which a domestic industry is required to submit, that describes a set of quantified goals, specific plans, and timetables that a concerned industry commits to undertake in order to facilitate positive adjustment of the industry to import competition.*”

Pursuant to the Commission’s directive in its *Order of Preliminary Conference* dated 19 March 2025, the member-firms of CeMAP submitted their respective adjustment plans covering the period 2024 to 2028. Summarized below are the priority measures these firms have committed to implement in order to support their positive adjustment to increased import competition:

Table 4.2. Adjustment Plans of CeMAP Member-Firms: 2024-2028

Specific Measures	Period of Implementation	Expenditure (million PHP)	Positive Effects	Remarks
(1) Republic Cement & Building Materials, Inc.				
Iligan New Integrated Kiln Line	2024-2028	██████	- Plus 6 kilo tons per day (ktpd) in clinker capacity - Plus 750 kilo tons per annum (ktpa) in cement milling capacity - Improves energy efficiency and environmental performance	- Registered with the Board of Investments (BOI) - Civil and Structural engineering design works Completed - Shovel ready
Solar Power Projects Road Map [~50 Mega Watt Peak (MWp) Combined] in Bulacan, Teresa, Danao, Batangas and Iligan	2024-2028	██████	- Sustainable and cleaner energy, CO₂ emission reduction - Fixed pricing, a secure alternative to the fluctuating energy market	- Various stages of project development - Bulacan Solar Project (14 MWp) ongoing permitting and construction
Alternative Fuel Projects	2024-2028	██████	- Sustainable and cleaner energy - Power cost reduction - Enabler of Extended Producer Responsibility Act of 2022 (RA No. 11898)	Target is to grow alternative fuel from 21% in 2024 to 40% by 2028
Bulacan Waste Heat Recovery (WHR) System	2024-2028	██████	- CO₂ emission reduction - Power cost reduction	Feasibility study done

Specific Measures	Period of Implementation	Expenditure (million PHP)	Positive Effects	Remarks
Project				
Teresa Voltage Connection Upgrade	2024-2027	■	- Improve power quality and reliability - Power cost reduction	- Engineering study ongoing
Bulacan Pre-Heater Cyclone Modification	2024-2027	■	- Improve energy efficiency - Increase clinker production	- Pre-feasibility done - On tendering stage
Expansion of Quarry	2024-2028	■	- Extend quarry life by 50 years	- Exploration permit granted
Digitalization project	2024-2028	■	- Improve ease of doing business for distributors and customers - Improve manpower productivity	- Rollout and training started in 2024 - Features of application being improved
Iligan Jetty	2024-2028	■	- Serve the islands faster and in a more cost-efficient manner - Handle raw materials more efficiently - Reduce carbon footprint	- Pre-feasibility done

TOTAL Expenditure: PHP ■

(2) Holcim Philippines, Inc.

Fuel Optimization: Alternative Fuel	2025-2030	■	- Reduce traditional fuel cost and CO ₂ emissions	-
Energy: Solar Power	2025-2026	■	- Reduce reliance on electricity from the grid to reduce costs and scope 2 CO ₂ emissions	-
Energy: Waste Heat Recovery System	2025-2026	■	- Improve energy efficiency and reduce energy costs	-
Raw Material Optimization: Optimize clinker and cement design to reduce production cost	2025-2026	■	- Lower carbon footprint of produced cement - Lower production cost	-
Clinker Factor Reduction: Increase addition of cementitious material to increase production output and	2025-2026	■	- Reduce clinker factor further at maximum acceptable level	-

Specific Measures	Period of Implementation	Expenditure (million PHP)	Positive Effects	Remarks
reduce cement cost				
Digitalization: Use of digital tools/solutions to simplify operations and improve plant efficiency	2025-2027	■	- Enable remote collaboration and quick data driven decision making	-
TOTAL Expenditure: PHP ■				
(3) Solid Cement Corporation				
New Line + 1.5 MTPA	2025-2028	■	- Additional cement capacity to serve demand in Luzon, particularly National Capital Region and South Luzon. - Lower production cost with new technology. - Employment opportunities	- Delayed completion due to the pandemic
Raw materials optimization	2025-2026	■	- Cost efficiency, optimize mix of blended cement	- Awaiting completion of additional raw material feeding systems and silos to increase milling capacity and to optimize cost.
TOTAL Expenditure: PHP ■				
(4) Apo Cement Corporation				
Raw materials optimization	2025-2026	■	- Cost efficiency, optimize mix of blended cement	- Industrial trial runs ongoing for different raw material suppliers to determine optimal mix.
Berth expansion	2025-2026	■	- Expansion of capability to serve offshore markets - Cost optimization by reducing the use of alternate ports	- Ongoing design study to increase port dispatch capacity by at least 20%.
TOTAL Expenditure: PHP ■				
(5) Goodfound Cement Corporation				
Operate the cement finish mill during night time to avail cheaper energy cost	4 th Quarter 2024	■	- Reduce electricity bill	-
Run the two clinker production lines when cement	During summer season and when orders from distributors	■	- Increase production and sales	-

Specific Measures	Period of Implementation	Expenditure (million PHP)	Positive Effects	Remarks
demand in the market improves	increase			
Do maintenance during lean season on production lines	3rd and/or 4th Quarter of every year		- High availability of equipment during peak season	-
TOTAL Expenditure: PHP				
(6) Taiheiyo Cement Philippines, Inc.				
Installation of raw materials recycle transport system	2025-2026		- Improve operational efficiency and throughput through a streamlined, automated transportation process - Reduce environmental impact by lowering emissions associated with truck or vehicle transport - Maintain continuous flow pathway for materials/goods, bypassing existing road networks and alleviating traffic congestion - Minimize reliance on traditional vehicular transport, thereby directly lowering fuel consumption, vehicle maintenance, and labor costs - Significantly reduce transportation costs and mitigating traffic congestion associated with the movement of Raw material from Port to Plant	- Ongoing engineering design works
Installation of silica and clay direct feeding hopper	2025		- Improve production capacity - Improve process / systems equipment availability and reliability - Ensure quality of raw mix feed to the system - Promote stable operations and optimum output	- Ongoing engineering design
Provision of loading bay canopy at packhouse No. 2	2025		- Speed up tonner bags and sling bag loading operations	- Ongoing engineering design

Specific Measures	Period of Implementation	Expenditure (million PHP)	Positive Effects	Remarks
			- Can directly perform tonner bag pre-bagging during high demand periods	
Provision of bag storage for sling bags and tonner bag at ground floor of packhouse no. 2	2025		- Speed up tonner bags and sling bag loading operations - Can directly perform tonner bag pre-bagging during high demand periods - Eliminate bags scattered on the floor, significantly decreasing the risk of slips, trips and falls	- Ongoing engineering design
Modification of 12BF-005 and 12BF-006 bag filters	2025		- Speed up replacement of filter bags and maintenance - Reduce downtime, boosting productivity and saving money on maintenance cost - Enhance efficiency and cut down on labor need and maintenance expenses	- Ongoing material procurement
TOTAL Expenditure: PHP				

4.1.2. Other Cement Producers

In a letter to the Commission dated 15 April 2025, Eagle Cement Corporation expressed its strong support for the *motu proprio* action initiated by the DTI and commended the efforts of CeMAP in defending the Philippine cement industry against the continued surge of imported cement.

4.2. The Oppositors/Other Interested Parties

Several parties (e.g., importers) expressed opposition to the imposition of safeguard measures on cement importations. Based on their submissions to the Commission, their arguments to support their respective positions are summarized below:

Table 4.3. Positions of Other Interested Parties

Party	Position/s
Volume of Imports	
Cohaco Merchandising & Development Corporation; Fortem Cement Corporation; NGC Land Corporation; Pabaza Import and Export, Inc.; Lemery Cement Silo Tank Corporation; Philcement Corporation	• The rise in imports is primarily driven by the reduction in domestic production combined with the need to satisfy the ongoing market demand. • The increase in importation of subject products peaked in the years 2020 and 2021, where it grew by 10.34% and 17.20%, respectively. However, the volume shrunk by 2.89% in the year 2022. • The surge in imports during 2020 and 2021 was largely attributable to the COVID-19 pandemic, during which domestic integrated plants were unable to

Party	Position/s
	operate due to government-imposed lockdowns, a fact acknowledged by the domestic manufacturers themselves. Cement suppliers, particularly importers, were compelled to increase imports to satisfy the country's cement demand. • In terms of market supply deficit, the local cement industry produces approximately 27 Million MT annually, falling short of the estimated demand of 32 Million MT. • The growth rate of importation remained at an annual average of less than 5%, a modest figure which can hardly be considered as a surge necessitating an imposition of safeguard measures under WTO standards. • It is evident that the increase in importation does not stem from a surge warranting the imposition of safeguard measures. Rather, it is primarily a consequence of reduced domestic production coupled with the imperative to meet ongoing market demand. Accordingly, this increase cannot be a valid basis for imposing safeguard measures on the subject products. Therefore, the first element required under the Safeguard Measures Act is absent in this case. • The changes in the cash flows of domestic manufacturers are not driven by the importation of the subject products, but instead stem from multiple factors, namely (i) operations, (ii) investment, and (iii) financing.
Nhuan Phat Trading Service and Transportation Company Limited	• The increase in cement imports has been gradual and does not constitute an import surge under WTO standards. Such gradual increases reflect market fluctuations rather than an abrupt surge. • The increase in imports largely occurred during the pandemic period, when local production was disrupted by lockdowns and supply chain issues.
Vietnam Trading Services and Import Export Limited Company	• Importation of cement helps in the completion of projects, and permits plenty of choices at good quality and favorable prices. • The Philippine market has a huge demand for cement due to infrastructure projects. The increase in the volume of imported cement is due to the higher demand caused by higher government spending on infrastructure. • Local supply cannot meet that huge demand, which could lead to postponed projects and high prices.
Serious Injury Suffered by the Domestic Industry or Threat Thereof	
Cohaco Merchandising & Development Corporation; Fortem Cement Corporation; NGC Land Corporation; Pabaza Import and Export, Inc.; Lemery Cement Silo Tank Corporation; Philcement Corporation	• There is no serious injury or threat thereof being suffered by the domestic manufacturers. • For the years 2019 to 2021, it is established that there is no serious injury or even threat of serious injury that would warrant the imposition of safeguard measures on the importation of subject products. • The DTI erred in concluding that there was an imminent threat of serious injury to justify the imposition of safeguard measures on the subject products. • The domestic industry continues to dominate market share. The TC's Safeguard Extension Final Report found that the domestic industry maintained a dominant market share which stood at 81% for the years 2019 to 2021, confirming the domestic industry's leadership in the market for the subject products. Notably, the four major industry players, Lafarge Holcim, Republic Cement, Cemex, and Eagle Cement, are all domestic manufacturers, collectively controlling approximately 85% to 90% of the country's total cement capacity.

Party	Position/s
	- The decline in production volumes of domestic manufacturers is primarily due to their shift towards producing Type 1T cement during the POI. - For price undercutting, the price monitoring of cement importers reveals that some of the products of the domestic industry are priced at PHP 10 - PHP 15 lower per bag than equivalent products of the cement importers in the same market segment. Clearly, the price undercutting is not being done by the cement importers, but rather by the domestic manufacturers themselves. - The claim of serious injury is further negated by the fact that the domestic industry remained profitable during the POI despite the alleged increase in import volume and decrease in market share. Different members of the domestic industry have even reported record earnings during the POI, which underscores the fact that the alleged injury is more imaginary than real. - It would constitute a profound injustice to impose safeguard measures once again when, as thoroughly demonstrated above, there exists no legitimate basis for such action. Moreover, the domestic manufacturers have failed to provide any credible evidence of positive adjustments and improvements in their production and operations that would enable them to effectively compete with the cement importers. To date, the projects they previously committed to remain incomplete or delayed. It is neither just nor reasonable that the cement importers, and ultimately the consumers, be compelled to bear the burden of the domestic manufacturers' shortcomings and failures.
Nhuan Phat Trading Service and Transportation Company Limited	- There is no clear evidence of serious injury: despite the presence of imported cement, local manufacturers have continued operations, demonstrating that there is no substantial harm to the domestic industry. - The company's exports are too small to cause any material injury to the domestic industry or to justify the imposition of safeguard measures.
Causal Link	
Cohaco Merchandising & Development Corporation; Fortem Cement Corporation; NGC Land Corporation; Pabaza Import and Export, Inc.; Lemery Cement Silo Tank Corporation; Philcement Corporation	- Despite allegations of serious injury, records show that the domestic industry remained profitable throughout the POI notwithstanding the increase in import volumes. The consolidated income statement data confirms that major domestic players continue to report gross profits, contradicting any claims of injury. - Even assuming <i>arguendo</i> that there is an increase in importations and that there is injury, there is no causal link between increased imports of the subject product and serious injury.
Nhuan Phat Trading Service and Transportation Company Limited	Domestic production has remained stable, and local manufacturers have continued operations despite the presence of imports.
National Interest	
Cohaco Merchandising & Development Corporation; Fortem Cement Corporation; NGC Land Corporation; Pabaza Import and Export, Inc.; Lemery Cement Silo Tank Corporation; Philcement Corporation	- The Philippine Competition Commission previously found that the imposition of safeguard measures would weaken competitive pressure and endanger the realization of huge benefits by the public and private sectors that a competitive landscape in the cement industry would bring. - The presence of imported cement will provide competitive discipline and discourage rent-seeking behavior and possible abuse of market power. The principle of fairness is upheld and a level playing field, regardless of product nationality, is created.
Nhuan Phat Trading Service and Transportation Company Limited	Increasing the cost of cement through additional duties will negatively impact public and private infrastructure projects, housing development, and overall

Party	Position/s
	economic activity. Key concerns include: higher cement prices, thus making construction projects more expensive and less affordable; increased costs for government infrastructure projects, potentially delaying key initiatives under the “Build, Better, More” program; and job losses in construction-related industries due to decreased project viability.

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5. OVERVIEW OF THE DOMESTIC INDUSTRY AND MARKET

5.1. The Domestic Product

Cement is an important input in the construction industry as it is a high-grade bonding agent used as a construction material to make concrete. It is a homogenous commodity composed of limestone, silica sand, clay iron ore, and gypsum. These raw materials are crushed, ground, blended, and calcined to produce clinker. The clinker is further ground and mixed with gypsum and other additives (such as pozzolana or fly ash) to make the final product. Cement is usually packed in a 40 kg bag or in bulk (1- or 2-tonner bag). Due to the need for limestone, shale and silica, cement plants are generally located in or near mining or quarry areas.

The product under consideration is Ordinary Portland Cement Type 1 (AHTN 2022 Subheading No. 2523.29.90) and Blended Cement (AHTN 2022 Subheading No. 2523.90.00).

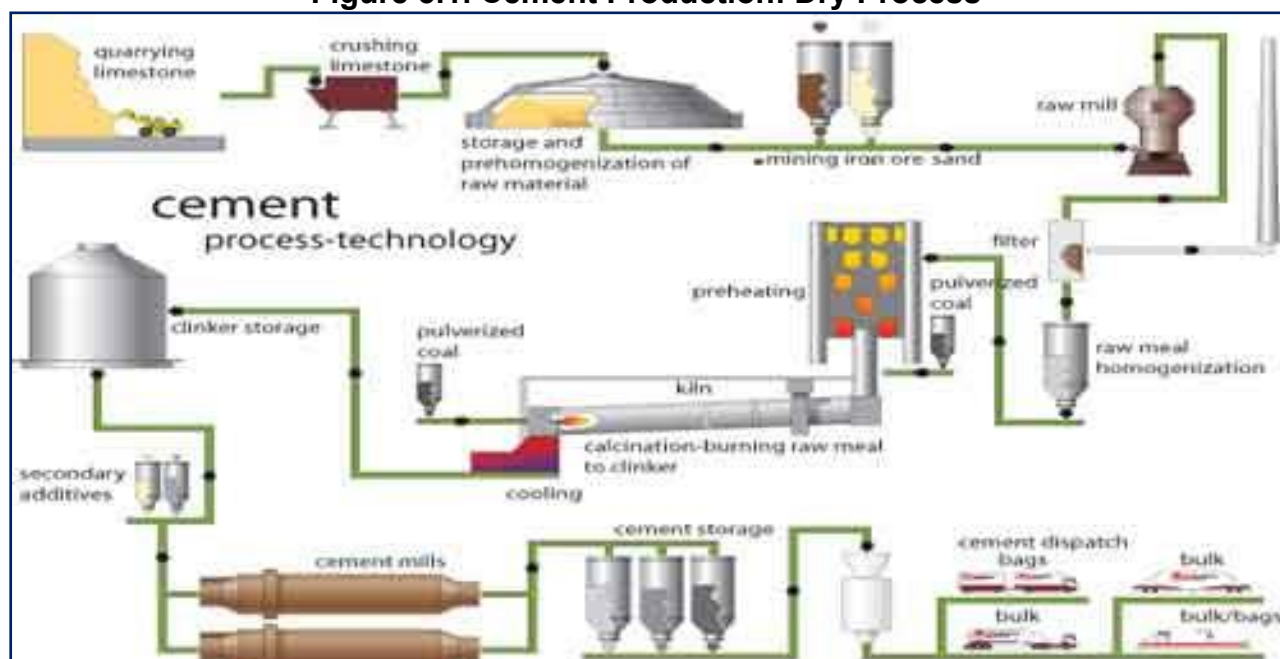
5.2. The Domestic Industry

The Commission defined the domestic cement industry based on the cement production process, as illustrated in Figure 5.1. In particular, domestic companies engaged in either of these two primary production cycles are considered part of the domestic industry:

- a. those companies that start from the extraction of raw materials (*i.e.*, from mining and quarrying) in the manufacture of cement, which may be termed “integrated” cement operations; and/or
- b. those companies that begin from the grinding of clinker in the manufacture of cement, which may be termed as “non-integrated” cement operations.

As defined above, domestic cement manufacturers, typically own and operate cement plants that include clinker production facilities and cement grinding mills. The Commission’s definition is consistent with the determination of domestic industry made by the DTI.

Figure 5.1. Cement Production: Dry Process



Source: <https://www.sciencedirect.com/topics/engineering/clinker-production>

Based on the definition, local companies engaged solely in the blending, mixing, packing, re-packing, or re-bagging of cement are not considered part of the domestic cement industry.

Currently, there are 15 cement manufacturing companies in the Philippines (Table 5.1 and Figure 5.2). Ten are integrated plants (with six being members of CeMAP) and the remaining five are non-integrated plants that operate cement grinding mills.

Table 5.1. Cement Manufacturers in the Philippines, As of May 2025

No.	Name of Company	Location/s	Date of Operation
Integrated Plants			
CeMAP Members ^{/a}			
1	Cemex ^{/b}	Apo Cement Corporation	1997 to present
2		Solid Cement Corporation	
3	Goodfound Cement Corporation	• Purok 3, Palanog, Camalig, Albay	2000 to present
4	Holcim Philippines, Inc.	Integrated Plants: • Quirino, Bacnotan, La Union • Matictic, Norzagaray, Bulacan • Lugait, Misamis Oriental • Barrio Ilang, Davao City Grinding Mill: • Mabini, Batangas	2000 to present

No.	Name of Company	Location/s	Date of Operation
5	Republic Cement and Building Materials	Integrated Plants: • Minuyan, Norzagaray, Bulacan • Bigte, Norzagaray, Bulacan • Dulumbayan, Teresa, Rizal • Mapulo, Taysan, Batangas • Kiwalan, Iligan City, Lanao del Norte Grinding Mill: • Dungo-an, Danao City, Cebu	1955 to present
6	Taiheiyo Cement Philippines, Inc.	• South Poblacion, San Fernando, Cebu	1993 to present
Non-CeMAP Members			
7	Century Peak Cement Manufacturing Corporation	Sacsac, Pinamungajan, Cebu	2021 to present
8	Eagle Cement Corporation	Integrated Plant: • Akle, San Indefonso, Bulacan Grinding Mill: Limay, Bataan	2010 to present
9	Mabuhay Filcement Inc.	South Poblacion, San Fernando, Cebu	2003 to present
10	Northern Cement Corporation	Labayug, Sison, Pangasinan	1967 to present
Non-Integrated Plants			
11	Abbah King Cement Corporation	Brgy. Malbang, Maasim, Sarangani	2024
12	Hi Tech Global Cement Corporation ^{/c}	Samal, Bataan	2024
13	Southern Concrete Industries Corporation	• Darong, Santa Cruz, Davao del Sur	2022 to present
14	Petra Cement ^{/d}	• Lower Irasan, Pres. Manuel A. Roxas, Zamboanga del Norte	2020 to present
15	Big Boss Cement ^{/d}	• Mancatan, Porac, Pampanga	2020 to present

Notes:

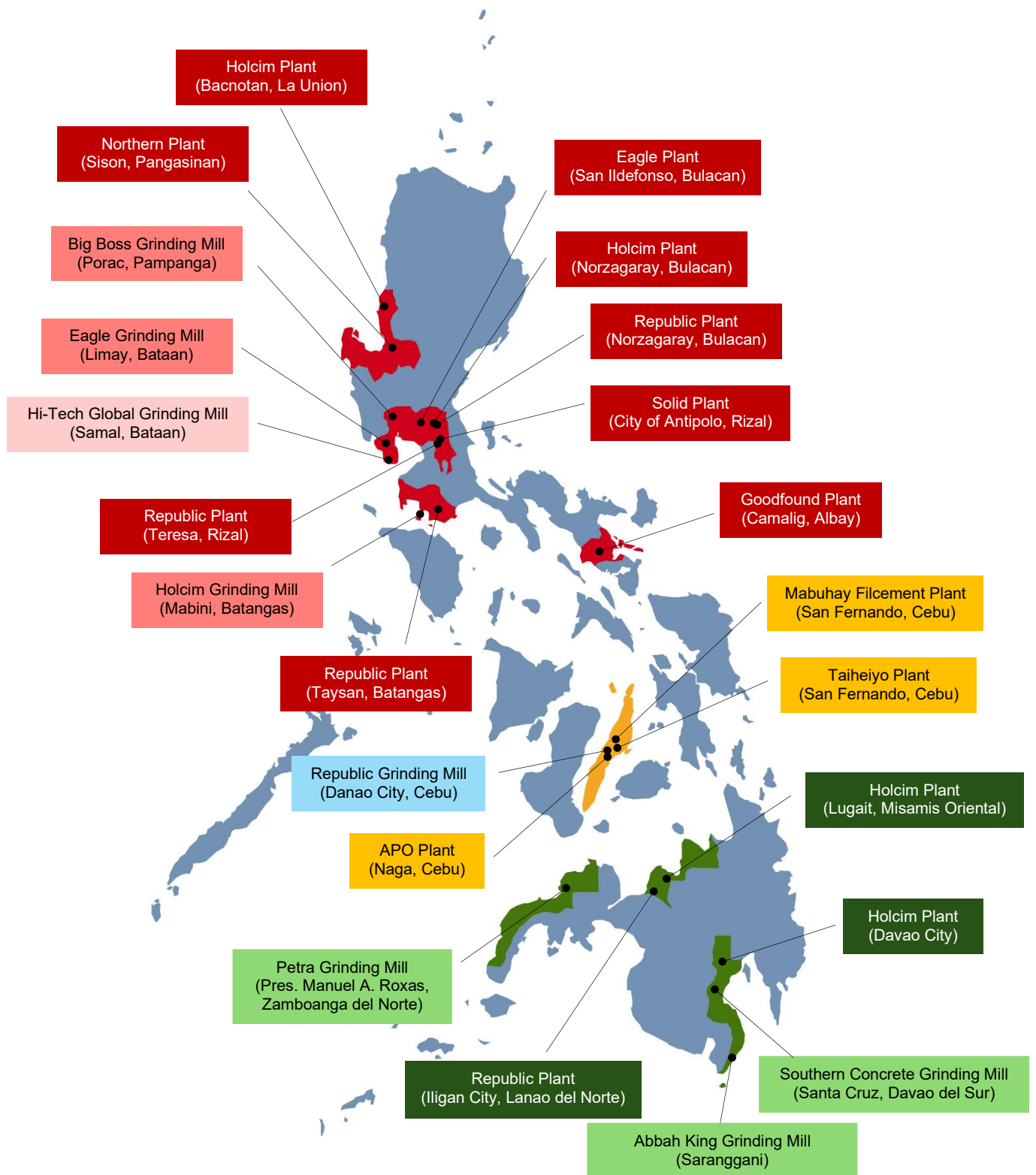
^{a/} Source: <https://cemap.org.ph/company-profile/> (accessed 25 April 2025)

^{b/} Starting in 2025, Apo Cement Corporation and Solid Cement Corporation were fully acquired by DMCI Holdings, Inc. with a change in company name to Concreat Holdings Philippines.

^{c/} There is limited publicly available information on the specific plant address of this company.

^{d/} In 2024, Philcement Corporation acquired Petra Cement Corporation. It also began operating Big Boss Cement pursuant to an operational agreement with the company.

Figure 5.2. Cement Manufacturing Companies in the Philippines

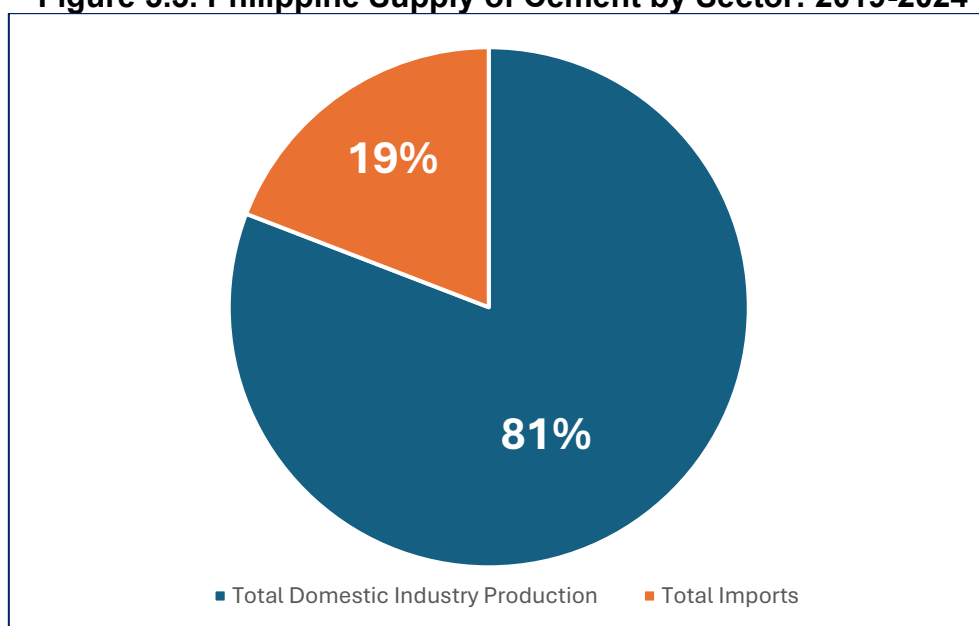


5.3. The Domestic Market

5.3.1. Supply

The total supply of cement in the Philippines is sourced from both domestic production and imports. As shown in Figure 5.3, approximately 81% of the country's total cement supply during the POI came from the domestic local production, while the remaining 19% was supplied through imports.

Figure 5.3. Philippine Supply of Cement by Sector: 2019-2024



Sources of basic data: BOC Electronic Import Entry Declarations - imports; CeMAP – domestic production

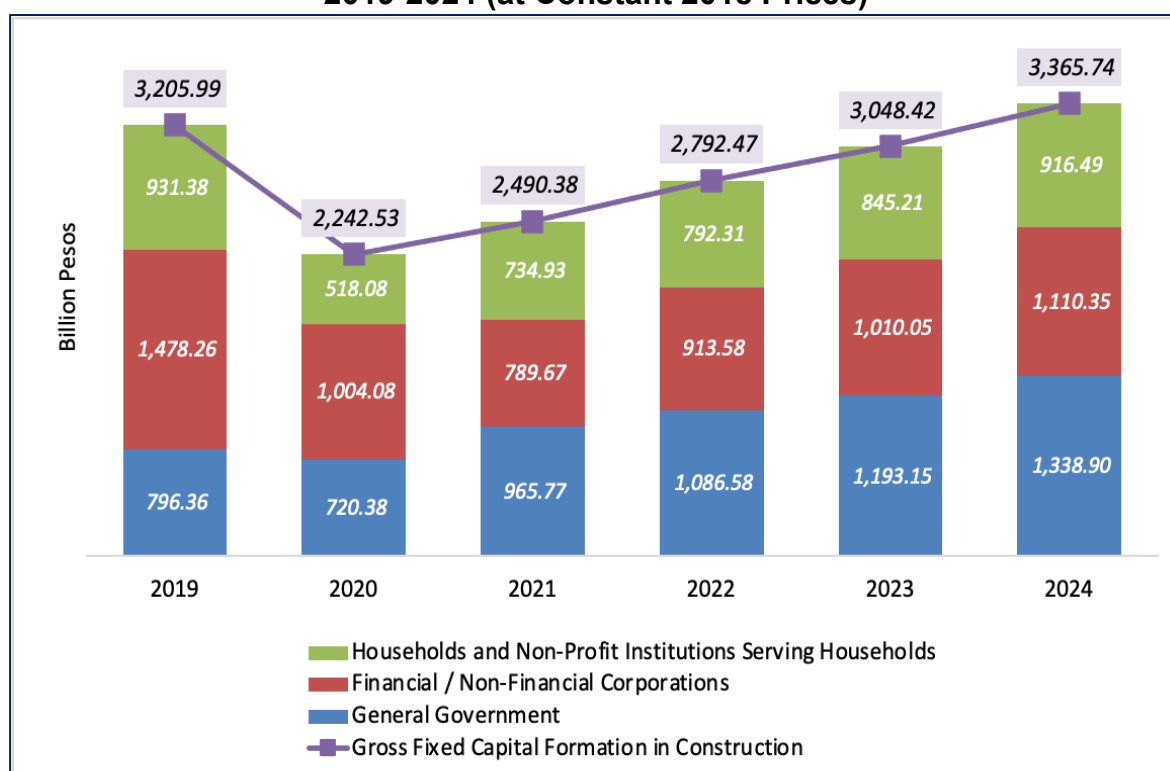
5.3.2. Demand

The primary user of cement is the construction industry. An increase in construction activity has a direct and corresponding impact on the demand for cement.

Over the POI, the Gross Fixed Capital Formation¹⁰ (GFCF) in construction rose to PHP 3.37 trillion in 2024, surpassing the pre-pandemic peak in 2019 of PHP 2.24 trillion (Figure 5.4). This positive development was driven primarily by rising investments from General Government and Financial/Non-Financial Corporations, reflecting the ongoing implementation of major infrastructure programs and private sector development projects. Government construction expenditures alone nearly doubled from PHP 720.38 billion in 2020 to PHP 1.34 trillion in 2024, underscoring government's role as a key driver of cement demand.

¹⁰ Gross Fixed Capital Formation (GFCF) in construction refers to the total value of a country's acquisitions, less disposals, of fixed assets used for construction purposes within a given period. These fixed assets include physical structures such as residential buildings, commercial and industrial facilities, public infrastructure (e.g., roads, bridges, ports, and airports), and other long-term construction projects that are intended for use in the production of goods and services for more than one year.

**Figure 5.4. Gross Fixed Capital Formation in Construction, By Sector:
2019-2024 (at Constant 2018 Prices)**



Source of basic data: Philippine Statistics Authority (PSA)

Based on data from the Department of Budget and Management, government infrastructure spending in the Philippines consistently increased from 2020 to 2024, reflecting the government's continued prioritization of infrastructure development as a driver of economic recovery and growth. After a slight decline in 2020 due to the COVID-19 pandemic, infrastructure activities rebounded, with expenditures reaching PHP 1.54 trillion in 2024, an increase by 8.9% from PHP 1.02 trillion in 2023. This surge is attributed to the implementation of major public infrastructure programs under the government's "Build Better More" initiative. The foregoing highlights the crucial role of public sector investment in stimulating construction activity, which in turn drives increased demand for construction materials such as cement.

Table 5.2. Philippine Infrastructure Spending: 2019-2024

Year	Infrastructure Spending (PHP)
2019	881.7 billion
2020	720.4 billion
2021	895.1 billion
2022	1.02 trillion
2023	1.17 trillion
2024	1.54 trillion (estimate)

Source of basic data: Department of Budget and Management

5.4. Tariff Rates

5.4.1. Most Favoured Nation Duties

Under Executive Order (EO) No. 62 (s. 2024) which prescribes the 2024-2028 Most Favoured Nation (MFN) tariff structure of the Philippines, the 0% MFN tariffs on cement that were in place since 2019 will remain until 2028 (Table 5.3). Considered as an intermediate product, cement is unbound under the WTO.

Table 5.3. MFN Tariff Rates, WTO Bindings, Degree of Processing, and Local Availability

AHTN 2022 Subheading	MFN Rates of Duty: 2019-2028 ^{1/} (%)	WTO Binding	Degree of Processing	Local Availability
2523.29.90	0	Unbound	Intermediate Good	Locally Produced
2523.90.00	0	Unbound	Intermediate Good	Locally Produced

^{1/} The 2024-2028 MFN tariff schedule is prescribed in EO No. 62 (s. 2024)

5.4.2. Preferential Duties

Except under the ASEAN-Australia-New Zealand FTA and the ASEAN-India FTA wherein the preferential tariffs are 4% and 5%, respectively, cement may be imported duty-free under the 11 FTAs that the Philippines is a party to (Tables 5.4a and 5.4b).

Table 5.4a. Preferential Ending Tariff Rates Under Fully Implemented Free Trade Agreements

AHTN 2022 Subheading	Preferential Rates of Duty (%)						
	AANZFTA: 2020 ^{1/}	ACFTA: 2018 ^{1/}	AJCEPA: 2018 ^{1/}	AKFTA: 2016 ^{1/}	AIFTA: 2022 ^{1/}	ATIGA: 2010 ^{1/}	PJEPA: 2018 ^{1/}
2523.29.90	4	0	0	0	5	0	0
2523.90.00	4	0	0	0	5	0	0

^{1/} Date of full Philippine implementation

Note: AANZFTA = ASEAN-Australia-New Zealand FTA; ACFTA = ASEAN-China FTA; AJCEPA = ASEAN-Japan Economic Partnership Agreement; AKFTA = ASEAN-Korea FTA; AIFTA = ASEAN-India FTA; ATIGA = ASEAN Trade in Goods Agreement; PJEPA = Philippines-Japan Economic Partnership Agreement

Table 5.4b. Preferential Tariff Rates Under Non-Fully Implemented Free Trade Agreements

AHTN 2022 Subheading	Preferential Rates of Duty (%)					
	AHKFTA ^{1/} : 2020-2025	PH-EFTA FTA ^{2/} : 2018-2025			PH-KR FTA ^{3/} : 2024-2025	RCEP ^{4/} : 2023-2025
		Norway	Switzerland / Liechtenstein	Iceland		
2523.29.90	0	0	0	0	0	0
2523.90.00	0	0	0	0	0	0

^{1/} Philippine implementation started in 2020 under EO No. 102, s. 2020; ^{2/} Philippine implementation started in 2018 under EO No. 61, s. 2018; ^{3/} Philippine implementation started in 2024 under EO No. 80, s. 2024; ^{4/} Philippine implementation started in 2023 under EO No. 25, s. 2023

Note: AHKFTA = ASEAN-Hong Kong, China FTA; PH-EFTA FTA = Philippines-European Free Trade Association FTA; PH-KR FTA = Philippines-Korea FTA; RCEP = Regional Comprehensive Economic Partnership Agreement

5.4.3. Safeguard Duties

Imported Type 1 and Type 1P cement from various countries were subjected to provisional safeguard duties starting 22 February 2019 upon the effectivity of BOC CMO No. 12-2019 which implemented DTI-DAO No. 19-02 (series of 2019) (Table 5.5).

Table 5.5. Safeguard Duties on Cement

AHTN 2017/ 2022 Subheading	Description	Provisional ^{1/}		Definitive					
		PHP/ MT	PHP/ 40 kg bag	First Year ^{2/}		Second Year ^{3/}		Third Year ^{4/}	
				PHP/ MT	PHP/ 40 kg bag	PHP/ MT	PHP/ 40 kg bag	PHP/ MT	PHP/ 40 kg bag
2523.29.90	Type 1 Cement	210.00	8.40	250.00	10.00	245.00	9.80	200.00	8.00
2523.90.00	Type 1P Cement								

^{1/} Effective starting 09 February 2019 upon publication of DTI-DAO No. 19-02 in the Manila Standard and Business Mirror

^{2/} Source: BOC Customs Memorandum Circular No. 239-2019

^{3/} Source: BOC CMO No. 29-2020

^{4/} Source: BOC CMO No. 39-2021

On 27 August 2019, following the Commission's affirmative recommendation, the Secretary of Trade and Industry issued DTI-DAO No. 19-13 (series of 2019) imposing a definitive safeguard duty on importations of cement for a period of three years. The amount of the safeguard duty for the first year is PHP 250.00/MT (or PHP 10.00/40 kg bag). The definitive safeguard duty took effect on 22 October 2019 upon the issuance by the BOC of Customs Memorandum Circular (CMC) No. 239-2019.

One year after the imposition of the definitive safeguard duty, the DTI issued DAO No. 20-08 (series of 2020) on 26 October 2020. This Order modified the safeguard duties for the second year, increasing them from PHP 225.00/MT (or PHP 9.00/40 kg bag) to PHP 245.00/MT (or PHP 9.80/40 kg bag), citing the continued surge in imports and the aggravating effects of the COVID-19 pandemic on the cement industry as justifications. Subsequently, on 07 December 2020, the BOC issued CMO No. 29-2020 to implement the new safeguard duties covering the period 22 October 2020 to 21 October 2021.

For the third and final year of the safeguard measure, the previously determined rate of PHP 200.00/MT (or PHP 8.00/40 kg bag), as outlined in DTI-DAO No. 19-13 (series of 2019), was reinstated and implemented from 22 October 2021 to 21 October 2022 under BOC CMO No. 39-2021. The imposition of safeguard measure on cement expired on 22 October 2022 pursuant to BOC CMC No. 160-2022.

5.4.4. Anti-Dumping Duties

Provisional anti-dumping duties were imposed on specific Vietnamese exporters of Type 1 and Type 1P cement starting on 20 December 2021 pursuant to BOC CMO No. 38-2021 which implemented DTI-DAO No. 21-07 (series of 2021).

On the basis of the Commission's affirmative final determination, the DTI issued DAO No. 23-01 (series of 2023)¹¹ on 14 February 2023 imposing definitive anti-dumping duties on specific Vietnamese exporters of Type 1 and Type 1P cement for a period of five years (Table 5.6). To implement said DAO, the BOC issued CMO No. 05-2023 which took effect on 20 March 2023.

**Table 5.6. List of Vietnamese Exporters
Imposed With Definitive Anti-Dumping Duty**

No.	Company Name	Cement Type	Dumping Margin	
			In Absolute Terms (USD/MT)	As a Percentage of Export Price (%)
Producer – Exporter				
1	Ha Long Cement Joint Stock Company	1	3.85	9.48
2	Long Son Company Limited	1	3.86	9.51
		1P	4.18	10.67
3	Thang Long Cement Joint Stock Co.	1	3.27	7.94
		1P	1.43	3.41
4	Vicem Hai Phong Cement Company Ltd.	1	0.99	2.33
5	Vicem Tam Diep Cement One Member Co. Ltd.	1P	2.16	6.19
6	Vissai Ninh Binh JSC	1	4.78	12.06
Trader – Exporter				
7	Nam Ahn Trade and Export Joint Stock Company	1	3.98	10.99
		1P	4.91	15.29
8	Nam Phoung Imex Import & Export	1	4.24	11.58
9	NCL Trading Joint Stock Company	1	1.11	2.76
10	Viet HP Import Export and Investment Joint Stock Co.	1	8.33	23.07
		1P	8.20	23.33
All Others' Rate*		1	--	23.07
		1P	--	23.33

Source: DTI-DAO No. 23-01 series of 2023

*The "All Others' Rate" shall be applied to foreign exporters who (1) did not make themselves known to the Commission, (2) did not cooperate sufficiently during the formal investigation, and (3) new foreign exporters who have not exported subject articles to the Philippines during the POI.

¹¹ Superseded DTI-DAO No. 22-17 (series of 2022) issued on 16 December 2022

6. DETERMINATION OF COMPLIANCE WITH DOMESTIC INDUSTRY REQUIREMENT

Section 5 of RA No. 8800 provides the conditions for the application of General Safeguard Measures, to wit:

“The Secretary shall apply a general safeguard measure upon a positive determination of the Commission that a product is being imported into the country in increased quantities, whether absolute or relative to the domestic production as to be substantial cause of serious injury or threat thereof to the domestic industry” (underscoring supplied)

Section 4(f) of RA No. 8800 defines “domestic industry” as referring to “the domestic producers, as a whole, of like or directly competitive products manufactured or produced in the Philippines or those whose collective output of like or directly competitive products constitutes a major proportion of the total domestic production of those products.” (underscoring supplied)

Rule 4.1 of the IRRs of RA No. 8800 further provides that: “(1) in the case of a domestic producer which also imports the product under consideration, only its domestic production of the like or directly competitive product shall be treated as part of the domestic production, or (2) in the case of a domestic producer which produces more than one product, only that portion of its production of the like or directly competitive production may be treated as part of such domestic production.”

Out of the 15 companies forming part of the domestic cement industry, the six member-companies (Apo, Solid, Holcim, Republic, Taiheiyo, and Goodfound) of the domestic industry association CeMAP participated in the investigation. Total production of said companies amounted to 113 million MT, or 66% of total industry production of cement (Ordinary Portland Cement Type 1 and Blended Cement) during the POI (Table 6.1). This 66% share is more than the majority and is without a doubt a major proportion that substantially represents total domestic production. Hence, compliance with the domestic industry requirement as a condition in the application of general safeguard measures is hereby satisfied.

Table 6.1. Local Production of Cement: 2019-2024

Year	Volume of Domestic Production ('000 MT)
2019	28,586
2020	25,326
2021	29,469
2022	28,718
2023	32,700
2024	26,691
Total Domestic Industry Production	171,490
CeMAP Member-Companies	112,745
Share of Production of CeMAP Member-Companies to Total Industry Production	66%

Sources of basic data on production: CeMAP; verified consolidated submissions (TC Form 5-A) of CeMAP member-companies

7. DETERMINATION OF LIKE PRODUCT OR DIRECTLY COMPETITIVE PRODUCT

Rule 9.4.a of the IRRs of RA No. 8800 requires the Commission to determine *“if the domestic product is a like or directly competitive product to the imported product under consideration”*.

Section 4(h) of the IRRs of RA No. 8800 defines “like product” as *“a domestic product which is identical, i.e., alike in all respects to the imported product under consideration, or in the absence of such a product, another domestic product which, although not alike in all respects, has characteristics closely resembling those of the imported product under consideration”*. Section 4(e) defines “directly competitive products” as *“domestically-produced substitutable products”*.

7.1. Subject Article

Cement is a dry powdery substance made by calcining lime and clay, which is then mixed with water to form mortar, or mixed with sand, gravel and water to make concrete. It is a binder material. Once hardened, cement delivers sufficient strength to erect large industrial structures.

Hydraulic cement (e.g., Portland cement, blended cement) is a type of cement that sets and hardens through a chemical reaction with water, even underwater. It is widely used in construction and repair (e.g., waterproofing and fixing cracks).

7.1.1. Imported Product Under Consideration

The products under consideration, as identified in the DTI’s Preliminary Determination Report dated 20 February 2025 and DTI-DAO No. 25-01 (Series of 2025), are Ordinary Portland Cement (OPC) Type 1 (AHN Subheading No. 2523.29.90) and Blended Cement (AHN Subheading No. 2523.90.00).

OPC Type 1 is a basic, all-purpose cement made primarily from clinker and gypsum. OPC has rapid and early strength development properties and is thus used for general-purpose concrete applications where high early strength is needed.

Blended cement, on the other hand, is a mix of OPC with other materials like limestone, slag, or pozzolans (e.g., fly ash). Compared to OPC, blended cement has increased durability, sulfate and chloride resistance, and reduced permeability, contributing to longer concrete lifespan. Blended cement can also reduce the carbon footprint of concrete production due to its use of industrial by-products like slag or pozzolans. Blended cement is used for situations requiring enhanced durability and resistance to aggressive environments.

The product standards describe OPC Type 1 and blended cement (i.e., Type 1P, Type 1T, Type 1L, Type 1S and Type P) as follows:

Table 7.1. Types of Cement Based on Standards

AHTN 2022 Code	Type	Philippine National Standard (PNS) / Description
2523.29.90	Ordinary Portland Cement (OPC) Type 1	PNS 07:2018 As described in the American Society for Testing and Materials (ASTM) C 219-19, OPC is a hydraulic cement produced by pulverizing Portland-cement clinker, and usually containing calcium sulfate. ASTM C 150M-18 and PNS 07:2018 both categorize Portland cement according to use and characteristics. These standards include Type 1 cement, for use when the special properties specified for any other type are not required.
2523.90.00	Blended Cement	PNS 63:2019
	Portland-Pozzolan Cement (Type 1P)	Type 1P cement is defined in ASTM C 595/C 595M-19 and PNS 63:2019 as a hydraulic cement in which the pozzolan constituent is up to 40% by mass of the blended cement .
	Portland Blast-Furnace Slag Cement (Type 1S)	Type 1S cement is defined in PNS 63:2019 as a hydraulic cement in which the slag constituent is less than 70% by mass of the blended cement .
	Portland-Pozzolan Cement (Type P)	Type P cement is defined in PNS 63:2019 as a hydraulic cement in which the pozzolan constituent is up to 40% by mass of the blended cement, suitable for general concrete construction not requiring high early strength .
	Portland-Limestone cement (Type 1L)	Type 1L cement is defined in PNS 63:2019 as follows: "...a hydraulic cement in which the limestone content is more than 5 % but less than or equal to 15 % by mass of the blended cement. The manufacturer shall report the amount of limestone used, expressed as a percentage of cement mass."
	Ternary Blended Cement (Type 1T)	Type 1T cement is defined in PNS 63:2019 as follows: "...a hydraulic cement consisting of an intimate and uniform blend produced either by intergrinding, by blending, or a combination of intergrinding, and blending Portland cement clinker or pozzolan cement with (1) two different pozzolans, (2) slag and a pozzolan, (3) a pozzolan and a limestone, or (4) a slag and a limestone. All other ternary blended cements shall have a maximum pozzolan content of 40 % by mass of the blended cement, a maximum limestone content of 15 % by mass of the blended cement, and the total content of pozzolan, limestone, and slag shall be less than 70 % by mass of the blended cement. Any slag, pozzolan, or limestone used as ingredient in portland cement used to manufacture a blended cement shall be included in the total amount of those materials reported."

Based on data from the BOC, there were recorded importations of OPC Type 1 and blended cement (i.e., Type 1P; Type 1T; and Type 1L) from various countries during the POI of 2019 to 2024.

7.1.2. Domestic Product

The domestic cement industry produced both OPC Type 1 and blended cement (Type 1P, Type 1T, Type 1L, and Type P) during the POI.

Table 7.2. Domestic Cement Products: 2019-2024

Manufacturer	Cement Type	Cement Brand
Republic Cement and Building Materials Inc.	OPC Type 1	Rapidset (Bagged)
		Republic (Bulk)
	Type 1T	Republic Portland Plus (Bagged)
		Fortune (Bagged)
		Kapit-Balay
	Type 1L	Rapidset Plus
Holcim Philippines, Inc.	OPC Type 1	Holcim T1 Premium
	Type 1P	Holcim Solido
	Type 1T	Holcim Excel Ecoplanet
Cemex Holdings Philippines ^{a/} - Solid Cement Corporation and APO Cement Corporation	OPC Type 1	Island Portland Cement
		APO Portland Cement
	Type 1P	Rizal Portland Super/Rizal Portland
		APO Portland Premium / APO Portland
		Rizal High Strength
		APO High Strength
	Type 1T	Rizal Portland
		APO Portland
Taiheiyo Cement Philippines, Inc.	OPC Type 1	Grand Portland Cement
	Type 1P	Grand Extra Strength Portland Plus
	Type 1T	Grand Premium Cement Portland Plus
	Type P	Grand Pozzolan Cement
Goodfound Cement Corporation	Type 1T	Mayon Premium Cement
		Mayon Super Cement
	Type P	Mayon Pozzolan Cement
		Mayon Green Cement

Source: CeMAP

^{a/} Starting in 2025, Apo Cement Corporation and Solid Cement Corporation have been fully acquired by DMCI Holdings, Inc. with a change in company name to Concreat Holdings Philippines.

Considering that the DTI, in its *motu proprio* investigation, identified the products under consideration as OPC Type 1 (AHTN Subheading No. 2523.29.90) and Blended Cement (AHTN Subheading No. 2523.90.00), other types of Portland Cement under AHTN Subheading No. 2523.29.90 (i.e., Type II, Type III, Type IV, and Type V) are considered to be outside the product scope of this Formal Investigation.

7.2. WTO Requirement

Like Products

In the Appellate Body Report on “Japan – Taxes on Alcoholic Beverages”, it adopted the Panel’s findings that “*like products*” must be narrowly construed, noting that “*the term ‘like products’ suggest that for two products to fall under this category they must share, **apart from commonality of end-uses**, essentially the same physical characteristics*” (emphasis supplied).¹² The Report further stated that: “*Tariff classification has been used as a criterion for determining “like products” in several previous adopted panel reports.*”¹³

Directly Competitive Products

Paragraph 91 of the WTO Appellate Body Report on “Korea – Taxes on Alcoholic Beverages”¹⁴ identified the following key elements for the interpretation of the term “directly competitive”:

- i. *The word “competitive” means “characterized by competition”. The context of the competitive relationship is necessarily the marketplace, since that is the forum where consumers choose different products that offer alternative ways of satisfying a particular need or taste. As competition in the marketplace is a dynamic and evolving process, the competitive relationship between products is not to be analyzed exclusively by current consumer preferences; competitive relationship extends as well to potential competition.*
- ii. *According to the ordinary meaning of the term “directly competitive”, products are competitive or substitutable when they are interchangeable or if they offer alternative ways of satisfying a particular need or taste.*
- iii. *“Like” products are a subset of directly competitive or substitutable products: all like products are, by definition, directly competitive or substitutable, whereas not all “directly competitive or substitutable” products are “like”.*

7.3. Factors for Consideration

In making a determination on “like product” or “directly competitive product”, the Commission was guided by the requirements of the Safeguard Measures Act and the WTO Agreement on Safeguards.

¹² WTO Appellate Body Report of the Panel: “Japan – Taxes on Alcoholic Beverages”, 1996, WTO Document Code WT/DS8/AB/R; WT/DS10/AB/R; WT/DS11/AB/R

¹³ WTO Appellate Body Report: “Japan – Taxes on Alcoholic Beverages”, 1996, WTO Document Code WT/DS8/AB/R; WT/DS10/AB/R; WT/DS11/AB/R

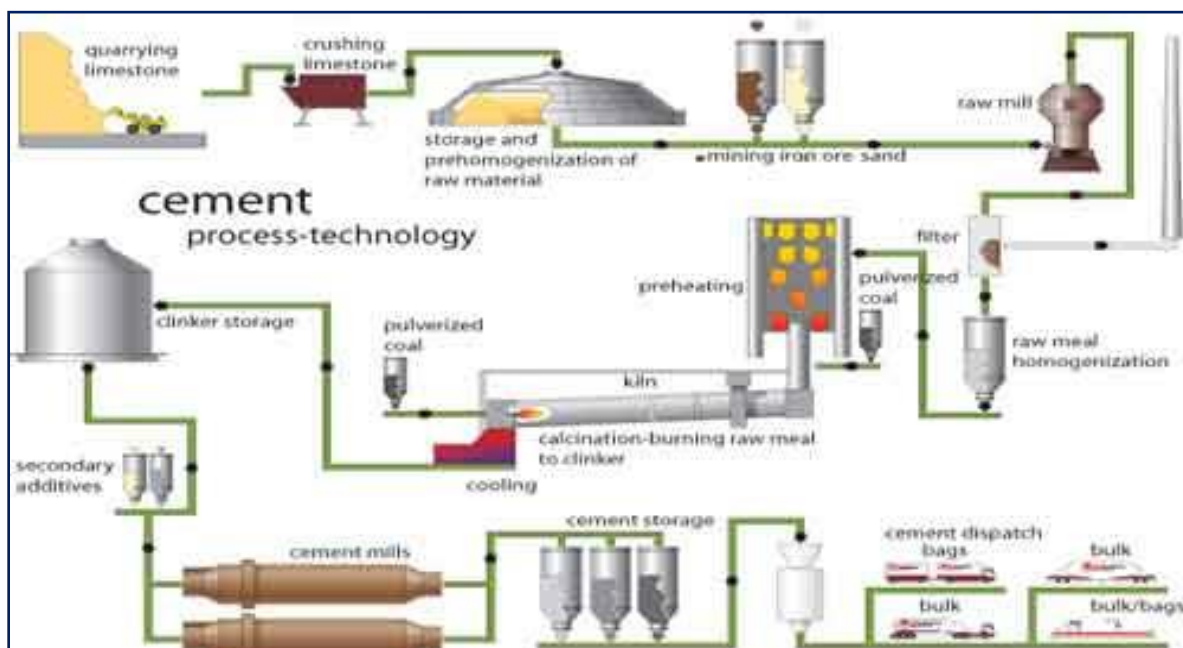
¹⁴ WTO Appellate Body Report: “Korea – Taxes on Alcoholic Beverages”: 1998, WTO Document Code WT/DS75/AB/R; WT/DS84/AB/R

The Commission considered all submissions received, its findings from the plant inspections and technical discussions held with parties, and the results of its own research, including the use of best information available.

7.3.1. Production Process

The most generally used and latest manufacturing technology for cement production is the dry process, which minimizes the energy requirement and thus makes the burning process more cost-efficient (Figure 7.1).

Figure 7.1. Cement Production: Dry Process



Source: <https://www.sciencedirect.com/topics/engineering/clinker-production>

Cement manufacture can be grouped into three phases: raw material preparation, clinker production, and cement production. These are:

a. Raw material preparation

- i. **Quarrying.** Limestone, shale, and silica are mined within the vicinity of the cement plant. Pyrite, being a waste product in the metallurgical process, is sourced from smelting companies. Magnetite, which is used as a source of iron in the absence of pyrite, is also mined. Quarry operations involves drilling, blasting, extraction, and hauling.
- ii. **Crushing.** The raw materials, when mined, are in the form of boulders and lumps. These are initially crushed to smaller sizes of about two to three inches in diameter.
- iii. **Raw Milling.** The raw materials are blended and fed to the raw meal grinder in order to reduce the particle sizes and enable them to pass through a 90-micron sieve. Proportioning, drying, and grinding of the raw materials are accomplished in the mill.

- iv. **Homogenization.** The powdered meal is then stored in a blending silo where air constantly mixes the raw materials to obtain a homogeneous mixture.

b. Clinker Production

- i. **Preheating.** The blended mix is fed to preheater cyclones, then to the precalciner where it is heated and calcined.
- ii. **Burning.** This mix then goes to the rotary kiln and undergoes chemical reaction as the temperature rises. Inside the kiln, nodules and small lumps called clinkers are produced.
- iii. **Cooling.** The clinker formed during sintering process then falls into the grate cooler. The clinker is cooled and stored in clinker silos.

c. Cement Production

- i. **Finish Milling.** Clinker, which is in the form of irregularly-shaped and -sized lumps, is mixed with either natural or chemical gypsum at a maximum proportion of 5%. The mix is then fed to the ball mill to reduce the particle sizes and enable them to pass through a standard 325 mesh screen with minimum retention.
- ii. **Packing.** From the storage silo, cement is conveyed to the rotary packing machines. Bulk cement is directly discharge from the cement silo into bulk carriers/truck.

OPC Type 1 and blended cement are manufactured using the same dry process, except that for blended cement, pozzolanic materials or other additives, such as volcanic tuft, are added to the mix during the finish mill grinding phase.

Both local and foreign cement manufacturers produced cement during the POI using the most generally used technology which is the dry process. The domestic industry has the capability to manufacture the different types of blended cement (i.e., Type 1P, Type 1S, Type P, Type 1L, Type 1T) but focused on the domestic market requirement for OPC Type 1, Type 1P and Type 1T.

Findings

The Commission finds that:

1. Locally manufactured OPC Type 1 and imported OPC Type 1 are manufactured using the dry process technology.
2. Locally produced blended cement and imported blended cement are produced using the dry process, but with the addition of pozzolanic materials or other additives during the finish mill grinding phase.

7.3.2. Product Characteristics

The international standard for OPC Type 1 is ASTM C 150M-18. For blended cement, the applicable standard is ASTM C 595/C595M-19.

In the Philippines, the PNS specifies the characteristics, properties, and quality of cement to be used in the country. PNS 07:2018 sets out the standard for OPC Type 1 while PNS 63:2019 lays down the specifications for blended cement. The PNS are based on the international product standards, i.e., PNS 07:2018 is based on ASTM C 150M-18 for OPC Type 1 and PNS 63:2019 is based on ASTM C 595/C595M-19 for blended cement.

7.3.2.1. Material Composition

Clinker is the main material in the production of cement. The raw materials for clinker production, on the other hand, are calcium (sourced from limestone, shale, and calcite, among others), silicon (from clay, shale, fly ash, and slag, among others), aluminium (sourced from clay, shale, fly ash, and aluminium ore refuse), and iron (sourced from, among others, clay, iron ore, shale, and blast furnace slag) (Table 7.3).

Table 7.3. Examples of Raw Materials for Clinker Manufacture

Calcium	Silicon	Aluminium	Iron
Limestone	Clay	Clay	Iron Ore
Marl	Shale	Shale	Mill shale
Calcite	Marl	Fly Ash	Shale
Aragonite	Sand	Aluminium Ore Refuse	Clay
Shale	Fly Ash		Blast furnace dust
Sea shells	Slag		Pyrite
Cement Kiln dust	Rice hull ash		

Source: <https://cemgems.org/cement/img/001-FR-5-Jennings-Thomas.pdf>

Hydraulic cement (which includes OPC Type 1 and blended cement) is produced by inter-grinding clinker with one or more forms of calcium sulfate, such as gypsum, to control the early reaction of cement. Further modifications to cement can be achieved with the addition of other cementitious materials which are commonly referred to as additives. The addition of additives to hydraulic cement produces different types of blended hydraulic cement. For example, Type 1P cement (Portland-pozzolan cement) uses pozzolanic materials, such as fly ash or tuff (Table 7.4).

Table 7.4. Examples of Cement Additives

Artificial Pozzolan	Natural Pozzolan	Other additives
Pulverized fuel ash (fly ash)	Materials of volcanic origin (pyroclastic rocks)	Slag
Burnt clay	Tuffs (compact materials)	Limestone
Burnt shale	Materials of sedimentary origin	
Silica Fume	Hybrid rocks	
Rice husk ash		
Thermally activated mineral		

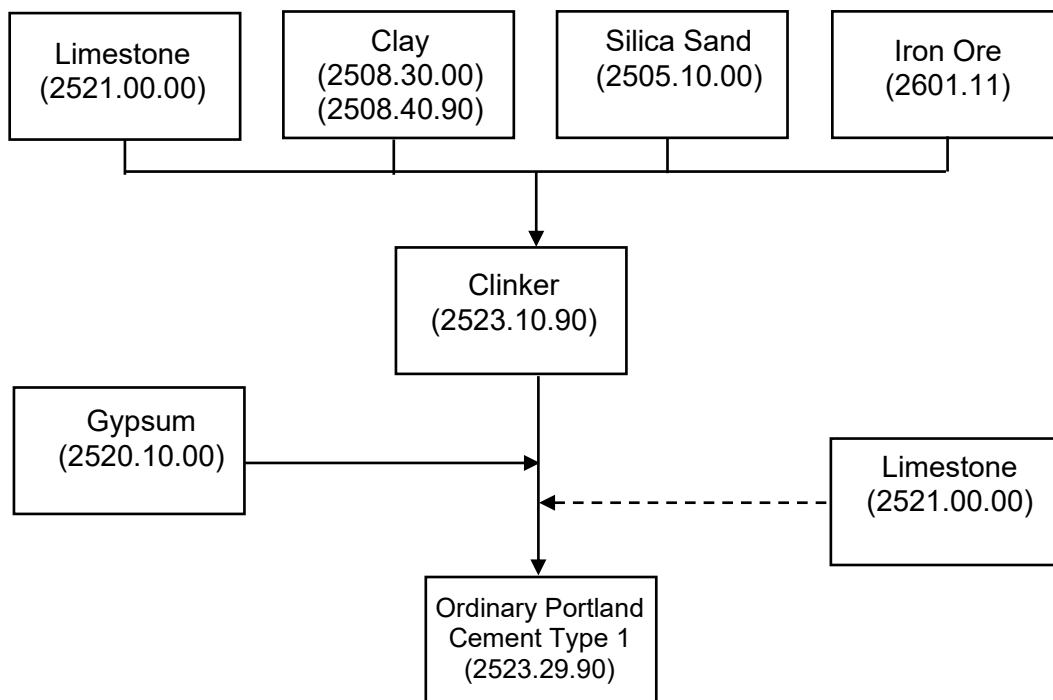
Source: PNS 63:2019

OPC Type 1

PNS 07:2018 permits Portland cement to contain limestone but does not require that limestone be an ingredient in the cement. The amount shall not be more than 5.0% by mass such that the chemical and physical requirements of the standard are met. If limestone is used, the manufacturer shall report the amount used (expressed as a percentage of cement mass), along with the oxide composition of the limestone.

Portland cement is obtained by firing limestone that is either in its natural state or mixed artificially with a suitable proportion of clay. Other materials such as silica-, alumina- or iron-bearing substances may also be added. As a result of the firing process, semi-finished products known as clinkers are obtained. These clinkers are subsequently ground to produce Portland cement, which may incorporate additives and accelerators to modify its hydraulic properties, such as gypsum and limestone (optional). Figure 7.2 shows the raw materials used in the manufacture of OPC Type 1, and the flow of materials from the raw state to the finished product.

Figure 7.2. Linkage Chart of OPC Type 1

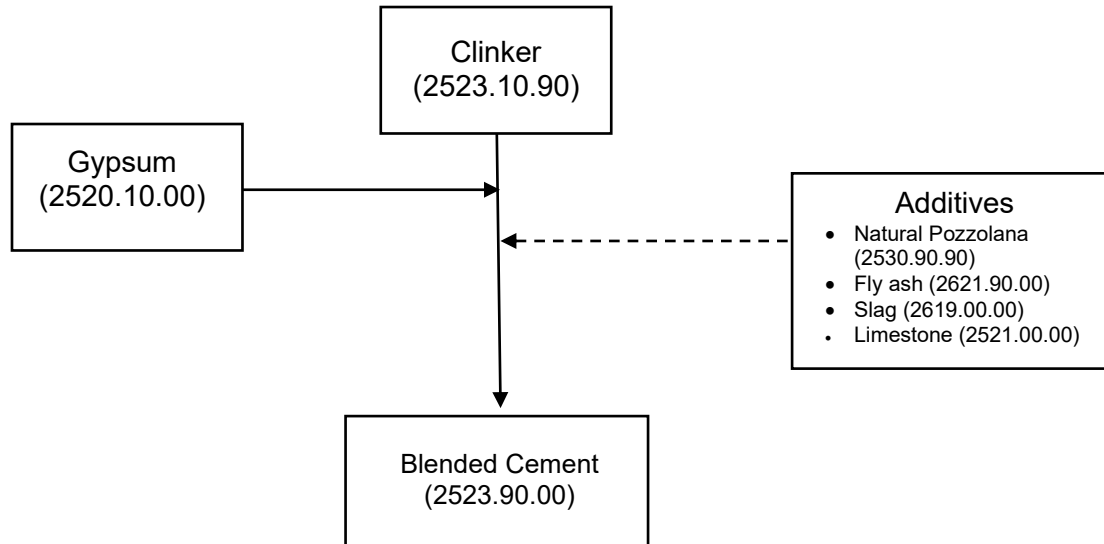


Locally manufactured OPC Type 1 clinker uses limestone sourced from quarries adjacent to the cement plant; silica and/or shale from nearby local quarries; and iron concentrates from copper slag, as raw materials. Most domestic brands consist of, on average, 90% - 95% clinker, 5% gypsum (usually natural gypsum), and 5% limestone (optional). Imported OPC Type 1 makes use of limestone, clay, silica, and iron as clinker raw materials. Gypsum and limestone are added during the finish milling stage of the production process.

Blended Cement

Blended cement is produced by combining Portland cement clinker and gypsum with additives such as pozzolan (usually pozzolana or fly ash), limestone, or slag. Figure 7.3 illustrates the flow from the raw materials (i.e., Portland cement clinker, gypsum, and additives) to the finished product (i.e., blended cement).

Figure 7.3. Linkage Chart of Blended Cement



Local and imported blended cement are composed of Portland-cement clinker, gypsum, and additives. Fly ash, a by-product of coal power plants, is commonly added as a pozzolanic material.

Findings

The Commission finds that:

- a. Local and imported OPC Type 1 are manufactured using similar raw materials, namely, clinker, gypsum, and limestone.
- b. Similarly, local and imported blended cement are produced using similar raw materials, namely, Portland-cement clinker, gypsum, and additives.

7.3.2.2. Physical and Chemical Characteristics

On 28 December 2017, DTI issued DAO No. 17-06 prescribing the rules and regulations for a mandatory Philippine Standard (PS) Licensing Scheme covering cement products, whether locally manufactured or imported. This DTI-DAO aims to strictly ensure that cement products meet the specified safety and/or quality requirement/s prescribed in the PNS.

Among others, the DAO mandates that, for purposes of safety, traceability and accountability, only cement sourced from cement manufacturers holding a valid PS Quality and/or Safety Certification Mark License(s) shall be permitted to be

distributed in the country. While the PS Quality and/or Safety Mark Licensing Scheme shall be available to both local and foreign producers selling or distributing cement in the Philippine market, the License to use the PS Certification Mark shall be granted only to cement manufacturers found to be compliant with the requirements.

The DAO also requires that product testing must be conducted by a Bureau of Product Standards (BPS)-recognized testing laboratory and performed in accordance with the requirements of the relevant PNS. The parameters of the critical test were limited to seven-days compressive strength requirement and chemical composition requirements.

As has been mentioned, OPC Type 1 is covered by PNS 07:2018 and blended hydraulic cement is covered by PNS 63:2019. These PNS are based on the international product standards, namely, ASTM C 150M-18 for OPC Type 1 and ASTM C 595/C595M-19 for blended cement.

Physical Characteristics

Being a vital component of concrete structures, cement should meet the standard physical requirements for safety and durability of buildings and infrastructures. The typical physical requirements for cement are air content, fineness, expansion, strength, and setting time.

Hydraulic cement sets and hardens when water is added. The setting time can vary depending on multiple factors, such as fineness of cement, cement-water ratio, chemical content, and admixtures. Cement used in construction should have an initial setting time that is not too low and a final setting time that is not too high. Hence, two setting times are measured, namely, (i) the initial set - when the paste begins to stiffen noticeably (typically occurs within 30-45 minutes); and (ii) the final set - when the cement hardens and is able to sustain some load (typically occurs below 10 hours). On the other hand, soundness refers to the ability of cement to not shrink upon hardening and is determined through the autoclave test.

A. OPC Type 1

The physical requirements for OPC Type 1, as specified in the ASTM and PNS, are shown in Table 7.5.

**Table 7.5. Physical Specifications for OPC Type 1
Based on Product Standards**

Physical Requirements	ASTM C 150M-18	PNS 07:2018
Specific surface (Blaine Test)		
Air permeability, m ² /kg, min	260	260
Air content of mortar, volume % max	12	12
Autoclave expansion, max, %	0.80	0.80
Time of setting (Vicat test):		
Initial set, minutes, min.	45	45
Final set, minutes, max.	375	375
Compressive strength, MPa (psi) min.:		
3 days	12.0	12.0

Physical Requirements	ASTM C 150M-18	PNS 07:2018
	(1740)	(1740)
7 days	19.0 (2760)	19.0 (2760)
28 days	-	28.0 (4060)

Sources: ASTM C150 and PNS07:2018

DTI-DAO No. 17-06 mandates that the three- or seven-day compressive strength results of imported OPC Type 1 should meet the specified 28-day compressive strength requirement indicated in PNS 07:2018, so that the BPS will issue the required Statement of Confirmation (SOC). On the other hand, locally produced OPC Type 1 is not required to meet aforesaid compressive strength requirement since an SOC is not necessary for local cement's distribution, retail or use (in the Philippines). Thus, imported OPC Type 1 exhibit higher compressive strength results than their local counterparts. Table 7.6 shows the comparative results for local and imported OPC Type 1 based on available data.

**Table 7.6. Results of Physical Tests for OPC Type 1:
Philippine Cement and Imported Cement**

Physical Requirements	PNS 07:2018	Imported *	Locally Manufactured**
Fineness Passing on 45-µm (No.325) sieve, %	-	■	■
Specific surface (Blaine Test)			
Air permeability, m ² /kg, min	260	■	■
Air content of mortar, volume % max.	12	■	■
Autoclave expansion, % max.	0.8	■	■
Time of setting (Vicat test):			
Initial set, minutes, min.	45	■	■
Final set, minutes, max.	375	■	■
Compressive strength (MPa), min.:			
3 days	12.0	■	■
7 days	19.0	■	■
28 days	28.0	■	■

* Based on submitted confidential file of Vissai Ninh Binh Joint Stock Company, a Vietnamese company, dated 03 April 2025

** Based on Test Certificate (Physical Test) issued for OPC Type 1 by APO Cement Corporation-Quality Assurance Department on 08 April 2025

Foreign manufacturers of OPC Type 1 comply with the international standard ASTM C 150 and are required under DTI-DAO No. 17-06 to comply with PNS 07:2018, which is based on the international standard, before they can sell or distribute cement in the Philippine market.

B. Blended Cement

The physical requirements for blended cement, based on the ASTM and PNS, are listed in Table 7.7 and Table 7.8, respectively.

**Table 7.7. Physical Specifications for Blended Cement
Based on ASTM Standard**

Physical Requirements	ASTM C 595 / C595M-19	
	IL, IP, IS(<70), IT(<70)	1S (≥70), 1T (S≥70)
Fineness Amount retained when wet-sieved on 45-μm (No.325) sieve, max, %	A	A
Specific surface (Blaine Test) Air permeability, m ² /kg, min	A	A
Air content of mortar, volume % max	12	12
Autoclave expansion, max, %	0.80	0.80
Time of setting (Vicat test):		
Set, minutes, min.	45	45
Set, hours, max.	7	7
Compressive strength, MPa (psi) min.:		
3 days	13.0 (1890)	-
7 days	20.0 (2900)	5.0 (720)
28 days	25.0 (3620)	11.0 (1600)

Sources: ASTM C595/C595-19

Legend: "A" - The amount retained when wet sieved on 45-μm (No. 325) sieve, specific surface by air permeability apparatus, m²/kg and density g/cm³, shall be reported on all mill test reports requested under 15.4 of ASTM C 595/C595M-19

**Table 7.8. Physical Specifications for Blended Cement
Based on PNS Standard**

Physical Requirements	PNS 63:2019		
	Type 1P	P	1S, 1L, 1T
Fineness Amount retained when wet-sieved on 45-μm (No.325) sieve, max, %	a	a	a
Specific surface (Blaine Test) Air permeability, m ² /kg, min	280	280	280
Air content of mortar, volume % max	12	12	12
Autoclave expansion, max, %	0.50	0.50	0.80
Time of setting (Vicat test):			
Initial set, minutes, min.	45	45	45
Final set, minutes, max.	420	420	420
Compressive strength, MPa (psi) min.:			
3 days	13.0 (1890)	-	13.0 (1890)
7 days	20.0 (2900)	11.0 (1600)	20.0 (2900)
28 days	25.0 (3620)	21.0 (3140)	25.0 (3620)

Sources: PNS 63:2019

Legend: "a" - The amount retained when wet sieved on 45-μm (No. 325) sieve, specific surface by air permeability apparatus, m²/kg and density g/cm³, shall be reported on all mill test reports requested under 12.4 of PNS 63:2019

In order that the required BPS SOC will be issued, DTI-DAO No. 17-06 mandates that the three- or seven-day compressive strength results of imported blended cement should meet the specified 28-day compressive strength requirement indicated in PNS 63:2019. On the other hand, domestic blended cement is not required to meet the aforementioned compressive strength requirement since an SOC is not necessary for local cement's distribution, retail or use (in the Philippines). Table 7.9 shows the comparative results between imported Type 1P cement and local Type 1P and Type 1T cement based on available data.

**Table 7.9. Results of Physical Tests for Blended Cement:
Philippine Cement and Imported Cement**

Physical Requirements	PNS 63:2019 Type 1P	Imported	Locally Manufactured	
		Type 1P*	Type 1P**	Type 1T***
Fineness Passing on 45-µm (No.325) sieve, %	a****	■	■	■
Specific surface (Blaine Test) Air permeability, m ² /kg, min	280	■	■	■
Air content of mortar, volume % max.	12	■	■	■
Autoclave expansion, % max.	0.5	■	■	■
Time of setting (Vicat test):				
Initial set, minutes, min.	45	■	■	■
Final set, minutes, max	420	■	■	■
Compressive strength (MPa), min.:				
3 days	13.0	■	■	■
7 days	20.0	■	■	■
28 days	25.0	■	■	■

* Based on submitted confidential file of Vissai Ninh Binh Joint Stock Company, a Vietnamese company, dated 03 April 2025.

** Based on Test Certificate (Physical Test) issued for Type 1P cement by APO Cement Corporation-Quality Assurance Department on 08 April 2025

*** Based on Test Certificate (Physical Test) issued for Type 1T cement by APO Cement Corporation-Quality Assurance Department on 08 April 2025

**** a - The amount retained when wet sieved on 45-µm (No. 325) sieve, specific surface by air permeability apparatus, m²/kg and density g/cm³, shall be reported on all mill test reports requested under 12.4. (PNS 63:2019)

Foreign producers of blended cement comply with the international standard ASTM C 595 and, before they can distribute or sell cement in the Philippines, are required to comply with PNS 63:2019 (which is based on the international standard) under DTI-DAO No. 17-06.

Findings

The Commission finds that:

1. Both locally manufactured and imported OPC Type 1 conform to the standard physical requirements set by PNS 07:2018.
2. Both domestically produced and imported blended cement conform to the standard physical requirements set by PNS 63:2019.

Chemical Characteristics

Cement properties, such as setting time, soundness, and strength, are determined by the amount of compounds present in the product. A chemical analysis of cement raw materials, such as percentage of Magnesium Oxide (MgO), percentage of Sulfur trioxide (SO₃), and Loss on Ignition (LOI), are thus carried out. An excess amount of MgO may make the cement unsound and expansive while a lower amount can add strength to the cement. Similarly, excessive amounts of SO₃ also make cement unsound. The LOI method is used to determine the water content and/or carbonation in the cement. A high LOI can indicate pre-hydration and/or carbonation, which may be caused by improper and prolonged storage, addition of excess amounts of limestone, or even adulteration during transport or transfer by suppliers.

A. OPC Type 1

The chemical requirements for OPC Type 1, as specified in the ASTM and PNS, are shown in Table 7.10.

Table 7.10. Chemical Specifications for OPC Type 1 Based on Product Standards

Chemical Components	ASTM C 150M-18	PNS 07:2018
	Type 1	Type 1
Magnesium oxide (MgO), max, %	6.0	6.0
Sulfur trioxide (SO ₃), max, %:		
When (C ₃ A) is 8% or less	3.0	3.0
When (C ₃ A) is more than 8%	3.5	3.5
Loss on Ignition, max, %		
When limestone is not an ingredient	3.0	3.0
When limestone is an ingredient	3.5	3.5
Insoluble residue, max, %	1.5	1.5

Sources: ASTM C150 and PNS 07:2018

Both local and imported OPC Type 1 show conformity with the PNS based on available data on chemical analysis results (Table 7.11). Conformity with the PNS is mandatory for cement sold and distributed in the Philippine market under DTI-DAO No. 17-06.

**Table 7.11. Results of Chemical Analysis for Portland Cement Type 1:
Philippine Cement and Imported Cement**

Chemical Components	PNS 07:2018	Imported*	Locally Manufactured**
Magnesium oxide (MgO), max, %	6.0		
Sulfur trioxide (SO ₃), max, %:			
When (C ₃ A) is 8% or less	3.0		
When (C ₃ A) is more than 8%	3.5		
Loss on Ignition, max, %			
When limestone is not an ingredient	3.0		
When limestone is an ingredient	3.5		
Insoluble residue, max, %	1.5		

* Based on submitted confidential file of Vissai Ninh Binh Joint Stock Company, a Vietnamese company, dated 03 April 2025

**Based on Test Certificate (Chemical Analysis) issued for OPC Type 1 by Solid Cement Corporation-Quality Assurance Department on 24 March 2025

B. Blended Cement

The chemical requirements for blended cement, based on the ASTM and PNS, are listed in Table 7.12 and Table 7.13, respectively.

**Table 7.12. Chemical Specifications for Blended Cement
Based on ASTM Standards**

Chemical Components	ASTM C 595/C595M-19			
	1P, 1T (P≥S), 1T (P≥L)	1S (<70), 1T (P<S<70), 1T (L<S<70)	1S (≥70), 1T (S>70)	1L 1T (L≥S), 1T (L≥P)
Magnesium oxide (MgO), max, %	6.0	--	--	--
Sulfur trioxide (SO ₃), max, %	4.0	3.0	4.0	3.0
Loss on Ignition, max, %	5.0 ^D	3.0 ^D	4.0 ^D	10.0

Source: ASTM C595/C595-19

^D For ternary blended cements with limestone, loss on ignition is a maximum of 10.0% by mass.

**Table 7.13. Chemical Specifications for Blended Cement
Based on PNS Standards**

Chemical Components	PNS 63:2019		
	1P, P, 1T (P≥S), 1T (P≥L)	1S 1T (S>P), 1T (S>L)	1L 1T (L≥S), 1T (L≥P)
Magnesium oxide (MgO), max, %	5.0	--	--
Sulfur trioxide (SO ₃), max, %	4.0	3.0	3.0
Loss on Ignition, max, %	8.0 ^d	3.0 ^d	10.0

Source: PNS 63:2019

^d For ternary blended cements with limestone, loss on ignition is a maximum of 10.0% by mass.

The available data on chemical analysis test results show that both local blended cement (Type 1P and 1T) and imported blended cement (Type 1P) are in conformity with the PNS (Table 7.14). Pursuant to DTI-DAO No. 17-06, compliance with the PNS is mandatory for cement distributed and sold in the country.

**Table 7.14. Results of Chemical Analysis of Blended Cement Type 1P and 1T:
Philippine Cement and Imported Cement**

Chemical Components	PNS 63:2019	Imported	Locally Manufactured	
		Type 1P*	Type 1P**	Type 1T***
Magnesium oxide (MgO), % max	5.0	■	■	■
Sulfur trioxide (SO ₃), % max	4.0	■	■	■
Loss on Ignition, % max	8.0	■	■	■

* Based on submitted confidential file of Vissai Ninh Binh Joint Stock Company, a Vietnamese company, dated 03 April 2025).

** Based on the Test Certificate (Chemical Analysis) for APO Cement Corporation - Quality assurance Department issued on 08 Apr 2025

*** Based on the Test Certificate (Chemical Analysis) for APO Cement Corporation - Quality assurance Department issued on 08 Apr 2025

Findings

The Commission finds that:

1. Both locally manufactured and imported OPC Type 1 conform to the chemical requirements set by PNS 07:2018.
2. Both locally produced and imported blended cement conform to the chemical requirements of PNS 63:2019.

7.3.3. Uses

OPC Type 1 is used in the production of concrete products, such as hollow blocks and cement pipes, and is also used for general concrete construction such as high-rise buildings and roads. Blended cement is also used in general concrete construction and in the production of concrete products. It has, however, a longer curing time than OPC Type 1.

Locally manufactured OPC Type 1 is used in high-performance concrete applications requiring high early strength such as in infrastructures (roads, dams, bridges, and railway structures), mega-structures, high-rise buildings and condominiums, precast manufacturing, and in pre-stressing and post-tensioning of slabs and beams. Similarly, imported OPC Type 1 is used in general construction, high rise buildings, superstructures, roads, bridges, airports, and other projects that require high early compressive strength for concrete. This cement is also used for prefabricated concrete products such as piles, slabs, columns, and beams and is suitable for high-quality construction projects.

Blended cement manufactured by domestic producers is an all-purpose cement for general construction, including houses, buildings, roads, and bridges. This type of cement can also be used for general concrete applications such as foundations, columns, walls, slabs, and beams. Likewise, imported blended cement is used for general construction (e.g., houses, buildings, roads and bridges) and general concrete applications (e.g., foundations, columns, walls, slabs, and beams).

Findings

The Commission finds that:

1. Locally manufactured and imported OPC Type 1 are both used in high-performance concrete applications requiring high early compressive strength for concrete (e.g., roads, dams, bridges, railway structures, mega-structures, high-rise buildings, and condominiums) and general concrete applications (e.g., piles, slabs, columns, and beams).
2. Locally manufactured and imported blended cement are both used for general construction (e.g., houses, buildings, roads, and bridges) and general concrete applications (e.g., foundations, columns, walls, slabs, and beams).
3. The use of OPC Type 1 and blended cement can be used interchangeably depending on customer preference. OPC Type 1 is used for general construction that does not require special properties for cement, such as high-rise buildings, roads, and bridges. Similarly, blended cement is used for general construction but since it has a longer curing time than OPC Type 1, it is generally used for the construction of houses.

7.3.4. Tariff Classification

Heading 25.23 of the AHTN 2022 covers portland cement, aluminous cement, slag cement, supersulphate cement and similar hydraulic cements, whether or not coloured or in the form of clinkers. Furthermore, the heading also covers, among others, pozzolana cement and mixtures of the aforementioned cements.

OPC Type 1 is classified under AHTN 2022 Subheading No. 2523.29.90, which covers all types of Portland cement other than white cement.¹⁵

Blended cement (i.e., Type 1P, 1S, P, 1L, 1T) is classified under AHTN 2022 Subheading No. 2523.90.00 which covers “other hydraulic cements”.

Whether local or imported, OPC Type 1 and blended cement are classifiable under AHTN 2022 Subheading Nos. 2523.29.90 and 2523.90.00, respectively.

Findings

The Commission finds that:

1. Both locally manufactured and imported OPC Type 1 are classified under AHTN 2022 Subheading No. 2523.29.90.
2. Both locally produced and imported blended cement are classified under AHTN 2022 Subheading No. 2523.90.00.

¹⁵ The other types of Portland Cement are: Type II, when moderate sulfate resistance or moderate heat of hydration is desired; Type III, when high early strength is desired; Type IV, when low heat of hydration is desired; and Type V, when high sulfate resistance is desired.

7.3.5. Distribution Channels

A distribution channel is a chain of businesses or intermediaries through which a good or service passes until it reaches the final buyer or the end consumer.

Distribution channels for cement can be either direct or indirect (Figure 7.4). Indirect channels for cement distribution involve several middlemen such as distributors, dealers, and retailers. Alternatively, cement producers can also sell directly to end-users such as contractors handling private and government construction projects.

Figure 7.4. Distribution of Cement



Locally manufactured cement packed in 40kg bags is generally sold by producers to construction material dealers and retailers, and to real estate developers/contractors. These are either picked up at the cement plant by the buyer, using their own/rented cargo trucks, or delivered by manufacturers using the companies' own/rented trucks. On the other hand, cement in bulk is marketed to bulk dealers, ready-mix concrete suppliers, real estate developers/contractors, and precast concrete manufacturers, and transported via bulk cement cargo trucks. Cement plants located near seas/bodies of water have port facilities and vessels to facilitate the distribution of their products to nearby island provinces.

Imported cement, whether packed in 40 kg bags or in bulk, is exported by cement manufacturers to the Philippines and is marketed to the local consumers through importers and traders. Importers usually rent warehouses to store their cement products and distribute the same to traders, retailers, and contractors.

Findings

The Commission finds that OPC Type 1 and blended cement, whether locally produced in the Philippines or imported from other countries and sold in the Philippine market, make use of similar distribution channels.

7.4. Conclusions

In view of the foregoing, and in accordance with RA No. 8800, the Commission finds the following:

1. Locally manufactured OPC Type 1 is a “like product” to imported OPC Type 1. Both have similar material composition and production process, conform to the chemical and physical requirements of PNS 07:2018, are used for

similar applications, have similar distribution channels, and fall under the same tariff classification.

2. Locally produced blended cement (all types) is a directly competitive product to imported blended cement (all types). Conforming to the chemical and physical requirements of PNS 63:2019, both imported and local blended cement products are used for similar applications. These products are distributed locally through similar channels, undergo similar production process with similar raw materials, and fall under the same tariff classification.
3. OPC Type 1 cement, whether local or imported, and blended cement (all types), whether local or imported, are considered directly competitive products since they can be used interchangeably depending on customer preference.

8. DETERMINATION OF INCREASED VOLUME OF IMPORTS

Rule 9.4.b of the IRRs of RA No. 8800 provides that the Commission shall determine *“if the product (under consideration) is being imported into the Philippines in increased quantities whether absolute or relative to domestic production.”*

8.1. Period of Investigation

For purposes of the Commission’s formal investigation, and as indicated in Part 3.1 of this Report, the POI is 2019 to 2024, in order to include the most recent available data. This is in accordance with the requirement in the WTO Agreement on Safeguards that the investigating authorities should examine *recent* data on imports.

8.2. Total Importations of Cement

To determine the volume of imports of OPC Type 1 (AHTN 2022 subheading 2523.29.90) and blended cement (AHTN 2022 subheading 2523.90.00) over the POI, the Commission made use of the Electronic Import Entry Declarations (EIEDs) of the BOC. Importations that were described as *“glass cement”, “plastic drums”, “emperor cement grey colour Type II”, “deck covering materials & etc”, “repair mortar”, “40 pcs (40 bags) Admix C-1000 NF”, “standard reference cement SRM SN3C”, “ZT-106 F one component plugging reinforced material”, “block 3C50 Boscocem slurry B 20kg/Bag”, “cement clinker”, “electrotemp cement powder”, and “thermal cement”,* and which constituted a miniscule 0.5% of total Philippine imports for subject articles during the POI, were excluded.

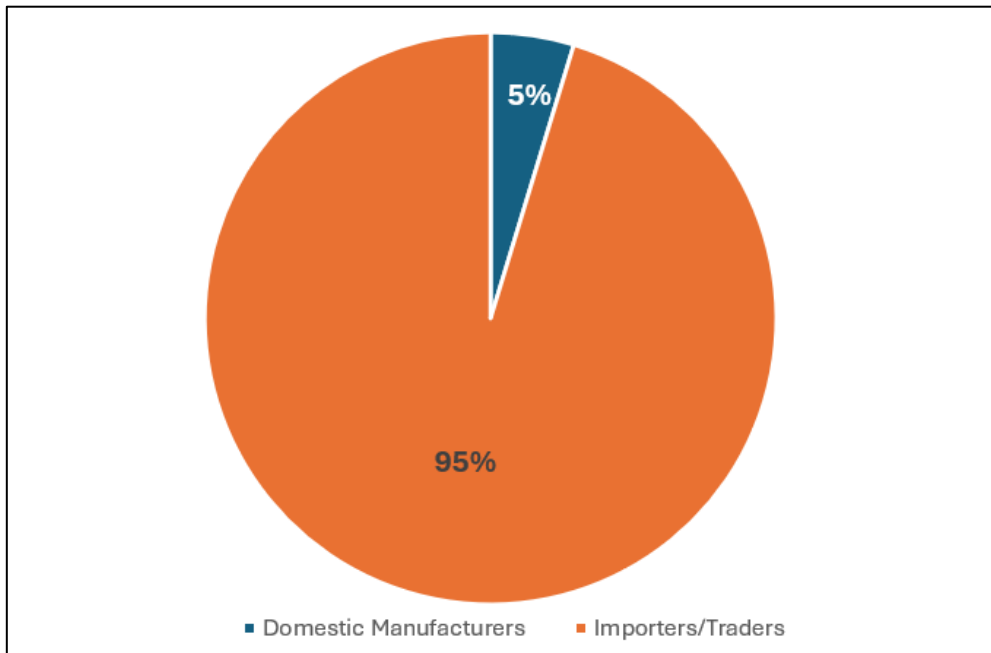
During the POI, cement was imported into the Philippines by both domestic cement producers and importers/traders (Table 8.1). From approximately 1.19 million MT in 2019, imports by the domestic industry declined sharply to 1 MT in 2024. In contrast, imports by traders increased by an average of 8% annually, growing from 5.18 million MT in 2019 to 7.55 million MT in 2024. The domestic industry accounted for merely 5% of total imports during the POI while traders accounted for the lion’s share of 95% (Figure 8.1).

Table 8.1. Total Imports of OPC Type 1 and Blended Cement: 2019-2024

Year	Volume of Imports (MT)					% Share of Annual Imports	
	By Domestic Manufacturers	Growth Rate (%)	By Importers/ Traders	Growth Rate (%)	Total	Domestic Manufacturers	Importers- Traders
2019	1,186,298	-	5,182,296	-	6,368,593	19	81
2020	399,220	(66)	5,865,683	13	6,264,903	6	94
2021	213,500	(47)	6,871,959	17	7,085,459	3	97
2022	94,593	(56)	6,705,499	(2)	6,800,092	1	99
2023	18,500	(80)	6,519,320	(3)	6,537,820	0	100
2024	1	(100)	7,554,471	16	7,554,471	0	100
Total	1,912,112	-	38,699,228	-	40,611,338	-	-
Average		(70)	-	8	-	5	95

Source of basic data: BOC-EIEDs

Figure 8.1. Imports of OPC Type 1 and Blended Cement, By Industry Player: 2019-2024



Source of basic data: BOC-EIEDs

8.2.1. Imports By Domestic Cement Manufacturers

The six CeMAP member-companies (*i.e.*, Holcim, Republic, Apo, Northern, Taiheyo, and Goodfound) sourced cement mainly from Taiwan (892,190 MT or 47% import share), Japan (547,180 MT; 29%), and Viet Nam (298,245 MT; 16%) during the POI (Table 8.2). Holcim was the top importer of cement (1.12 million MT), followed by Apo (95,341 MT), and Taiheyo (245,693 MT).

Table 8.2. Imports of OPC Type 1 and Blended Cement, By Domestic Manufacturer: 2019-2024

Domestic Cement Producer	Volume of Imports (MT)							% Share
	2019	2020	2021	2022	2023	2024	Total	
Holcim	680,379	305,300	130,400	-	-	-	1,116,079	58
Apo	401,421	93,920	-	-	-	-	495,341	26
Taiheyo	49,500	-	83,100	94,592	18,500	0.81	245,693	13
Republic	32,998	-	-	0.81	-	0.07	32,999	2
Goodfound	22,000	-	-	-	-	-	22,000	1
Northern	-	-	-	-	-	0.04	0.04	<1
Total	1,186,298	399,220	213,500	94,593	18,500	0.92	1,912,112	100

Source of basic data: BOC-EIEDs

8.2.2. Imports by Importers-Traders

The Commission identified 83 importers-traders of subject articles based on the BOC-EIEDs.

The top 10 cement importers-traders had combined imports of 30.74 million MT and accounted for 79% of the total importation of cement during the POI (Table 8.3a). The bulk of importations were sourced from Viet Nam, China, Indonesia and Japan. The top three importers were Philcement Corporation with 24% share to total imports, Fortem Cement Corporation with 19% share, and Dvao Trading with 9% share. In 2024, Philcement Corporation's importations amounted to 1.82 million MT. Three other companies had importations of approximately a million MT each, namely, Fortem Cement Corporation, Zaenna Trading, and NGC Marketing Corporation (Table 8.3b).

Table 8.3a. Top Ten Importers of OPC Type 1 and Blended Cement: 2019-2024

Rank	Names of Importer	2019-2024 Volume of Imports (MT)	% Share	Country of Origin
1	Philcement Corporation	9,359,208	24	Viet Nam and Japan
2	Fortem Cement Corporation	7,353,973	19	China, Indonesia, Viet Nam
3	Dvao Trading	3,347,121	9	Viet Nam
4	NGC Marketing Corporation	1,843,033	5	Viet Nam
5	NGC Land Corporation	1,802,691	5	Viet Nam
6	Newgate Import Export Corporation	1,754,003	5	Viet Nam
7	Marlusa Construction Supply	1,698,158	4	Viet Nam
8	Davao Multibuild Corporation	1,378,763	4	Viet Nam
9	Saygin Construction Supply	1,184,914	3	Viet Nam
10	Zaenna Trading	1,019,954	3	Pakistan and Viet Nam
Subtotal (Top 10 Importers)		30,741,818	79	
Other Importers		7,957,410	21	
Total Imports		38,699,228	100	

Source of basic data: BOC-EIEDs

Table 8.3b. Annual Imports of OPC Type 1 and Blended Cement, By Top Ten Importers: 2019-2024

Name of Importer/ Trader	Volume of Imports						
	2019	2020	2021	2022	2023	2024	Total
Philcement Corporation	610,494	1,477,241	1,956,500	1,793,603	1,701,643	1,819,726	9,359,208
Fortem Cement Corporation	1,310,464	1,168,019	1,625,475	1,126,472	1,105,095	1,018,448	7,353,973
Dvao Trading	-	-	677,485	1,257,012	1,163,792	248,832	3,347,121
NGC Marketing Corporation	-	-	-	204,600	695,330	943,103	1,843,033
NGC Land Corporation	553,449	614,324	528,718	106,200	-	-	1,802,691
Newgate Import Export Corporation	-	-	-	625,341	447,286	681,376	1,754,003
Marlusa Construction Supply	271,764	271,296	420,498	425,300	146,600	162,700	1,698,158
Davao Multibuild Corporation	295,305	268,638	302,427	175,300	193,345	143,748	1,378,763
Saygin Construction Supply	-	759,041	425,873	-	-	-	1,184,914
Zaenna Trading	-	-	-	23,500	-	996,454	1,019,954
Total	3,041,476	4,558,559	5,936,976	5,737,328	5,453,091	6,014,388	30,741,818
Number of Importers	39	32	32	25	26	31	83

Source of basic data: BOC-EIEDs

8.3. Findings on Increased Imports

For purposes of determining whether OPC Type 1 and blended cement are being imported into the Philippines in increased quantities, whether absolute or relative to domestic production, the imports of domestic cement producers were excluded from the analysis.

8.3.1. Increased Volume of Imports: In Absolute Terms

From 2019 to 2023, annual imports of cement did not go beyond 7 million MT, and ranged from 5.18 million MT (in 2019) to 6.87 million MT (2021) (Table 8.4). In 2024, however, imports reached a peak level of 7.55 million MT.

Table 8.4. Imports of Cement: 2019-2024

Year	Volume of Imports (MT)	Growth Rate (%)
2019	5,182,296	-
2020	5,865,683	13
2021	6,871,959	17
2022	6,705,499	(2)
2023	6,519,320	(3)
2024	7,554,471	16
Total	38,699,228	-

Source of basic data: BOC-EIEDs

Recall that safeguard measures were imposed on Type 1 and Type 1P cement from February 2019 until October 2022 (refer back to Chapter 5.4.3 of this Report). Anti-dumping duties were also imposed on certain Vietnamese exporters of Type 1 and Type 1P cement from December 2021 up to the present (refer back to Chapter 5.4.4 of this Report). Hence, in 2023 and 2024, there were no longer any safeguard duties in effect, but anti-dumping duties continued to be levied on certain imports from Viet Nam. Those importations already being subjected to anti-dumping duties were thus excluded and only “trade remedy-free imports” were considered in the evaluation of import trends during the last three years of the POI.

Excluding imports already subject to anti-dumping duties, imports of subject cement products rose dramatically (by 460%) from less than a million MT in 2022 to 5.45 million MT in 2023 following the lifting of the safeguard duties. Volumes swelled further to 6.20 million MT in 2024 (Table 8.5). These “trade remedy-free imports” accounted for the bulk (or four-fifths) of annual levels.

**Table 8.5. Imports of Cement,
With and Without Trade Remedy Measures: 2022-2024**

Year	Volume of Annual Imports (MT)	Volume of Imports With Anti-Dumping ^{1/} and/or Safeguard ^{2/} Duties (MT)	Volume of Imports With No Anti-Dumping and Safeguard Duties ^{3/}	
			MT	% Change
2022	6,705,499	5,731,750	973,749	-
2023	6,519,320	1,070,369	5,448,951	460
2024	7,554,471	1,357,259	6,197,212	14
% Share to Volume of Annual Imports				
2022	100	85	15	-
2023	100	16	84	153
2024	100	18	82	(2)

^{1/} Pursuant to CMO Nos. 38-2021 (provisional anti-dumping duty) and 05-2023 (definitive anti-dumping duties)

^{2/} Pursuant to BOC CMO No. 39-2021, imports for the period 01 January - 21 October 2022 were considered as subject to safeguard duties except for those originating from developing countries covered by Rule 8.8 of the IRRs of RA No. 8800 (de minimis volumes)

^{3/} Difference between annual imports and imports with trade remedy measures

8.3.2. Increased Volume of Imports: Relative to Domestic Production

Imports of cement represented a significant share of domestic cement production and steadily increased throughout the POI. In 2019, cement imports represented 25% of domestic production (Table 8.6). By 2024, this figure stood at 45%, or nearly half of domestic production.

Table 8.6. Share of Imports to Domestic Production: 2019-2024

Year	Volume of Domestic Production (MT) ^{1/}	Volume of Imports (MT) ^{2/}	Share of Imports to Domestic Production (%)
2019	20,599,152	5,182,296	25
2020	19,051,825	5,865,683	31
2021	20,972,946	6,871,959	33
2022	18,362,926	6,705,499	37
2023	17,136,070	6,519,320	38
2024	16,622,135	7,554,471	45
Total	112,745,054	38,699,227	-

Sources of basic data: ^{1/} Consolidated submissions (TC Form 5-A) of CeMAP member-companies; ^{2/} BOC-EIEDs

Excluding imports applied with anti-dumping duties, the share of cement imports to domestic cement production spiked to 32% in 2023, from only 5% in the previous year when safeguard duties were still in effect (Table 8.7). Said share of “trade remedy-free imports” climbed further to 37% in 2024.

**Table 8.7. Imports of Cement,
With and Without Trade Remedy Measures: 2022-2024**

Year	Volume of Domestic Production (MT)	Volume of Imports (MT)	
		With Anti-Dumping ^{1/} and/or Safeguard ^{2/} Duties	With No Anti-Dumping and Safeguard Duties ^{3/}
2022	18,362,926	5,731,750	973,749
2023	17,136,070	1,070,369	5,448,951
2024	16,622,135	1,357,259	6,197,212
% Share to Volume of Domestic Production			
2022	100	31	5
2023	100	6	32
2024	100	8	37

^{1/} Pursuant to CMO Nos. 38-2021 (provisional anti-dumping duty) and 05-2023 (definitive anti-dumping duties)

^{2/} Pursuant to BOC CMO No. 39-2021, imports for the period 01 January - 21 October 2022 were considered as subject to safeguard duties except for those originating from developing countries covered by Rule 8.8 of the IRRs of RA No. 8800 (de minimis volumes)

^{3/} Difference between total annual imports and imports with trade remedy measures

8.4. Conclusions

The Commission finds the following:

1. Following the lifting of the imposition of the safeguard duties on cement (Type 1 and Type 1P) in October 2022, the volume of importations of the cement products covered in this investigation (OPC Type 1 and blended cement) that were not subject to the ongoing imposition of anti-dumping duties on cement (Type 1 and Type 1P) imported from Viet Nam surged to 5.45 million MT, or by 460%, in 2023. The following year, these imports increased by another 14% to 6.20 million MT. Total imports of cement (whether imposed with anti-dumping duties or not) peaked at 7.55 million MT in 2024.
2. The movements in the shares of imports relative to production confirm that increased importations commenced in 2023. Excluding imports already subject to anti-dumping duties, the share of cement imports to domestic cement production hiked to 32% in 2023 and further to 37% in 2024 when safeguard duties were no longer in effect, from only 5% in 2022. The share of imports of cement (whether imposed with anti-dumping duties or not) reached a highest level of 45% in 2024.

In view of the foregoing, and in accordance with RA No. 8800, the Commission finds that cement (OPC Type 1 and blended cement) is being imported into the Philippines in increased quantities, both in absolute terms and relative to domestic production, starting in 2023. The increase in the volume of imports was recent, sudden, sharp, and significant.

8.5. Country Suppliers and *De Minimis* Import Volumes

8.5.1. Major Country Suppliers of Imported Cement

During the POI, there were 11 recorded country-suppliers of subject cement products to the Philippines. Viet Nam was the main source of foreign cement with a 92% share of total imports (35.68 million MT) (Table 8.8). A far second was China with a 3% share (1.32 million MT).

Table 8.8. Imports of Cement, By Country of Origin: 2019-2024

Exporting Country	Volume of Imports ('000 MT)						Total	% Share
	2019	2020	2021	2022	2023	2024		
Viet Nam	4,073	5,382	6,362	6,355	6,385	7,127	35,683	92
China	961	251	78	17	0.001	12	1,319	3
Indonesia	0.0002	221	311	196	88	97	912	2
Japan	-	-	120	115	46	318	599	2
Thailand	147	13	-	-	-	-	159	nil
Pakistan	1	-	1	24	-	-	26	nil
Singapore	0.1	-	-	-	-	-	0.1	nil
South Korea	-	0.005	-	-	-	-	0.005	nil
Taiwan	-	-	-	-	-	0.001	0.001	nil
Iran	0.0002	0.0001	0.0003	-	-	-	0.001	nil
United States of America	0.00004	0.0002	0.00003	-	0.000003	-	0.0003	nil
Total	5,182	5,867	6,872	6,707	6,519	7,554	38,698	100

Source of basic data: BOC-EIEDs

8.5.2. *De Minimis* Import Volumes

Rule 13.1.d of the IRRs of RA No. 8800 provides that “a *general safeguard measure shall not be applied to a product originating from a developing country if its share to total Philippine imports of the said product is less than three percent (3%). Provided, however, that developing countries with less than three percent (3%) share collectively account for not more than nine percent (9%) of the total Philippine imports of the product concerned.*”

Based on 2019-2024 data, imports from developing countries Indonesia, Iran, Pakistan, Singapore, Taiwan (Chinese Taipei), and Thailand were *de minimis* (refer back to Table 8.8). While import volumes from Japan, South Korea, and the United States of America were also *de minimis*, these countries do not belong to the developing country category under the WTO.¹⁶

¹⁶ List of WTO Members and Observers (as of 30 August 2024), https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm (accessed 30 September 2025)

9. DETERMINATION OF SERIOUS INJURY OR THREAT THEREOF

Rule 9.4.c of the IRRs of RA No. 8800 requires that the Commission shall determine *“the presence and extent of serious injury or the threat thereof to the domestic industry that produces like or directly competitive product.”*

Section 12 of RA 8800 provides guidance in the determination of serious injury or threat thereof, to wit:

“In reaching a positive determination that the increase in the importation of the product under consideration is causing serious injury or threat thereof to a domestic industry producing like products or directly competitive products, all relevant factors having a bearing on the situation of the domestic industry shall be evaluated. These shall include, in particular, the rate and amount of the increase in imports of the products concerned in absolute and relative terms, the share of the domestic market taken by the increased imports, and changes in the level of sales, production, productivity, capacity utilization, profits and losses, and employment.

Such positive determination shall not be made unless the investigation demonstrates, on the basis of objective evidence, the existence of the causal link between the increased imports of the product under consideration and serious injury or threat thereof to the domestic industry. When factors other than increased imports are causing injury, such injury shall not be attributed to increased imports.”

9.1. Serious Injury

Serious injury is defined in Section 4 of RA No. 8800 to mean:

“A significant impairment in the position of a domestic industry after evaluation by competent authorities of all relevant factors of an objective and quantifiable nature having a bearing on the situation of the industry concerned, in particular, the rate and amount of the increase in imports of the product concerned in absolute and relative terms, the share of the domestic market taken by increased imports, changes in the levels of sales, production, productivity, capacity utilization, profits and sales, and employment”.

Rules 12.1 and 12.2 of the IRRs of RA No. 8800 elaborates Section 12 of said RA with respect to the determination of serious injury or threat thereof:

“Rule 12.1. The Secretary and the Commission, at their respective stages of investigation, shall determine the presence and extent of serious injury or threat thereof to the domestic industry as a result of the increased importation of the products under consideration on the basis of positive evidence and shall require an objective examination of, but shall not be limited to, the following:

Rule 12.1.a. The rate and amount of the increase in imports of the products under consideration in absolute or relative terms;

Rule 12.1.b. The share of the domestic market taken by the increased imports; and

Rule 12.1.c. Changes in the levels of sales, prices, production, productivity, capacity utilization, inventories, profits and losses, wages and employment of the domestic industry.

The Secretary and the Commission, at their respective stages of investigation, shall evaluate information on injury and increased imports covering the previous five (5) year period prior to the submission of the application. x x x

Rule 12.2. In making their determination with respect to serious injury, the Secretary and the Commission, at their respective stages of investigation, shall take into account all economic factors which they consider relevant, including but not limited to:

Rule 12.2.a. significant idling of productive facilities in the domestic industry including the closure of plants or underutilization of production capacity;

Rule 12.2.b. inability of a significant number of firms to carry out domestic production at a profit; and

Rule 12.2.c. significant unemployment or underemployment within the domestic industry.

Corollary thereto, Article 4(c) of the WTO Agreement on Safeguards states that:

“in determining injury or threat thereof, a ‘domestic industry’ shall be understood to mean the producers as a whole of the like or directly competitive products operating within the territory of a Member, or those whose collective outputs of the like or directly competitive products constitutes a major proportion of the domestic production of those products.”

Based on the above provisions, the definition of the domestic industry is material in determining serious injury or threat thereof. The importance of the definition of the domestic industry, particularly its second definition (major proportion), in relation to injury determination is explained in “EC - Fasteners”¹⁷ where the Appellate Body stated that “the proper interpretation of the term ‘a major proportion...requires that the domestic industry defined on this basis encompass producers whose collective output represents a relatively high proportion that substantially reflects the total domestic production. This ensures that the injury

¹⁷ WTO Document: WT/DS397/AB/RW

determination is based on wide-ranging information regarding domestic producers and is not distorted or skewed.”

To recall, the six (6) CeMAP member-companies (Apo, Solid, Holcim, Republic, Taiheiyo, and Goodfound) accounted for 66% of the total domestic production of OPC Type 1 and Blended Cement during the POI (refer back to Table 6.1). As discussed in Chapter 6 of this Report, 66% is more than the majority, and is without a doubt a major proportion of the total production of the domestic cement industry. Following the rationale of the WTO Appellate Body in *EC - Fasteners*, the collective output of the six (6) CeMAP member-companies represent a relatively high proportion that substantially reflects total domestic production, which would ensure that the injury determination is not distorted or skewed.

Thus, for purposes of injury analysis, the data submitted by these six (6) CeMAP members, as verified by the Commission, are deemed sufficient to evaluate the overall condition of the domestic industry.

9.2. Factors for Consideration

In making a determination on the “*presence and extent of serious injury or the threat thereof to the domestic industry*”, the Commission was guided by the requirements of the Safeguard Measures Act and the WTO Agreement on Safeguards.

The Commission considered all submissions received and undertook its own research, including the use of best information available.

In its analysis of the injury factors, the Commission considered pandemic year 2020 as normal since the construction sector, the primary user of cement, was considered essential for the recovery of the Philippine economy. After a month of shutdown, cement companies continued operations and, amid the challenges posed by the pandemic, complied with health and safety requirements while protecting their own financial condition.¹⁸

9.2.1. Market Share

a. Apparent Domestic Consumption

Apparent domestic consumption of cement, comprising the sales of locally produced cement and imported cement, showed a fluctuating trend over the POI (2019-2024) (Table 9.1). From an initial volume of 27.24 million MT in 2019, consumption fell by 6% in 2020 to 25.55 million MT due to the slowdown in both private and public construction activities, and economic activity in general, due to the COVID-19 pandemic. Demand rebounded in 2021 with an 11% increase following renewed construction and infrastructure activities as the economy began recovering from the pandemic slump. This recovery was short-lived, however, as consumption contracted by 11% in 2022 and fell further to an average of 23.69 million MT in the final two years of the POI, significantly below the levels recorded in the prior years.

¹⁸ The Impact of Covid-19 on the Cement Industry (International Finance Corporation -World Bank Group) (August 2020). Retrieved from <https://bit.ly/3C0ddIH> (Accessed 22 September 2022); pages 36-37 of the Final Report on the Formal Investigation on the Petition for Extension of Safeguard Measure on Cement (05 October 2022)

Table 9.1. Apparent Domestic Consumption of Cement: 2019-2024

Year	Domestic Sales ^{1/}		Imports ^{2/}				Apparent Consumption	
	MT	% Change	By Traders	By Producers	Total	% Change	MT	% Change
2019	20,868,079	-	5,182,296	1,186,298	6,368,594	-	27,236,673	-
2020	19,289,283	(7.57)	5,865,683	399,220	6,264,903	(1.63)	25,554,186	(6.18)
2021	21,299,550	10.42	6,871,959	213,500	7,085,459	13.10	28,385,009	11.08
2022	18,361,707	(13.79)	6,705,499	94,593	6,800,092	(4.03)	25,161,799	(11.36)
2023	16,965,769	(7.60)	6,519,320	18,500	6,537,820	(3.86)	23,503,589	(6.59)
2024	16,321,726	(3.80)	7,554,471	1	7,554,472	15.55	23,876,198	1.59
TOTAL	113,106,114	--	38,699,227	1,912,112	40,611,340	--	153,717,454	--
Average	18,851,019	(4.47)	6,449,871	318,685	6,768,557	3.83	25,619,576	(2.29)

Sources of basic data: ^{1/} Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement; ^{2/} BOC-EIEDs

b. Market Share

The domestic cement industry was the biggest supplier in the Philippine market during the POI. While the industry maintained relatively stable shares of approximately 75% from 2019 to 2021, its position deteriorated during the period of import surge (Table 9.2). In 2023, apparent consumption declined by 7%, then stayed at basically the same level in 2024. However, sales of the domestic industry contracted by more than the decline in demand, or by nearly 8%, in 2023 and shrank by another 4% in 2024 despite level demand. In contrast, imports by traders shrank by only 3% in 2023 then expanded by 15% in 2024 although demand hardly moved. The domestic industry's market share fell to a low of 68% while the share of imports by traders peaked at 32% in the final year of the POI.

Table 9.2. Market Shares: 2019-2024

POI	Domestic Sales ^{1/} (MT)	Imports ^{2/} (MT)			Apparent Consumption (MT)	Market Share (%)		
		By Traders	By Producers	Total		Domestic Industry	Imports: Traders	Imports: Producers
2019	20,868,079	5,182,296	1,186,298	6,368,594	27,236,673	76.62	19.03	4.36
2020	19,289,283	5,865,683	399,220	6,264,903	25,554,186	75.48	22.95	1.56
2021	21,299,550	6,871,959	213,500	7,085,459	28,385,009	75.04	24.21	0.75
2022	18,361,707	6,705,499	94,593	6,800,092	25,161,799	72.97	26.65	0.38
2023	16,965,769	6,519,320	18,500	6,537,820	23,503,589	72.18	27.74	0.08
2024	16,321,726	7,554,471	1	7,554,472	23,876,198	68.36	31.64	0.00
TOTAL	113,106,114	38,699,227	1,912,112	40,611,340	153,717,454	-	-	-
Average	18,851,019	6,449,871	318,685	6,768,557	25,619,576	73.58	25.18	1.24

Sources of basic data: ^{1/} Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement; ^{2/} BOC-EIEDs

Recall that in Chapter 8 of this Report, it was explained that safeguard measures were imposed on Type 1 and Type 1P cement from February 2019 until October 2022 while anti-dumping duties were imposed on certain Vietnamese exporters of the same cement products starting December 2021. By 2023 and 2024, safeguard duties were no longer being imposed, but anti-dumping duties continued to be applied on certain imports from Viet Nam. Those importations already being subjected to anti-dumping duties were therefore excluded and only “trade remedy-free imports” were considered in the evaluation of import trends during the final three years of the POI.

Upon confining the analysis to “trade remedy-free imports” during the period of import surge, the same significant deterioration in relative market position was observed for the domestic industry. Said “trade remedy-free” imports by traders amounted to 974 million MT in 2022 but, following the lifting of the safeguard duties in October of that year, more than quintupled to 5.45 million MT in 2023 (Table 9.3). However, the sum of domestic sales and “trade remedy-free imports”, which can be termed the “sub-market”, only expanded by 16% over the previous year’s amount. Hence, the share of imports in the sub-market soared from a mere 5% in 2022 to 24% in 2023. In 2024, while the sub-market was largely static, imports expanded further to 6.20 million MT, or by another 14%, leading to a further expansion in share to 28%. Consequently, the domestic industry’s presence eroded to 72% as sales volumes dwindled.

Table 9.3. Additional Market Analysis: 2022-2024

POI	MT			Shares (%)		
	Domestic Sales ^{1/}	Imports by Traders: With No Anti-Dumping ^{2/} and/or Safeguard ^{3/} Duties	Total	Domestic Sales ^{1/}	Imports by Traders: With No Anti-Dumping ^{2/} and/or Safeguard ^{3/} Duties	Total
2022	18,361,707	973,749	19,335,456	94.96	5.04	100.00
2023	16,965,769	5,448,951	22,414,720	75.69	24.31	100.00
2024	16,321,726	6,197,212	22,518,938	72.48	27.52	100.00

Sources of basic data: Domestic sales: Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement; Imports: BOC-EIEDs

^{2/} Pursuant to CMO Nos. 38-2021 (provisional anti-dumping duty) and 05-2023 (definitive anti-dumping duties)

^{3/} Pursuant to BOC CMO No. 39-2021, imports for the period 01 January - 21 October 2022 were considered as subject to safeguard duties except for those originating from developing countries covered by Rule 8.8 of the IRRs of RA No. 8800 (de minimis volumes)

To note, imports of the domestic industry accounted for 4% in 2019 but declined to negligible levels in the ensuing years (Table 9.2).

9.2.2. Production, Sales, and Inventory

a. Production

Production of cement is demand-driven, with domestic manufacturers producing only in response to market requirements.

Prior to the period of import surge, production volumes of the domestic industry ranged from 18.4 million MT (2022) to 20.6 million MT (2019) (Table 9.4 and Figure 9.1). As “trade remedy-free” imports by traders surged starting in 2023 and while

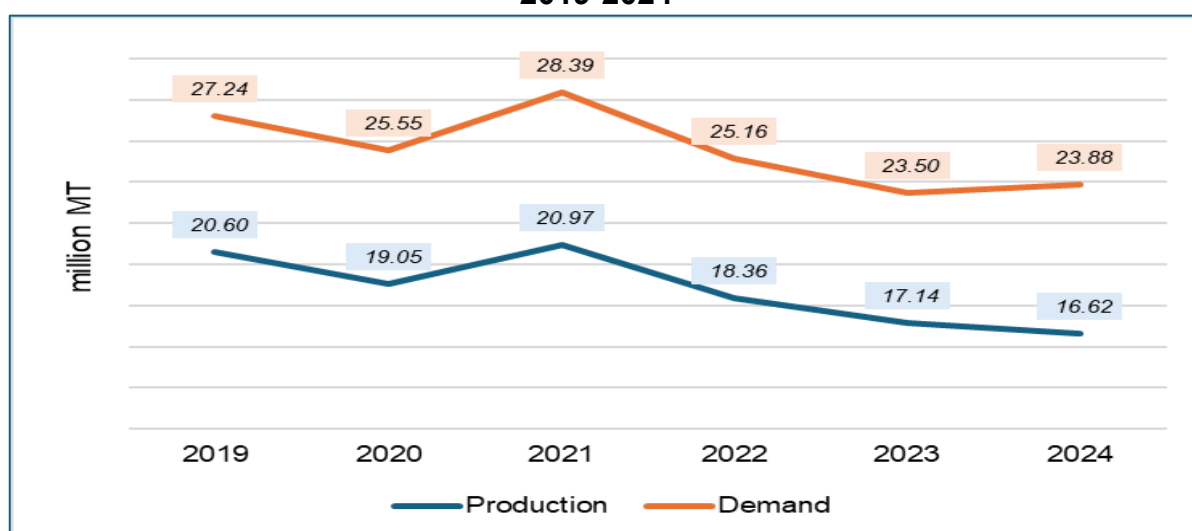
apparent consumption was relatively stable at an average of 23.69 million, industry output shrank to 17.1 million MT then fell further to 16.6 million MT in 2024, the lowest over the POI. As already explained, the volume of “trade remedy-free” imports swelled by 460% in 2023 following the lifting of the safeguard duties and by another 14% in 2024 (refer back to Table 8.5).

Table 9.4. Apparent Consumption and Domestic Production of Cement: 2019-2024

POI	Production ^{1/}		Apparent Consumption	
	Volume (MT)	% Change	Volume (MT)	% Change
2019	20,599,152	-	27,236,673	-
2020	19,051,825	(7.51)	25,554,186	(6.18)
2021	20,972,946	10.08	28,385,009	11.08
2022	18,362,926	(12.44)	25,161,799	(11.36)
2023	17,136,070	(6.68)	23,503,589	(6.59)
2024	16,622,135	(3.00)	23,876,198	1.59

Source of basic data: ^{1/} Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

Figure 9.1. Domestic Production vis-à-vis Apparent Consumption: 2019-2024



Source of basic data: Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

b. Sales

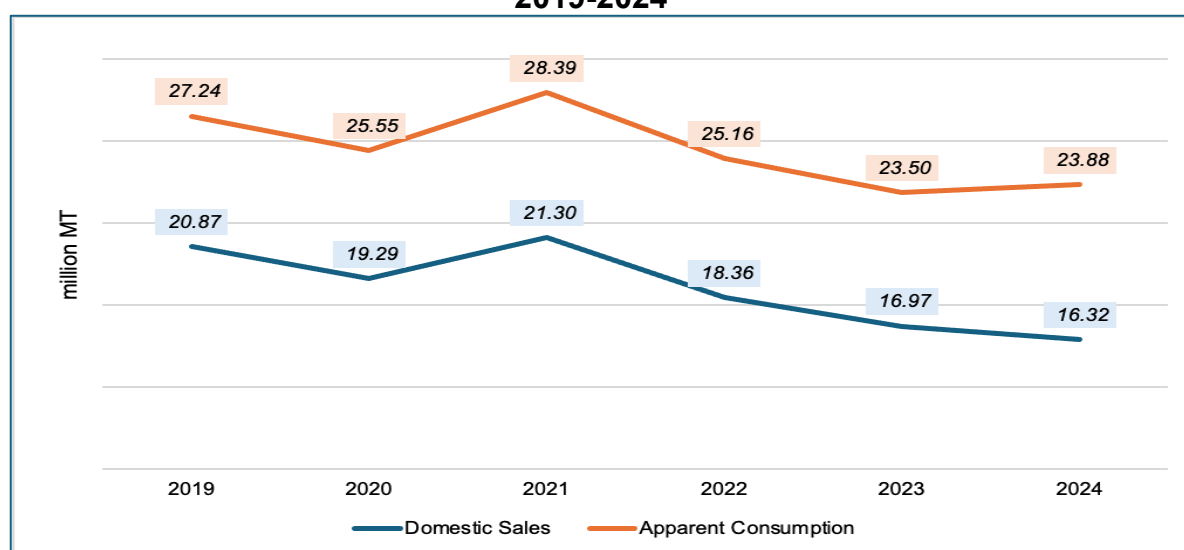
The trend in domestic sales during the POI mirrored the movement of industry production volumes. Higher sales quantities ranging from 18.4 million MT (2022) to 21.3 million MT (2021) were recorded pre-import surge (Table 9.5 and Figure 9.2). In the final two years of the POI when demand was relatively stable, sales volumes fell to their lowest levels (17 million MT in 2023 and 16.3 million MT in 2024) as “trade remedy-free” imports significantly increased.

Table 9.5. Apparent Consumption and Domestic Sales of Cement: 2019-2024

POI	Domestic Sales ^{1/}		Apparent Consumption	
	Volume (MT)	% Change	Volume (MT)	% Change
2019	20,868,079	-	27,236,673	-
2020	19,289,283	(7.57)	25,554,186	(6.18)
2021	21,299,550	10.42	28,385,009	11.08
2022	18,361,707	(13.79)	25,161,799	(11.36)
2023	16,965,769	(7.60)	23,503,589	(6.59)
2024	16,321,726	(3.80)	23,876,198	1.59

Source of basic data: ^{1/} Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

Figure 9.2. Domestic Sales vis-à-vis Apparent Consumption: 2019-2024



Source of basic data: Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

c. Finished Goods Inventory

Cement has a short shelf life and cannot be kept for long periods under inventory, i.e., even with proper storage and handling, cement can last for only three to six months, and the industry maintains limited silo capacities. Given the foregoing, year-end inventory (averaging 690 million MT) and inventory-to-production ratios (3% - 4%) were generally steady throughout the POI (Table 9.6).

Table 9.6. Ending Inventory of Finished Goods: 2019-2024

POI	Production ^{1/} (MT)	Finished Goods Inventory ^{1/}		Inventory / Production Ratio
		MT	% Change	
2019	20,599,152	717,407	-	3.48
2020	19,051,825	730,475	1.82	3.83
2021	20,972,946	696,548	(4.64)	3.32
2022	18,362,926	675,841	(2.97)	3.68
2023	17,136,070	684,764	1.32	4.00
2024	16,622,135	635,047	(7.26)	3.82

Source of basic data: ^{1/} Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

This effort by the domestic industry to maintain inventory levels despite the constant challenge of matching production with sales minimized their holding costs associated with storage, insurance, and depreciation as well as the capital costs of money tied up in inventory.

9.2.3. Capacity Utilization

From 28.6 million MT in 2019, effective rated capacity of the local cement industry increased to 30.7 million MT (or by 7%) six years later, with the biggest expansion occurring in 2020 (Table 9.7). The higher mill capacities were attributable to the capital investments and/or efficiency measures¹⁹ undertaken by industry players to serve the local market better. When comparing yearly domestic demand (refer back to Table 9.1) with annual production capacities, it is clear that the local industry can fully supply the domestic market requirement.

Table 9.7. Production and Capacity Utilization: 2019-2024

POI	Effective Rated Capacity ^{1/}		Production ^{1/}		Capacity Utilization	
	MT	% Change	MT	% Change	%	% Change
2019	28,649,000	-	20,599,152	-	71.90	-
2020	31,094,000	8.53	19,051,825	(7.51)	61.27	(14.78)
2021	31,080,000	(0.05)	20,972,946	10.08	67.48	(10.14)
2022	30,481,000	(1.93)	18,362,926	(12.44)	60.24	(10.73)
2023	30,682,000	0.66	17,136,070	(6.68)	55.85	(7.29)
2024	30,698,000	0.05	16,622,135	(3.00)	54.15	(3.04)

Source of basic data: ^{1/} Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

Prior to the period of import surge, utilization rates ranged from 60% (2022) to 72% (2019). Upon the influx of imports starting in 2023, sales and production volumes fell to their smallest levels and the industry's ability to fully deploy its assets was consequently undermined, with utilization rates declining to historical lows of 54%-55%. In October 2023, Republic had to shut down its Norzagaray Plant's pyro-processing operation due to a surplus of clinker. In the same year, Holcim was forced to close its Mabini grinding facility due to weak sales.

¹⁹ Among the capital expenditures made were the following: debottlenecking and upgrade of mills by Holcim and Republic; rehabilitation of cement mills and other facilities by Holcim; equipment replacement and productivity and efficiency projects by Republic; and new product development by Holcim.

9.2.4. Prices of Cement

a. Cost to Produce and Sell

The domestic industry's cost of production includes: (i) direct materials such as clinker, gypsum and limestone; (ii) direct labor such as salaries and wages; and (iii) manufacturing overhead such as power and fuel, repairs and maintenance, contractual services and rentals, and depreciation.

Cement production is capital- and energy-intensive. Among the three cost components, manufacturing overhead accounted for the biggest portion of cost of production and sales (COPS) during the POI with a 49% average share (Table 9.8). Direct materials and operating expenses contributed 33% and 15%, respectively, while the remaining 3% was for direct labor.

Table 9.8. Cost to Produce and Sell of Locally Produced Cement: 2019-2024

Particulars	2019	2020	2021	2022	2023	2024
Production^{1/} (MT)	20,599,152	19,051,825	20,972,946	18,362,926	17,136,070	16,622,135
Direct Materials	22,694,480,876	19,879,457,556	23,292,237,502	24,813,672,460	24,226,184,157	18,784,664,076
Direct Labor	2,509,163,430	2,399,884,928	2,418,119,738	2,460,243,097	2,205,875,246	2,291,324,966
Manufacturing Overhead	32,135,726,552	28,624,696,145	32,434,958,727	37,643,169,365	35,011,536,024	33,491,511,833
Total Cost to Produce	57,339,370,858	50,904,038,629	58,145,315,967	64,917,084,922	61,443,595,427	54,567,500,875
Operating Expenses	11,534,945,206	9,801,340,452	9,037,544,627	9,011,540,102	9,893,848,793	10,906,997,646
Cost to Produce and Sell	68,874,316,064	60,705,379,082	67,182,860,594	73,928,625,024	71,337,444,219	65,474,498,521
COPS/Unit	3,344	3,186	3,203	4,026	4,163	3,939
% Change of COPS	-	(4.72)	0.53	25.69	3.40	(5.38)
% Share to Total COPS:						
Direct Materials	32.95	32.75	34.67	33.56	33.96	28.69
Direct Labor	3.64	3.95	3.60	3.33	3.09	3.50
Manufacturing Overhead	46.66	47.15	48.28	50.92	49.08	51.15
Operating Expenses	16.75	16.15	13.45	12.19	13.87	16.66
Total	100.00	100.00	100.00	100.00	100.00	100.00

Source of basic data: Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

In the first three years of the POI (2019 to 2021), COPS averaged PHP 3,200/MT. This figure rose to PHP 4,000/MT in the next three years (2022-2024) attributable to higher manufacturing overhead (mainly power and fuel and fixed costs) which was spread over lower production volumes. COPS was highest at PHP 4,163/MT in 2023 when imports began to surge, and remained high at PHP 3,939/MT in the ensuing year. With fixed costs being allocated over a fewer number of produced units, industry profitability was inevitably weakened.

b. Presence of Price Undercutting

Price undercutting is the extent to which the imported product is consistently sold at a price below the domestic selling price of the like product.

To determine the presence of price undercutting during the POI, the Commission compared prices at the ex-factory and ex-importer's store levels which are at the same level of trade. Ex-importer's store price is the weighted average landed costs of trader's imports plus incidental costs incurred from transferring the imported cement from the port to the importer's warehouse (e.g., loading and transport costs).

The weighted average ex-importer's store prices of imported cement were consistently lower than the weighted average domestic ex-plant price of local cement, by an average of 15%, hence, price undercutting was present across the POI (Table 9.9). Even when import prices were raised by the imposition of anti-dumping and safeguard duties, price undercutting was unabated and stayed at nearly the same magnitude of 14% on average.

Table 9.9. Price Comparison Between Locally Produced and Imported Cement: 2019-2024

POI	Weighted Average Domestic Ex-Plant Price ^{1/}		Weighted Average Ex-Importer's Store Price ^{2/}		Price Undercutting			
	PHP/MT	% Change	With No Anti-Dumping (AD) and/or Safeguard (SG) Duties	With AD and/or SG Duties ^{3/}	With No AD and/or SG Duties		With AD and/or SG Duties	
					PHP/MT	%	PHP/MT	%
2019	4,064	-	3,385	3,413	679	16.71	651	19.23
2020	3,787	(6.82)	3,133	3,370	654	17.27	417	13.31
2021	3,815	0.74	3,131	3,366	684	17.93	449	14.34
2022	4,108	7.68	3,516	3,684	592	14.41	424	12.06
2023	3,915	(4.70)	3,344	3,377	571	14.58	538	16.09
2024	3,443	(12.06)	3,094	3,125	349	10.14	318	10.28
Average	3,855	(3.03)	3,267	3,389	588	15.25	466	14.26

Sources of basic data: ^{1/} Consolidated submissions of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement; net of VAT; ^{2/} BOC-EIEDs; net of VAT

^{3/} SG Duty collection commenced in October 2019 and expired in October 2022. AD Duty collection started in March 2023.

c. Presence of Price Depression

Price depression is the extent to which the domestic producer decreases its selling price in order to compete with the imported product.

During the period of import surge, price depression was evident as the domestic industry progressively decreased its prices to compete with low-priced imports. As the ex-importer's store price of imports fell from an average of PHP 3,516/MT in 2022 to PHP 3,344/MT in 2023 (or by 5%) (refer back to Table 9.9), the local industry's average ex-plant price also dropped by 5% even as its COPS rose by 3% (Table 9.10). The following year saw the price of imports declining further by 7% to an average of PHP 3,094/MT. Domestic prices shadowed the decrease and fell to PHP 3,443 MT, but at a higher rate of decline of 12% even as COPS was only reduced by 5%.

Table 9.10. Prices of Imported and Locally Produced Cement and Cost to Produce and Sell: 2019-2024

POI	Weighted Average Ex-Importer's Store Price ^{1/}		Weighted Average Domestic Ex-Plant Price ^{2/}		COPS/MT ^{2/}	
	With No AD and/or SG Duties	% Change	PHP/MT	% Change	PHP/MT	% Change
2019	3,385	-	4,064	-	3,344	-
2020	3,133	(7.44)	3,787	(6.82)	3,186	(4.72)
2021	3,131	(0.06)	3,815	0.74	3,203	0.53
2022	3,516	12.30	4,108	7.68	4,026	25.69
2023	3,344	(4.89)	3,915	(4.70)	4,163	3.40
2024	3,094	(7.48)	3,443	(12.06)	3,939	(5.38)
Average	3,267	(1.52)	3,855	(3.03)	3,644	3.90

Sources of basic data: ^{1/} BOC-EIEDs; net of VAT; ^{2/} Consolidated submissions of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement; net of VAT

d. Presence of Price Suppression

Price suppression is the extent to which the imported product prevents the domestic producer from increasing its selling price to a level that will allow full recovery of its costs of production.

Price suppression was evident during the period of import surge. In the years prior to 2023, Earnings Before Interest and Taxes (EBIT) were in the hundreds of pesos, ranging from PHP 249/MT in 2022 to PHP 920/MT in 2019 (Table 9.11). With the upsurge in imports starting in 2023, EBIT shrank to a minuscule PHP 15/MT as prices fell by 2% (to PHP 4,178/MT) even though COPS grew by 3% (to PHP 4,163/MT). In the final year, EBIT turned negative as domestic selling price (PHP 3,739/MT) fell below COPS (PHP 3,939/MT), an unsustainable situation (i.e., selling at a loss) for any industry, let alone the domestic cement industry.

Table 9.11. Domestic Selling Price vs. COPS (PHP/MT): 2019 - 2024

POI	Weighted Average Domestic Selling Price		Weighted Average COPS		Earnings Before Interest and Taxes	
	PHP/MT	% Change	PHP/MT	% Change	PHP/MT	% Change
2019	4,264	-	3,344	-	920	-
2020	4,005	(6.06)	3,186	(4.72)	819	(10.90)
2021	3,958	(1.19)	3,203	0.53	755	(7.87)
2022	4,275	8.00	4,026	25.69	249	(67.06)
2023	4,178	(2.27)	4,163	3.40	15	(94.05)
2024	3,739	(10.50)	3,939	(5.38)	(200)	(1,450.26)
Average	4,070	(2.40)	3,644	3.90	426	(326.03)

Source of basic data: Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

9.2.5. Profitability

In its evaluation of profitability, the Commission puts more weight on income from operations as this financial measurement is considered a more accurate indicator of the state of the financial health of an industry and its ability to thrust itself into, and sustain over the long-term, a condition of profitability. Income from operations was adopted in favor of net income so as not to consider other income (e.g., interest income, foreign exchange gains) and expenses (e.g., interest expense, finance costs, foreign exchange losses) which are not directly related to manufacturing operations.

a. Profit and Loss

The domestic industry generated income from operations during the first four years of the POI, albeit on a downtrend, from PHP 12.1 billion (2019) to PHP 1.3 billion (2022) (Table 9.12). During the period of import surge, however, the industry's financial status changed to losses from operations. In 2023, the domestic industry incurred losses of PHP 2.4 billion, attributable to the decline in sales revenue (by 8%) as the industry tried to remain competitive with low-priced imports and was thus unable to pass on the increase in its COPS to consumers. In 2024, loss from operations more than doubled to PHP 5.2 billion as the industry was forced to lower its prices further, to even below COPS, to protect its market share and presence vis-à-vis rival imports by traders (refer back to Table 9.11). This turnaround in the industry's financial performance was due to dampened sales revenues during the period of import surge, severely limiting the ability of the industry to absorb operating and other mandatory expenses. Operational losses also hamper the industry's ability to deliver adequate shareholder returns, hence undermining its ability to raise capital for expansion, modernization, and long-term sustainability.

Table 9.12. Profitability of Domestic Cement Industry: 2019-2024

Particulars	Million PHP					
	2019	2020	2021	2022	2023	2024
Sales Revenue	88,738	76,082	82,315	79,706	73,298	63,977
Cost of Sales	61,183	53,729	60,316	65,718	62,308	55,783
Gross Profit	27,555	22,353	21,999	13,988	10,990	8,194
Operating Expenses	15,491	13,177	12,633	12,700	13,434	13,426
Income (Loss) from Operations	12,064	9,176	9,365	1,288	(2,443)	(5,232)
Other Income (Expenses) net	7,861	4,235	3,675	2,228	918	(1,701)
Income (Loss) Before Income Tax	19,925	13,412	13,041	3,515	(1,526)	(6,933)
Income Tax Expense	1,035	380	38	(228)	206	(245)
Net Income After Tax	20,959	13,792	13,079	3,288	(1,320)	(7,178)
% Changes:						
Sales Revenue	-	(14.26)	8.19	(3.17)	(8.04)	(12.72)
Cost of Sales	-	(12.18)	12.26	8.96	(5.19)	(12.81)
Operating Expenses	-	(14.94)	(4.13)	0.53	5.78	(0.06)
Income (Loss) from Operations	-	(23.94)	2.06	(85.18)	(289.67)	114.16

Source of basic data: Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

b. Return on Sales

Return on sales (ROS) was derived by dividing income (loss) from operations by sales revenue. It measures operating efficiency, i.e., the ability to create profits from operating activities.

Industry ROS was strong in the first three years of the POI (2019-2021) (Table 9.13). It dipped in 2022 following the significant decline in income from operations attributed to reduced sales volumes and revenues combined with rising COPS.

Table 9.13. Return on Sales of Domestic Cement Industry: 2019-2024

Particulars	Million PHP					
	2019	2020	2021	2022	2023	2024
Sales Revenue	88,738	76,082	82,315	79,706	73,298	63,977
Income (Loss) from Operations	12,064	9,176	9,365	1,288	(2,443)	(5,232)
Return on Sales (%)	13.60	12.06	11.14	1.62	(3.33)	(8.18)

Source of basic data: Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

In 2023 and 2024 during the period of import surge, the domestic industry incurred losses from operations resulting in negative ROS of 3% and 8%, respectively, indicating that the local industry is losing money on each peso of sales of cement.

9.2.6. Employment, Wages, and Productivity

A typical cement plant has three shifts per day, with eight hours per shift. The number of employees per shift would vary for each cement plant. Labor productivity is derived by dividing annual cement output by the number of workers.

Over the POI, industry employment averaged 1,865 annually. The most significant drop occurred between 2021 and 2022 (from 1,961 to 1,760), due to restructuring, automation, and cost-cutting (Table 9.14). During the period of import surge, the industry was forced to reduce its workforce further, and employment numbers sank to their lowest of approximately 1,600 workers, as retaining the same employment numbers while production and sales volumes shrank was no longer possible. As employment declined, wages followed suit. Total compensation steadily decreased and bottomed out at PHP 1.3 billion to PHP 1.4 billion during the period of import surge.

Table 9.14. Employment and Labor Productivity: 2019-2024

POI	Number of Workers Directly Involved in Cement Production	Total Annual Compensation (million PHP)	Total Cement Production (MT)	Labor Productivity	
				MT/Worker	% Change
2019	2,113	1,901	20,599,151.95	9,748.77	-
2020	2,029	1,791	19,051,824.60	9,389.76	(3.68)
2021	1,961	1,708	20,972,945.68	10,695.03	13.90
2022	1,760	1,463	18,362,926.12	10,433.48	(2.45)
2023	1,680	1,345	17,136,069.80	10,200.04	(2.24)
2024	1,648	1,360	16,622,135.37	10,086.25	(1.12)
Average	1,865	1,595	18,790,842.25	10,092.22	0.88

Source of basic data: Consolidated submission of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC Type 1 and blended cement

While productivity peaked in 2021, reaching 10,695 MT/worker, it dwindled to its least level of 10,086 MT/worker in 2024 as the influx of low-priced cement imports forced the industry to implement austerity measures including workforce reduction.

9.3. Conclusions

The Commission finds the following:

- While the domestic cement industry was the dominant player in the domestic cement market during the POI, its market position significantly deteriorated in 2023 and 2024 when there was a surge in imports. Although demand was steady, the industry's market shares contracted and sank to its smallest in 2024.
- Domestic sales of the local cement industry fell to their lowest amounts during the period of import surge despite stable demand. Production volumes followed suit as the domestic industry was constrained to reduce output due to cement's limited shelf life. With the decline in production to their least levels, utilization rates likewise dropped to their smallest figures, undermining the industry's ability to fully supply domestic demand and to maintain higher labor productivity.
- Further deterioration in its market position was averted by the domestic cement industry only through the adoption of pricing strategies (e.g., selling below COPS) which substantially hurt its financial condition.
- The local cement industry's profitability (i.e., income from operations, EBIT and ROS) was negatively affected during the period of import surge due to price pressure exerted by significantly increased importation of cement by traders on local cement producers.

In view of the foregoing, and in accordance with RA No. 8800, the Commission finds that there was significant overall impairment to the position of the domestic cement industry during the period of import surge that constitutes serious injury.

10. DETERMINATION OF CAUSALITY

Rule 9.4.d of the IRRs of RA No. 8800 provides that the Commission shall determine *“the existence of a causal relationship between the increased imports of the product under consideration and the serious injury or threat thereof to the affected domestic industry.”* Rule 12.5 further provides that the determination of the existence of said causal link shall be made *“on the basis of objective evidence”* and that *“any known factors, other than the increased importation of the products under consideration, which at the same time injure the domestic industry, shall also be examined and the injuries caused by these factors must not be attributed to the increased importation of the product under consideration.”*

10.1. Impact of Increased Imports on the Domestic Cement Industry

The surge in imports of cement (OPC Type 1 and blended cement), which commenced in 2023, directly caused the deterioration in the overall position of the domestic cement industry in 2023 and 2024. In particular, increased volumes of cement imports by traders prevented the domestic industry from improving its performance.

The decline in the domestic cement industry's performance due to the surge in imports of subject cement products by traders starting in 2023 was evidenced by the following:

- a. Imported cement strengthened its market presence during the period of import surge. From only 5% in 2022, the share of “trade remedy-free imports” (i.e., imports not already subject to anti-dumping duties) spiraled to 24% in 2023 and further to 28% in 2024 even though demand was generally steady. Since imports cornered growing shares in a stable market, the domestic cement industry's market position consequently deteriorated to a low of 72% in 2024.
- b. Due to the influx of cement imports in 2023 and 2024 despite a stable market environment, domestic sales and production of the local cement industry were curtailed and thus shrank to their lowest levels.
- c. Although the domestic cement industry installed additional capacities in 2020 in anticipation of higher demand in the future, the surge in imports in the final two years of the POI, which displaced domestic sales since demand had not grown, forced the industry to scale back on production, causing utilization rates to fall below 60% for the first time.
- d. While the local cement industry was the dominant player in the domestic cement market, this was possible only because of the pricing strategy it implemented (e.g., selling below COPS) to tackle price undercutting of cement imports by traders throughout the POI. Said pricing strategy proved costly as it caused a financial turnaround to significant losses from operations. Operational losses hinder the industry's ability to deliver

adequate shareholder returns, hence undermining its ability to raise capital for further expansion, modernization, and long-term sustainability.

10.2. Impact of Other Factors on the Domestic Cement Industry

The Commission evaluated the presence of other factors that may have affected the local cement industry, as follows:

- a. High Cost of Production – As previously mentioned, cement production is highly energy intensive, with coal used in kiln operations and electricity consumed in grinding, milling, and transport. The cement industry experienced challenges in attaining cost competitiveness vis-à-vis imported cement due to the high costs of power and fuel which collectively accounted for nearly half (47%) of COPS.

The uptrend in coal²⁰ and diesel prices²¹ can be attributed to such factors as progressively higher excise taxes under RA No. 10963 [Tax Reform for Acceleration and Inclusion (TRAIN)], fluctuations in global oil prices, currency instability, and constraints²².

While contributory to the impairment of the financial condition of the domestic industry, increases in power, coal and fuel costs are beyond industry control and affect every other Philippine manufacturing industry.

- b. High Logistics Costs - Logistics costs for the cement industry stem from freight and transportation costs (e.g., movement of raw materials like limestone and coal to the plants) and distribution costs.

This additional cost of moving cement from plants made it difficult for the industry to compete with low-priced cement, especially in the Mindanao and Visayas regions. Logistic costs collectively accounted for about 5% of domestic selling prices on average.

Although contributory to the impairment in profitability of the domestic industry during the period of surge, logistics costs were not the substantial cause of the serious injury to the domestic industry.

10.3. Conclusion

In view of the foregoing, and in accordance with RA No. 8800, the Commission finds the existence of a direct causal relationship between increased imports of cement (OPC Type 1 and blended cement) and the significant impairment in the position of the domestic cement industry. While there are other factors that contributed to the impairment of the position of the domestic cement industry, these were not substantial as to cause serious injury to the domestic industry.

²⁰ USD 66.30/MT in December 2019 to USD 122.51/MT in December 2024 (Source: Ministry of Energy and Natural Resources, Republic of Indonesia), accessed 14 September 2025

²¹ From PHP 34.90/liter in 2019 to PHP 65.79/liter in 2024 (Source: Department of Energy)

²² Source: DOE Philippines, 2023.

11. OTHER ISSUES

11.1. Article XIX of GATT 1994 and the WTO Agreement on Safeguards

Article XIX of the GATT 1994 and the WTO Agreement on Safeguards set out the general WTO regime pursuant to which WTO Members may apply safeguard measures to prevent or remedy “serious injury” to an import-competing industry sector resulting from unforeseen import surges in their markets. Thus, according to the WTO Appellate Body, a member country must comply with the requirements of Article XIX of GATT 1994 and the Agreement on Safeguards in a safeguard measures action.

Article XIX:1(a) of GATT 1994 states that *“If, as a result of unforeseen developments and of the effect of the obligations incurred by a contracting party under this Agreement, including tariff concessions, any product is being imported into the territory of that contracting party in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers in that territory of like or directly competitive products, the contracting party shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury, to suspend obligation in whole or in part or to withdraw or modify the concession.”*

In Argentina – Footwear (EC), the Appellate Body interpreted the meaning of the phrase “as a result of unforeseen developments”, which although not included in the Agreement on Safeguards, is set forth in Article XIX:1 (a) of GATT 1994. The Appellate Body held that *“the developments which led to a product being imported in such increased quantities and under such conditions as to cause or threaten to cause serious injury to domestic producers must have been ‘unexpected’”*. Further, the Appellate Body also held that the requirement of “unforeseen developments” does not establish a separate “condition” for the imposition of safeguard measures but described a certain basis of “circumstances”.

The basis of the Commission’s investigation is RA No. 8800, a domestic legislation enacted to promote competitiveness of domestic industries by providing temporary protection from increased imports which cause or threaten to cause serious injury to domestic industries and producers. Under said Philippine law, there is no explicit requirement to establish “unforeseen developments”²³ in order for the action to prosper. Nonetheless, the Commission established unforeseen developments in this case if only to respond to the issue of unforeseen development raised by parties.

²³ The Argentina – Footwear (EC) Panel Report cited “that the term ‘unforeseen developments’ should be interpreted to mean developments occurring after the negotiation of the relevant tariff concession which it would not be reasonable to expect that the negotiators of the country making the concession could and should have foreseen at the time when the concession was negotiated.”

Unforeseen Development: Global Overcapacity in Cement Production

The global cement industry has increased exponentially, nearly tripling over the last two decades. It is estimated that current capacity can already fulfill the world's needs for the next 20 years, primarily driven by surging capacity additions across Asia, Europe, and the Middle East.²⁴ In 2025, global cement capacity is expected to exceed demand by one billion tonnes, with capacity utilization to remain below 70% in Asia, and with China, India, Viet Nam, the United States of America, and Indonesia as the leading cement producers.²⁵

The increased production capacity of cement in Viet Nam, China, and Indonesia, who are FTA partners that supplied cement to the Philippines during the POI, was considered an unexpected development which happened long after the conclusion of the FTA negotiations. In particular, the Trade in Goods Agreement for the ASEAN-China FTA was signed on 29 November 2004 while the ASEAN Trade in Goods Agreement was signed on 26 February 2009.

Viet Nam. Viet Nam's cement industry is experiencing severe overcapacity, with more than 92 production lines and a combined design capacity exceeding 122 million tonnes per year, while domestic demand has hovered at only 60 to 65 million tonnes annually, leaving a large surplus.²⁶ Despite this cement surplus, Viet Nam authorities have approved 13 additional cement lines with around 35 MT/year of new capacity.²⁷ To address the oversupply, Vietnam has relied heavily on exports of cement and clinker, with the Philippines as its top market. Large producers have signed long-term deals to supply up to six million tonnes to their Philippine partners between 2023 to 2025.²⁸

Recently, Vietnam's government lowered the export tax on cement clinker from 10% to 5%. The reduced rate applies from 19 May 2025 until 31 December 2026. After that, the duty is set to return to 10% starting 01 January 2027. This measure is meant to help cement & clinker producers deal with inventory backlogs, adjust business strategies, and support their competitiveness during a period of low domestic demand and operating losses.²⁹

China. In 2025, China's cement sector continues to struggle with overcapacity, with utilization rates dropping sharply to 50% in 2024 and showing further decline into 2025, as production fell nearly 9.8% year-on-year to 1,825 million tonnes.³⁰ Overcapacity has prompted the closure of poorly performing operations, with plans to

²⁴ Emir Adiguzel, Chairman of the World Cement Association, *World Cement Publication (2018 Edition)*, <https://publications.worldcement.com/flip/world-cement/2018/May/>, (accessed 09 September 2025)

²⁵ *Overview of Global Cement Production in 2025*, <https://statranker.org/economy/overview-of-global-cement-production-in-2025/>, published 09 September 2025 (accessed 09 September 2025)

²⁶ Viet Nam News, "Viet Nam struggles with millions of tonnes of excess cement, says MoC", <https://vietnamnews.vn/economy/1694295/viet-nam-struggles-with-millions-of-tonnes-of-excess-cement-says-moc.html>, published on 21 March 2025 (accessed 14 September 2025)

²⁷ Global Cement, "Ministry of Construction reports cement surplus in Vietnam", <https://globalcement.com/news/item/18560-ministry-of-construction-reports-cement-surplus-in-vietnam>, published on 20 March 2025 (accessed 14 September 2025)

²⁸ Nhan Dan, "Vicem to export six million tonnes of cement, clinker to the Philippines", <https://en.nhandan.vn/vicem-to-export-six-million-tonnes-of-cement-clinker-to-the-philippines-post120235.html>, published on 24 November 2022 (accessed 24 September 2025)

²⁹ Thuy Linh and Dat Thanh, "Vietnam cuts cement clinker export duty to 5% through 2026", <https://english.thesaigontimes.vn/vietnam-cuts-cement-clinker-export-duty-to-5-through-2026>, published on 21 May 2025 (accessed 14 September 2025)

³⁰ "Chinese cement dropped sharply in 2024, and will continue to fall", <https://www.cemnet.com/News/story/178600/chinese-cement-dropped-sharply-in-2024-and-will-continue-to-fall.html>, published 05 February 2025 (accessed 10 September 2025)

eliminate approximately 92 million tonnes of excess cement capacity by year-end.³¹ As early as 2013, China's State Council provided fiscal incentives for companies to phase out extra capacity and suggested that they consider overseas markets to absorb excess domestic production, with reports indicating that China assists companies seeking investment and operations abroad to help reduce domestic surplus.³² Moreover, recent market observations show that with domestic demand slumping, producers are increasingly targeting foreign projects, especially infrastructure and development overseas.³³ Chinese firms are also solidifying their footprint in Philippine infrastructure, securing contracts for landmark projects like the Makati Subway and the Philippine National Railways South-Haul line³⁴. These recent developments signal that the cement and infrastructure sectors in the Philippines are becoming increasingly strategic arenas for China.

Indonesia. Indonesia's cement industry is working with a high production capacity of around 119.9 million tonnes while domestic sales are much lower, amounting to 65 million tonnes in recent years, leading to underutilization of capacity and excess outputs that firms are trying to offload.³⁵ Given this situation, it is probable that Indonesia will explore expanded exports of its excess cement and clinker to nearby Philippines.

11.2. Public Interest

Public interest is among the primordial considerations in providing for safeguard measures to protect Philippine industries from serious injury, or threat thereof, due to increased imports.³⁶ RA No. 8800 requires the Secretary of Trade and Industry (or the Secretary of Agriculture in the case of agricultural goods) to establish that the application of a safeguard measure will be in the public interest.

In establishing whether the imposition of a safeguard measure will be in the public interest, the Secretary of Trade and Industry is required, under the law, to consider factors such as possible political or economic crisis and shortage of the product under consideration in the domestic market.³⁷

³¹ Zhang, Moran, "China's Oversupply of Cement Reached Uncontrollable Level; Government Orders Cutbacks", <https://www.ibtimes.com/chinas-oversupply-cement-reached-uncontrollable-level-government-orders-cutbacks-1383249>, published 14 August 2013 (accessed 10 September 2025)

³² Starling, Rosalie, "Restrictions to be put on overproducing industries in China", <https://www.worldcement.com/asia-pacific-rim/14112013/restrictions-to-be-put-on-overproducing-industries-in-china-415/>, published 14 November 2013 (accessed 10 September 2025)

³³ "Chinese cement dropped sharply in 2024, and will continue to fall", <https://www.cemnet.com/News/story/178600/chinese-cement-dropped-sharply-in-2024-and-will-continue-to-fall.html>, published 05 February 2025 (accessed 10 September 2025)

³⁴ Hilotin, Jay, "China's investments in the Philippines: Big-ticket projects", <https://gulfnnews.com/world/asia/philippines/chinas-investments-in-the-philippines-big-ticket-projects-1.1705074965607>, published 15 January 2024 (accessed 10 September 2025)

³⁵ Agung, Filemon, "Cement industry targets growth through exports and domestic projects", pwc, <https://www.pwc.com/id/en/media-centre/infrastructure-news/february-2025/cement-industry-targets-growth-through-exports-and-domestic-projects.html>, published on 02 February 2025 (accessed 14 September 2025)

³⁶ As provided in RA No. 8800: "SEC. 2. Declaration of Policy. - The State shall promote the competitiveness of domestic industries and producers based on sound industrial and agricultural development policies, and the efficient use of human, natural and technical resources. In pursuit of this goal and in the public interest, the State shall provide safeguard measures to protect domestic industries and producers from increased imports which cause or threaten to cause serious injury to those domestic industries and producers."

³⁷ As provided in the IRRs to RA No. 8800: "Rule 5.2 The Secretary, when establishing that the application of a safeguard measure will be in the public interest, shall take into consideration the following factors, among others: i) whether the imposition of the provisional measure will result in a political or economic crisis; and ii) the extent to which such imposition will cause a shortage of the product under consideration in the domestic market."

On the part of the Commission, it is required, pursuant to Rule 9.3 of the IRRs to RA No. 8800, to receive submissions of parties as to whether or not the application of a safeguard measure would be in the public interest in the course of its formal investigation.³⁸

³⁸ As provided in the IRRs to RA No. 8800: "*Rule 9.3. The Commission shall, after due notification, conduct marathon public hearings to give all parties directly affected and such other interested parties as consumers that in the judgment of the Commission are entitled to attend, an opportunity to be heard and to present evidence including the opportunity to respond to the presentations of other parties and to submit their views, inter alia, as to whether or not the application of a safeguard measure would be in the public interest.*"

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12. CONCLUSIONS

In accordance with RA No. 8800, the Commission hereby concludes the following:

1. The production of the six member-companies of the industry association Cement Manufacturers' Association of the Philippines accounted for more than the majority, and therefore a major proportion, of total industry production. This satisfies the domestic industry requirement under Section 4(f) of RA No. 8800.
2. Locally produced Ordinary Portland Cement Type 1 is a "like product" to imported Ordinary Portland Cement Type 1 cement. Locally produced Blended Cement (all types) is a directly competitive product to imported Blended Cement (all types). Ordinary Portland Cement Type 1, whether local or imported, and Blended Cement (all types), whether local or imported, are directly competitive products.
3. Cement (OPC Type 1 and Blended Cement) is being imported into the Philippines in increased quantities, both in absolute terms and relative to domestic production, starting in 2023. The increase in the volume of imports was recent, sudden, sharp, and significant.
4. There was a significant overall impairment to the position of the domestic cement industry during the period of import surge that constitutes serious injury. The local industry incurred considerable losses from operations while market share, sales, production, and capacity utilization deteriorated to lowest levels.
5. There is a direct causal relationship between increased imports of cement (Ordinary Portland Cement Type 1 and Blended Cement) and the significant impairment in the position of the domestic cement industry. While there are other factors that contributed to the impairment of the position of the domestic cement industry, these were not substantial as to cause serious injury to the domestic industry.
6. The circumstances provided in Article XIX of GATT 1994 do not need to be demonstrated since the product under consideration is not the subject of any Philippine obligation or tariff concession under the WTO Agreement. Nonetheless, such inquiry is governed by national legislation (RA No. 8800) and the terms and conditions of the Agreement on Safeguards.

13. RECOMMENDATION

The following Rules of the IRRs of RA No. 8800 provide guidance on the imposition of definitive safeguard measures:

“Rule 13.1.a. Upon its positive determination, the Commission shall recommend to the Secretary an appropriate definitive measure, in the form of:

- i) An increase in, or imposition of, any duty on the imported product;*
- ii) A decrease in, or the imposition of a tariff-rate quota (MAV) on the product;*
- iii) A modification or imposition of any quantitative restriction on the importation of the product into the Philippines;*
- iv) One or more appropriate adjustment measures including the provision of trade adjustment assistance; or*
- v) Any combination of actions described in subparagraphs (i) to (iv).*

xxx

Rule 13.1.c. The general safeguard measure shall be limited to the extent of redressing or preventing the injury and to facilitate adjustment by the domestic industry from the adverse effects directly attributed to the increased imports. Provided, however, that when quantitative import restrictions are used, such measures shall not reduce the quantity of imports below the average imports for three (3) preceding representative years, unless clear justification is given that a different level is necessary to prevent or remedy serious injury.

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Rule 15.1 The duration of the period in which an action is taken under the General Safeguard Measures provisions of these IRRs shall not exceed four (4) years. Such period shall include the period, if any, in which provisional relief under Rule 8 was in effect.

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Rule 15.5 Any action described in Rule 13 that has an effective period of more than a year shall be phased down at regular intervals within the period in which the action is in effect.”

The final determination shall be made by the Secretary pursuant to the following Rule of the same IRRs:

“Rule 13.2 Final Determination by the Secretary

Rule 13.2.a. Within fifteen (15) calendar days from receipt of the Report of the Commission, the Secretary shall make a decision, taking into consideration the measures recommended by the Commission.”

13.1. Recommendation

Based on its positive determination that domestic cement (Ordinary Portland Cement Type 1 and Blended Cement) is a “like product” as well as a directly competitive product to imported cement and that cement is being imported into the Philippines in increased quantities, and having established the existence of a causal link between serious injury to the local cement industry and increased imports of subject cement products, the Commission hereby recommends the application of the appropriate definitive general safeguard measure, in the form of a duty, on importations of cement to redress the serious injury directly attributed to the same by providing temporary relief and giving the local cement industry a reasonable period to adjust to increased import competition.

The Commission further recommends that the definitive safeguard measure be applied for a period of three years.

13.1.1. Amount of Definitive Safeguard Measure

The Commission recommends a specific duty of PHP 349/MT (or PHP 14/40 kg bag) as the definitive safeguard measure to be imposed on importations of cement (Ordinary Portland Cement Type 1 and Blended Cement). This recommended level of specific safeguard duty is the difference between the weighted average ex-importers’ store price of imported cement and the weighted average domestic ex-plant selling price of the local cement industry for the most recent year of the POI (2024) (Table 13.1).

Table 13.1. Recommended Definitive Safeguard Duty on Cement

Year	PHP/MT		
	Weighted Average Domestic Ex-Plant Price ^{1/}	Weighted Average Ex-Importers’ Store Price ^{2/}	Price Difference
(a)	(b)	(c)	(d) = (b) – (c)
2024	3,443	3,094	349
			(or PHP 14/40 kg bag)*

Sources of basic data: ^{1/} Consolidated submissions of CeMAP member-companies (Solid, Apo, Republic, Taiheyo, Goodfound and Holcim) for OPC

Type 1 and blended cement, net of VAT; ^{2/} BOC-EIEDs, net of VAT

* Note: One MT is equivalent to 25 pieces of 40 kg bags

Since it addresses the extent of price undercutting by cement imports based on the latest available data, the Commission deems that this level of safeguard duty is sufficient to alleviate the serious injury to the domestic cement industry and facilitate its adjustment to the adverse effects of increasing cement imports.

Although the proposed specific duty shall be applied equally on all imports, regardless of source, the equivalent *ad valorem* rate will vary depending on the value of the shipment, i.e., the specific duty will necessarily have a higher *ad valorem* equivalent the lower the price of the cement importation (Table 13.2). Thus, the safeguard measure will have a greater impact on lower-priced cement imports.

Table 13.2. Estimated *Ad Valorem* Equivalents of the Proposed Safeguard Measure

Top Country Sources	Average 2024 Dutiable Value (PHP/40 kg bag)	Specific Duty (PHP/40 kg bag)	<i>Ad Valorem</i> Equivalent of Specific Duty (%)
(a)	(b)	(c)	(d) = (c/b)*100
Viet Nam	116	14	12.07
China	123	14	11.38

Source of basic data: BOC-EIEDs

13.1.2. Requirement of Certificate of Origin

All importers of Ordinary Portland Cement Type 1 and Blended Cement, regardless of port of exportation, are required to secure a Certificate of Country of Origin issued by the authorized agency/office in the source country of manufacture as authenticated by the Philippine Embassy/Consulate thereat.

13.1.3. Application of *De Minimis* Rule

Following Rule 13.1.d of the IRRs of RA No. 8800, a definitive safeguard measure shall not be applied to imports of Ordinary Portland Cement Type 1 and Blended Cement originating from developing countries with *de minimis* import volumes. Based on 2019-2024 data, imports from the following developing countries were *de minimis*: Indonesia, Iran, Pakistan, Singapore, Taiwan (Chinese Taipei), and Thailand.

For new exporting countries, except developing countries covered by the *de minimis* rule, their exports shall automatically be levied the specific safeguard duty. The determination of new countries to be covered by the *de minimis* rule is to be made by the DTI.

13.2. Notifications/Consultations Under International Trading Arrangements

13.2.1. WTO

Rule 17 of the IRRs of RA No. 8800 provides that:

“The Secretary shall notify the Committee on Safeguards of the World Trade Organization:

Rule 17.1. When initiating an action relating to serious injury or threat thereof and the reasons for it;

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Rule 17.2. When adopting a provisional general safeguard measure following a positive preliminary determination; and

Rule 17.3. When applying or extending a definitive general safeguard measure following a positive final determination.”

13.2.2. Other International Trading Arrangements

As Ordinary Portland Cement Type 1 and Blended Cement may be covered by the FTAs that the Philippines has entered into, the Philippines shall follow the notification and/or consultation requirements provided under said FTAs.

13.3. Review of Definitive Safeguard Measure

Rule 15.6 of the IRRs to RA 8800 reads:

“The decision imposing a general safeguard measure, the duration of which is more than one (1) year, shall be reviewed at regular intervals for purposes of liberalizing or reducing its intensity. The industry benefitting from the application of a general safeguard measure shall be required to show positive adjustment within the allowable period. A general safeguard measure shall be terminated where the benefitting industry fails to show any improvement, as may be determined by the Secretary.”

On the other hand, Rule 16.1 of the same IRRs provides that:

“So long as any action taken under Rule 13 remains in effect, the Commission shall monitor developments with respect to the domestic industry, including the progress and specific efforts made by workers and firms in the domestic industry to make a positive adjustment to import competition.”

Pursuant to the aforementioned Rules, the Commission shall review the application of a definitive safeguard measure regularly and monitor developments in the domestic industry benefitting from the safeguard measure. The domestic industry shall be required to show its progress and specific efforts undertaken to make a positive adjustment to import competition.

14. EFFECTS OF THE AFFIRMATIVE RECOMMENDATION

Section 14 of RA No. No. 8800 provides that:

“The report (of the Commission) shall also include a description of the short and long-term effects of the affirmative or negative recommendation, as the case may be, on the petitioner, the domestic industries, the consumers, the workers, and the communities where production facilities of such industry are located.”

The likely impact of the Commission’s affirmative recommendation is described below:

On Competition

- The imposition of a safeguard duty does not restrict market access for imported cement. Both local and imported cement are free to compete in the Philippine market, as the measure does not prohibit imports but merely applies a temporary duty to address serious injury to the domestic industry. The Philippine cement market remains open, and Filipino buyers retain the freedom to choose between local and imported brands based on price, quality, and availability.
- Additionally, since the proposed measure is temporary and will be progressively liberalized, market competition will revert to its normal level in due time.

On the Domestic Cement Industry

- The domestic industry will be afforded sufficient time to implement the efficiency measures set forth in its adjustment plans. With the implementation of their adjustment plans in the medium term, cement manufacturers are expected to become more cost-efficient, technologically advanced, environment-friendly, and internationally competitive.
- The temporary imposition of a definitive safeguard measure on imports of OPC Type 1 and blended cement will enable the domestic industry to adjust its selling prices to adequately cover production costs and operating expenses, while generating reasonable profit margins. Serious injury to the domestic industry would be averted.
- With improved price competitiveness, the domestic cement industry will continue to serve as a reliable partner in the national government’s development agenda.

On User Industries and Consumer Welfare

- Locally manufactured OPC Type 1 is a “like product” to imported OPC Type 1. Similarly, locally produced blended cement (all types) is directly competitive with imported blended cement (all types). Moreover, OPC Type 1 and blended cement, whether local or imported, are also directly competitive products. A viable domestic cement industry would thus enhance consumer choice.
- Through the domestic industry’s commitment to upgrade its facilities, enhance production efficiencies, and develop a more resilient supply chain, Filipino consumers are assured of on-time and available supply and a better and wider range of cement products at competitive prices.

On Employment

- The anticipated increase in the domestic cement industry’s production and sales volumes will ensure the continued employment of its existing workforce and will generate additional employment opportunities both in the sector and in allied industries (e.g., mining and quarrying, logistics, construction), contributing to broader economic stability.

On Regional Development

- As local cement plants become more competitive, their increased production supports local supply chains, including transport services, equipment maintenance, raw material sourcing (e.g., limestone, gypsum), and warehousing, most of which are based in provincial areas. This localized economic stimulation creates a multiplier effect, generating employment and income opportunities beyond the manufacturing plants.
- With the continuation of the domestic industry’s corporate social responsibility programs, support for existing beneficiaries is assured. In addition, the domestic cement industry actively pursues sustainability initiatives by promoting a circular economy, particularly through the use of alternative fuels and waste co-processing, further benefitting communities.
- The synergy between industrial development, environmental responsibility, and community engagement will contribute to inclusive and sustainable local development while helping foster an innovative and globally competitive Philippine economy.

15. SUBMISSION

Pursuant to Section 14 of RA No. 8800, the Commission hereby submits this Report to the Secretary of Trade and Industry. Thereafter, a non-confidential version of this Report will be made available to the public by posting on the Commission's website (www.tariffcommission.gov.ph) and a summary will be published in two newspapers of general circulation.

30 September 2025

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MARILOU P. MENDOZA
Chairperson

 Digitally signed

ERNESTO L. ALBANO
Commissioner

 digitally signed

MARISSA MARICOSA A. PADERON
Commissioner



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**

**NOTICE OF COMMENCEMENT OF FORMAL INVESTIGATION AND
CONDUCT OF PRELIMINARY CONFERENCE**

Pursuant to Republic Act (RA) No. 8800 (Safeguard Measures Act), as adopted by Section 712 of RA No. 10863 (Customs Modernization and Tariff Act), notice is hereby given that the Tariff Commission (TC) commenced on 04 March 2025 its Formal Investigation on the merits of imposing a definitive safeguard duty against importations of Ordinary Portland Cement (AHTN 2022 Subheading No. 2523.29.90) and Blended Cement (AHTN 2022 Subheading No. 2523.90.00) from various countries, following receipt of the request from the Secretary of Trade and Industry and the complete case records.

Relative thereto, a **Preliminary Conference** (via Videoconferencing through the Microsoft Teams Platform) is hereby scheduled on **13 March 2025 at 10:00 a.m. (GMT +8)**. Matters for discussion include the timelines, nature of investigation, appearance of counsel and parties, number of witnesses, notification, accessibility of documents and public file, confidentiality of information/documents, submission of position paper/s and memoranda, conduct of onsite inspection and data verification, schedules of public hearing and other activities, and other topics that may aid in the prompt disposition of the case.

All interested parties, including those on record in the preliminary investigation by the Department of Trade and Industry are required to attend the Preliminary Conference. Interested parties are likewise required to register their participation thereto **on or before 3:00 p.m. (GMT +8) of 12 March 2025** using the registration link posted on the Commission's website <https://tariffcommission.gov.ph/> or by scanning the QR Code provided.



For inquiries, please contact Director Maria Lourdes M. Saluta, Head of the TC Task Force for this case, at email addresses TC.Assist@mail.tariffcommission.gov.ph and Records@tariffcommission.gov.ph.

Issued this 4th day of March 2025, at Quezon City, Metro Manila.



Digitally signed
Mari Lou P. Mendoza
MARILOU P. MENDOZA
Chairperson

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NOTICE OF FORMAL INVESTIGATION AND PRELIMINARY CONFERENCE PUBLISHED IN THE MANILA TIMES



 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. 2523.29.96 and 2523.90.00)

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

NOTICE OF COMMENCEMENT OF FORMAL INVESTIGATION AND CONDUCT OF PRELIMINARY CONFERENCE

Pursuant to Republic Act (RA) No. 8806 (Safeguard Measures Act) as adopted by Section 712 of RA No. 10663 (Customs Modernization and Tariff Act), notice is hereby given that the Tariff Commission (TC) commenced on 04 March 2025 its Formal Investigation on the merits of imposing a definitive safeguard duty against importations of Ordinary Portland Cement (AHTN 2022 Subheading No. 2523.29.96) and Blended Cement (AHTN 2022 Subheading No. 2523.90.00) from various countries, following receipt of the request from the Secretary of Trade and Industry and the complete case records.

Relative thereto, a **Preliminary Conference** (via Videoconferencing through the Microsoft Teams Platform) is hereby scheduled on **13 March 2025 at 10:00 a.m. (GMT +8)**. Matters for discussion include the timeline, nature of investigation, appearance of counsel and parties, number of witnesses, notification, accessibility of documents and public file, confidentiality of information, documents, submission of position papers and memoranda, conduct of onsite inspection and data verification, schedule of public hearing and other activities, and other topics that may aid in the prompt disposition of the case.



 PCF Registration Form

All interested parties, including those on record in the preliminary investigation by the Department of Trade and Industry are required to attend the Preliminary Conference. Interested parties are likewise required to register their participation thereto **on or before 3:00 p.m. (GMT +8) of 12 March 2025** using the registration link posted on the Commission's website <http://tariffcommission.gov.ph/> or by scanning the QR Code provided.

For inquiries, please contact Director Maria Lourdes M. Sakris, Head of the TC Task Force for this case, at email addresses TC_Annet@tariffcommission.gov.ph and RegAffairs@tariffcommission.gov.ph.

Issued this 4th day of March 2025, at Quezon City, Metro Manila.



 MAHE C. P. MENDOZA
 Chairperson



NT - Mar. 4, 2025

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Mahe C. P. Mendoza
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NOTICE OF FORMAL INVESTIGATION AND PRELIMINARY CONFERENCE PUBLISHED IN MANILA STANDARD



WORLD




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

IAHTN 2022 Subheading Nos. 2523.29.50 and 2523.94.00)

FOR: SAFEGUARD MEASURE
ICI (SG) No. SG-2023-CC-Cement

**NOTICE OF COMMENCEMENT OF FORMAL INVESTIGATION AND
CONDUCT OF PRELIMINARY CONFERENCE**

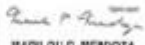
Pursuant to Republic Act (RA) No. 8980 (Safeguard Measures Act), as adopted by Section 712 of RA No. 10863 (Customs Modernization and Tariff Act), notice is hereby given that the Tariff Commission (TC) commenced on 04 March 2025 its Formal Investigation on the merits of imposing a definitive safeguard duty against importations of Ordinary Portland Cement (IAHTN 2022 Subheading No. 2523.29.50) and Blended Cement (IAHTN 2022 Subheading No. 2523.94.00) from various countries, following receipt of the request from the Secretary of Trade and Industry and the complete case records.

Relative thereto, a **Preliminary Conference** (via Videoconferencing through the Microsoft Teams Platform) is hereby scheduled on **13 March 2025 at 10:04 a.m. (GMT +8)**. Matters for discussion include the timelines, nature of investigation, appearance of counsel and parties, number of witnesses, notification, accessibility of documents and public file, confidentiality of information/documents, submission of position papers and memoranda, conduct of onsite inspection and data verification, schedules of public hearing and other activities, and other topics that may aid in the prompt disposition of the case.

All interested parties, including those on record in the preliminary investigation by the Department of Trade and Industry are required to attend the Preliminary Conference. Interested parties are likewise required to register their participation thereto **on or before 2:00 p.m. (GMT +8) of 12 March 2025** using the registration link posted on the Commission's website <https://tariffcommission.gov.ph/> or by scanning the QR Code provided.

For inquiries, please contact Director Maria Lourdes M. Salas, Head of the TC Task Force for this case, at email addresses TC_Annex@tariffcommission.gov.ph and Records@tariffcommission.gov.ph.

Issued this 4th day of March 2025, at Quezon City, Metro Manila.


MARILOU P. NEPOZA
 Chairperson

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**NOTICE OF FORMAL INVESTIGATION AND PRELIMINARY CONFERENCE
PUBLISHED IN THE TARIFF COMMISSION WEBSITE**

Trade Remedy Cases

**Formal Investigation on the Imposition of
Definitive Safeguard Measures Against
Importations of Ordinary Portland Cement and
Blended Cement from Various Countries [TC/
(SG) No. SG-2025-OC-Cement]**

Please see the following Notices / References:

- [Notice of Commencement and Conduct of Preliminary Conference](#) issued on 04 March 2025
- Registration link:
<https://forms.office.com/r/GcvMPvDVxA>
- [List of Interested Parties](#)

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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.

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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.

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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.

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MARILOU P. MENDOZA

Chairperson



Summary of Comments to the Staff Report

Party / Topic	Comment
1. CeMAP	
On determination of compliance with domestic industry requirement	CeMAP affirms the findings that the domestic industry requirement has been complied with.
On determination of like product or directly competitive product	- The Commission correctly made a determination whether the domestic product is a like product or directly competitive product to the imported product under consideration. - While customer perception was not explicitly discussed, based on consistent market observations, particularly among contractors, it can be reasonably inferred that there is no meaningful distinction between imported and local cement. - CeMAP wishes to point out that there is another cement type manufactured by the domestic industry that is a directly competitive product of imported cement – OPC Type II cement. - OPC Type II, which is also part of PNS 07:2018, is a directly competitive or like product of imported OPC Type II. - OPC Type II is characterized by moderate sulfate resistance and a lower heat of hydration. It is used in general construction and is interchangeable with imported OPC Type II cement. - There are some importations of OPC Type II specifically in Lemery, Batangas, that may further increase. - A comparison of the imported and local Type II cement would show that both fall under the same tariff classification, conform to the same PNS 07:2018, have same identical properties as they are mainly composed of clinker, and are used similarly particularly for general construction and concrete applications. They are also competing in the same distribution channels, including distributors and hardware stores.
On determination of increased volume of imports	- CeMAP concurs with the findings of the Commission that cement is being imported into the Philippines in increased quantities, both in absolute terms and relative to domestic production. - The five-year compounded annual growth rate (CAGR) of imported cement by local manufacturers declined sharply while the CAGR of cement imports by traders increased over the same period. - Given that the overall market in 2024 is relatively smaller than in 2019, the sustained growth in trader-importer volumes over five consecutive years underscores a trend that is both sharp and significant. Such a trajectory highlights the intensifying competitive pressure on the domestic industry and reinforces the case for definitive safeguard measures.
2. Davao Multibuild Corporation (DMC)	
On determination of like product or directly competitive product	- The Staff Report covers broad range of cement products, which are beyond the scope of application of the safeguard measure. Blended cement products under consideration should be limited to the types actually imported to the Philippines during the POI, i.e., Type 1P, Type 1T, and Type 1L. - The findings on the physical and chemical characteristics of locally manufactured and imported OPC Type 1 and blended cement lack sufficient evidentiary support and objectivity. - The physical and chemical analysis test results of OPC Type 1 and blended cement appear to be based solely on data of assertions from one source, the submitted confidential file of Vissai Ninh Binh Joint Stock Company. - Without comparative laboratory testing or third-party technical analysis, such a conclusion is premature and potentially misleading.
On determination of increased volume of imports	There is no recent, sudden, sharp, and significant increase in the volume of imports during the POI.



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Party / Topic	Comment
	• The Staff Report did not highlight that there was in fact negative growth rate of volume of imports in 2022 and 2023. And in 2024, the growth rate of 16% is considered “normal” when compared with years 2020 and 2021. • The distinction in the difference in import volumes between periods when anti-dumping and safeguard duties were in effect and periods when they were not is irrelevant to the proper analysis. The focus should be on the absolute volume of imports, regardless of duty status. Otherwise, the analysis would unfairly attribute to importers-traders for employing legitimate and sound business strategies. • The Staff Report failed to consider two significant factors: the number of domestic producers and the number of importers-traders. DMC finds that, on the average per year, the share of an individual importer-trader relative to the production of a member-company ranges from 4% to 9% only. The alleged increased volume of imports is rather a result of the increased and intensified competition in the domestic market. • The actual import trends – based on the share of imports to domestic production – indicate a gradual increase rather than a WTO-defined “surge.” The key issue is not volume alone, but the context, source, and purpose of those imports. • In 2020 and 2021, the increase in the volume of imports was necessary since several domestic plants were unable to operate due to the COVID-19 pandemic. • During the POI, huge government-initiated infrastructure projects were initiated; and, given that local supply was insufficient to meet this heightened demand, importing cement became a necessary and practical measure. • The actions of importers were a direct response to reduced domestic production and elevated market demand.
3. Cohaco Merchandising and Development Corporation, Fortem Cement Corporation, NGC Land Corporation, Pabaza Import and Export, Inc., and Philecement Corporation	
On determination of compliance with domestic industry requirement	• The participating domestic producers do not accurately represent the true condition of the domestic industry considering that major domestic players continue to post significant gross profits, disproving any claim of injury. Evidently, only the participating domestic producers, and not the entire domestic industry, are alleging a decline in market share.
On the adjustment plans of the domestic cement industry	• The adjustment plans submitted by the participating domestic producers are essentially the same as those they have previously submitted during the previous imposition of safeguard measures and the application for safeguard extension. Moreover, these adjustment plans as presented merely reflect activities carried out in the ordinary course of business and do not demonstrate initiatives that would meaningfully enhance the long-term competitiveness of the local industry.
On determination of like product or directly competitive product	• The subject products are not like products or directly competitive with their local counterparts because they cannot be used interchangeably depending on customer preference. Further, domestic cement producers are not precluded from participating in the same distribution channels where they can benefit from better pricing opportunities. • The assertion that OPC Type 1 and Blended Cement are interchangeable based merely on customer preference is inaccurate, especially in the context of government infrastructure projects. The DPWH mandates the use of OPC Type 1 cement, which has a higher clinker factor, for many of its infrastructure projects, and rejects blended cement for their projects. • Any discussion on Type II cement should not be considered in these proceedings because it is not readily available in the market and serves specialized applications that differ from those of OPC Type 1 and Blended Cement. Its limited production and use mean it does not compete directly or interchangeably with the cement products under review.



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Party / Topic	Comment
On determination of increased volume of imports	- The data presented in the Staff Report are incomplete and potentially misleading as they rely solely on the submissions of the participating domestic producers and exclude the market leader, the San Miguel Group, and the new production capacities that have recently started operations. - The claim that imports without anti-dumping duties and safeguard duties increased by 460% and the lifting of the said duties resulted in a surge is both misleading and inaccurate. - The inclusion of Type 1T cement in this investigation corroborates the prior finding in the safeguard extension case that there has been a clear shift toward increased production of Type 1T. The data presented in this case demonstrate that, when Type 1T cement is accounted for, there is no decline in the domestic industry's overall production. Moreover, the figures confirm the absence of any sharp or sudden increase in cement imports vis-à-vis domestic production, thereby firmly negating any assertion of injury caused by increased imports.
Other	The Staff Report failed to address or justify the imposition of a provisional safeguard duty in an amount exorbitantly higher than the previous imposition, which is in clear contradiction of the mandate of the safeguard measure on progressive liberalization.
4. Marlusa Construction Supply and Samstone Multi Resources Inc.	
On determination of increased volume of imports	- The conclusion is not based on empirical data and/or a mistake in the appreciation of data. On what basis the increase by 460%, the Staff Report does not even explain, except for a vague statement that the importation not covered by anti-dumping increased by 460% from 2022 level to 2023. - Imports with no anti-dumping duties and safeguard measures would increase in 2023 for the simple and basic reason that by 2023, there will be no more imposition of safeguard duties, and the anti-dumping tax was implemented in 2023 and selectively on Vietnamese traders and producers. It is not a sound basis for a conclusion that has wide repercussions on the economy in general and the public infrastructure of the country. - If imports surge commenced in 2023, the volume of imports must be higher than the previous year of 2022. However, in 2022 the volume of imports was 6,705,499 metric tons and it decreased in 2023 to 6,519,320 metric tons. - The perceived surge from 5% to 32% is the share of imports with no safeguard duties and anti-dumping duties, which could not be a sound basis to conclude that imports share increased in alarming level that would require intervention. - The share of imports versus total cement consumption cumulatively from 2019-2024 is about 25%, and the yearly share ranges from 20% to 31%, which could not support the conclusion that the increase in the volume of imports was recent, sudden, sharp and significant. - The staff report failed to present any comparable data in any industry that would support a conclusion that once the import level is more than 25% of the total demand, said level is significant and alarming. - The business of importation is merely filling up what the domestic manufacturers cannot meet in terms of the demand or consumption of cement in the Philippines.
5. Nhuan Phat Trading Service and Transportation Co., Ltd.	
On determination of like product or directly competitive product	- We acknowledge that OPC Type 1 and blended cement Type 1P produced domestically are generally comparable to imported products in terms of usage, physical characteristics, and distribution. - Type 1 cement continues to face limited availability in the domestic market, and several Philippine importers have turned to imports because local manufacturers prioritize the production of blended types (Type 1P and 1T) due to production efficiencies and policy references. - Imported Type 1 cement plays a crucial role in supporting public infrastructure and engineering projects requiring high early strength. Thus, while technically



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Party / Topic	Comment
On determination of increased volume of imports	comparable, imported and domestic products are not always substitutable in practice. - The increase in imports was: - Demand-driven, primarily to support the government's infrastructure and housing programs. - Reinforcing, rather than replacing, domestic production, which still accounted for 81% of total supply during the POI. - Fulfilling supply gaps, especially for Type 1 cement, which is often under-produced locally due to domestic manufacturer's shift to blended or ternary types. - Given such a high tariff burden, any continued exports can only be understood as a result of genuine market demand, rather than pricing tactics. This also underlines that our company has not benefitted from any unfair advantage, and we continue to participate in the Philippine market under full compliance with prevailing trade laws.
6. Philippine Competition Commission (PCC)	
On determination of increased volume of imports	- When evaluating import trends, it would be more appropriate to benchmark them against total industry demand, not just domestic production. The supply and demand conditions should have been completely laid down to ascertain whether a reasonable surplus exists such that importation is unwarranted, or a large shortage is unmet such that importation is justified. - Supply and demand conditions are not clearly detailed in the Staff Report and instead suffered from analytical inconsistencies. - The market shares with respect to import and domestic production are highly aggregated for the years 2019 to 2024, which could be difficult to compare with the demand condition. - Since we cannot determine the level of surplus or shortage, domestic manufacturers may not claim that the surge in cement imports has a direct link to their profitability and productivity. - Imposing additional tariff measures may reinforce the dominance of top local producers, weakening competitive pressure in the market. Diminished foreign competition could also reduce incentives for domestic firms to innovate, lower costs, or improve operational efficiency. - Imports play a supplementary role-servicing unmet demand rather than displacing local production. In this context, consumer welfare may be compromised by the imposition of safeguard measures. The role of imported cement as a necessary and competitive substitute should be considered carefully, particularly in a market characterized by supply gaps and rising construction activity. - Without imports, market prices would remain high with no compelling reason for domestic producers to become more competitive or use production technologies at par with those in importing countries. With safeguard duties, prices become artificially inflated such that domestic firms can also price domestic production close to or virtually equal to the regulated price (import price plus safeguard duties).
On determination of like product or directly competitive product	The staff report's determination of 'like product or directly competitive product' further supports the idea that imported cement (OPC or blended) imposes competitive constraints on cement manufactured in the Philippines. Hence, the potential impact of imposing safeguard measures on cement is clear: it could create an uneven playing field between imported and domestically produced cement, likely driving up prices for both. This outcome would ultimately harm Filipino consumers.



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NOTICE OF PUBLIC HEARING POSTED ON TC WEBSITE



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

NOTICE OF PUBLIC HEARING

Pursuant to Section 712 of Republic Act (RA) No. 10863 (*Customs Modernization and Tariff Act*), which adopts the provisions of RA No. 8800 (*Safeguard Measures Act*), and in relation to Section 20 of Commission Order No. 2021-02 (*Revised Rules of Procedure for the Conduct of Formal Investigations Pursuant to Republic Act No. 8800*), notice is hereby given that public hearings on the Formal Investigation on the merits of imposing a definitive safeguard duty against importations of Ordinary Portland Cement (AHTN 2022 Subheading No. 2523.29.90) and Blended Cement (AHTN 2022 Subheading No. 2523.90.00) from various countries, shall be conducted (via Videoconferencing through the Microsoft Teams Platform) on the following dates and times:

DATE	TIME (GMT +8)
16 June 2025 (Monday)	10:00 A.M.
17 June 2025 (Tuesday)	10:00 A.M.
18 June 2025 (Wednesday)	10:00 A.M.
19 June 2025 (Thursday)	10:00 A.M.
20 June 2025 (Friday)	10:00 A.M.

All interested parties are hereby directed to attend the first day of the Public Hearing via Videoconferencing (PHV). Likewise, prior to the conduct of the PHV, interested parties are required to register their participation **on or before 3:00 pm (GMT +8) of 13 June 2025**, using the registration link posted on the Commission's website <https://tariffcommission.gov.ph> or by scanning the QR Code provided.



Should a party desire to submit additional issues for the Public Hearing, other than the issues on product comparability and volume of increased imports, said party shall submit the same at least five (5) working days before the scheduled date of hearing, or by **05 June 2025 (end of business hours)**. Finally, parties are likewise required to submit affidavits of their witnesses on the same date, copy furnished other parties. The updated list of parties and their respective counsel/s or authorized representative/s shall be posted on the Commission's website.

4th Floor, West Insula Condominium, 135 West Avenue, Quezon City, 1105 Philippines
Tel. Nos.: (632) 8926-8731 / (632) 8928-8419 • Telefax No.: (632) 8921-7960
Website: tariffcommission.gov.ph • Philippine Tariff Finder: finder.tariffcommission.gov.ph
Email Addresses: TC.Assist@mail.tariffcommission.gov.ph / Records@tariffcommission.gov.ph



For inquiries, please coordinate with Director Ma. Lourdes M. Saluta, Head of the Task Force for this case, at the following email addresses TC.Assist@mail.tariffcommission.gov.ph and/or Records@tariffcommission.gov.ph.

Issued this 2nd day of June 2025, at Quezon City, Metro Manila.



Digitally signed
Mari Lou P. Mendoza
MARILOU P. MENDOZA
Chairperson

Digitally signed
Amador

Digitally signed

Digitally signed
Mari Lou P. Mendoza

NOTICE OF PUBLIC HEARING PUBLISHED IN *THE MANILA TIMES*

B10 | TUESDAY June 3, 2025

Classified Ads

The Manila Times
www.manilatimes.net



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**

X-----X

NOTICE OF PUBLIC HEARING

Pursuant to Section 712 of Republic Act (RA) No. 10863 (*Customs Modernization and Tariff Act*), which adopts the provisions of RA No. 8800 (*Safeguard Measures Act*), and in relation to Section 20 of Commission Order No. 2021-02 (*Revised Rules of Procedure for the Conduct of Formal Investigations Pursuant to Republic Act No. 8800*), notice is hereby given that public hearings on the Formal Investigation on the merits of imposing a definitive safeguard duty against importations of Ordinary Portland Cement (AHTN 2022 Subheading No. 2523.29.90) and Blended Cement (AHTN 2022 Subheading No. 2523.90.00) from various countries, shall be conducted (via Videoconferencing through the Microsoft Teams Platform) on the following dates and times:

DATE	TIME (GMT +8)
16 June 2025 (Monday)	10:00 A.M.
17 June 2025 (Tuesday)	10:00 A.M.
18 June 2025 (Wednesday)	10:00 A.M.
19 June 2025 (Thursday)	10:00 A.M.
20 June 2025 (Friday)	10:00 A.M.

All interested parties are hereby directed to attend the first day of the Public Hearing via Videoconferencing (PHV). Likewise, prior to the conduct of the PHV, interested parties are required to register their participation on or before 3:00 pm (GMT +8) of 13 June 2025, using the registration link posted on the Commission's website <https://tariffcommission.gov.ph> or by scanning the QR Code provided.



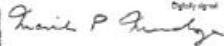
PHV Registration Form

Should a party desire to submit additional issues for the Public Hearing, other than the issues on product comparability and volume of increased imports, said party shall submit the same at least five (5) working days before the scheduled date of hearing, or by 05 June 2025 (end of business hours). Finally, parties are likewise required to submit affidavits of their witnesses on the same date, copy furnished other parties. The updated list of parties and their respective counsel/s or authorized representative/s shall be posted on the Commission's website.

For inquiries, please coordinate with Director Ma. Lourdes M. Saluta, Head of the Task Force for this case, at the following email addresses TC.Assist@mail.tariffcommission.gov.ph and/or Records@tariffcommission.gov.ph.

Issued this 2nd day of June 2025, at Quezon City, Metro Manila.



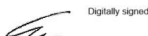


MARILOU P. MENDOZA
Chairperson

MT - June 3, 2025



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NOTICE OF PUBLIC HEARING PUBLISHED IN MANILA STANDARD

A6

TUESDAY JUNE 3, 2025
MST.DAYDESK@GMAIL.COMManila
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WORLD



 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

NOTICE OF PUBLIC HEARING

Pursuant to Section 712 of Republic Act (RA) No. 10863 (Customs Modernization and Tariff Act), which adopts the provisions of RA No. 8800 (Safeguard Measures Act), and in relation to Section 20 of Commission Order No. 2021-02 (Revised Rules of Procedure for the Conduct of Formal Investigations Pursuant to Republic Act No. 8800), notice is hereby given that public hearings on the Formal Investigation on the merits of imposing a definitive safeguard duty against importations of Ordinary Portland Cement (AHTN 2022 Subheading No. 2523.29.90) and Blended Cement (AHTN 2022 Subheading No. 2523.90.00) from various countries, shall be conducted (via Videoconferencing through the Microsoft Teams Platform) on the following dates and times:

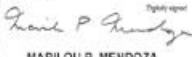
DATE	TIME (GMT +8)
16 June 2025 (Monday)	10:00 A.M.
17 June 2025 (Tuesday)	10:00 A.M.
18 June 2025 (Wednesday)	10:00 A.M.
19 June 2025 (Thursday)	10:00 A.M.
20 June 2025 (Friday)	10:00 A.M.

All interested parties are hereby directed to attend the first day of the Public Hearing via Videoconferencing (PHV). Likewise, prior to the conduct of the PHV, interested parties are required to register their participation **on or before 3:00 pm (GMT +8) of 13 June 2025**, using the registration link posted on the Commission's website: <https://tariffcommission.gov.ph> or by scanning the QR Code provided.

Should a party desire to submit additional issues for the Public Hearing, other than the issues on product comparability and volume of increased imports, said party shall submit the same at least five (5) working days before the scheduled date of hearing, or by **05 June 2025** (end of business hours). Finally, parties are likewise required to submit affidavits of their witnesses on the same date, copy furnished other parties. The updated list of parties and their respective counsel/s or authorized representative/s shall be posted on the Commission's website.

For inquiries, please coordinate with Director Ma Lourdes M. Saluta, Head of the Task Force for this case, at the following email addresses: TC.Assist@mail.tariffcommission.gov.ph and/or Records@tariffcommission.gov.ph

Issued this 2nd day of June 2025, at Quezon City, Metro Manila.


 MARILOU P. MENDOZA
 Chairperson


 PHV Registration Form

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REGISTER OF ATTENDANCE

Conduct of Public Hearing on a Conduct Public Hearing on the Formal
Investigation on the merits of imposing a definitive safeguard duty against
importations of Ordinary Portland Cement and Blended Cement
[TCI (SG) No. SG-2025-OC-Cement]

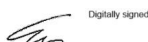
Day 1
16 June 2025

Seq No.	Name	Sector Represented	Name of Organization
Petitioner			
1.	Alger-del Rosario, Frances Margaret	Private Sector	Holcim Philippines, Inc.
2.	Aplasca, Ana Patricia	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
3.	Britanico, Rodolf	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
4.	Castaneda, Kimberly	Private Sector	Republic Cement & Building Materials, Inc.
5.	Cleto, Isabel	Private Sector	Holcim Philippines, Inc.
6.	De Gracia, Cheryl	Private Sector	Taiheiyo Cement Philippines Inc.
7.	Dizon, John Reinier	Private Sector	Republic Cement & Building Materials, Inc.
8.	Gador, Ken	Private Sector Counsel	Concreat Holdings Philippines
9.	Garcia, Kemuel Jarel	Private Sector	Republic Cement & Building Materials, Inc.
10.	Javier, Roberto Martin Gerardo	Private Sector	Concreat Holdings Philippines
11.	Kim, Maria Fricela	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
12.	Mistica, Trizia	Private Sector	Concreat Holdings Philippines
13.	Ortega, Emylita	Private Sector	Taiheiyo Cement Philippines Inc.
14.	Pestano, Cirilo	Private Sector	Cement Manufacturers Association of the Philippines
15.	Qua, Lorraine Marie	Private Sector	Republic Cement & Building Materials, Inc.
16.	Rosales, Sarah Dominic	Private Sector	Holcim Philippines, Inc.





Seq No	Name	Sector Represented	Name of Organization
17.	Testor, Lyndson Jon	Private Sector	Republic Cement & Building Materials,
Oppositor			
1.	Avecilla, Julienne	Private Sector	Philcement Corporation
2.	Baroso, Frances Angelie	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
3.	Co, Ferdinand	Private Sector	Cohaco Merchandising & Development Corp. / NGC Marketing Corp.
4.	Cueto- Mamites, Maria Monica	Private Sector	Philcement Corporation
5.	Español, Fritzzie Lyn	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
6.	Hoa, Do Mai	Private Sector	Vietnam Trading Services and Import Export Limited Company
7.	Ingente, Mark Philip	Private Sector	Davao Multibuild Corporation
8.	Jalbuna, Eduardo	Private Sect	Marlusa Const Supply Samstone Multi Resources Inc.
9.	Lauredo, Caleb	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation


Seq No	Name	Sector Represented	Name of Organization
10.	Penisa, Xaviery	Private Sector	Philcement Corporation
11.	Santos, Enrnelyn Joy	Private Sector	Davao Multibuild Corporation
12.	Nguyen, Son	Private Sector	Vissai Ninh Binh Joint Stock Company
13.	Paloma, Bianca Georgia	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, NGC Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
14.	Quesada, Leah Glenda	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
15.	Remulla, Melissa Gabrielle	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
16.	Sumalinog, William	Private Sector	Philcement Corporation
17.	Tuazon, Krissa	Private Sector	Philcement Corporation
18.	Usodan, Sanny-Din	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation





Seq No	Name	Sector Represented	Name of Organization
19.	Valdepeñas, Via Monina	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
Observers			
1.	Baja, Renato	Industry Association	Cement Manufacturers Association of the Philippines Inc.
2.	Chang, Vic	Foreign Embassy	Taipei Economic and Cultural Office in the Philippines
3.	Cua, Nikolai	Private Individual	Fortem Cement Corporation
4.	Desiderio, Louella	Media	Philippine Star
5.	Fabian, Liana Alexis	Private Individual	N/A
6.	Fernandez, Jonathan	Industry Association	Eagle Cement Corporation
7.	Garcia, Justine	Private Sector	Business Mirror
8.	Isip, Irma	Media	Malaya Business Insight
9.	Jose, Sandra	Philippine Government - Executive Branch	Department of Trade and Industry
10.	Lapiz, Maria Brenda	Private Individual	N/A
11.	Mai, Kim	Private Individual	N/A
12.	Malto, Nadine	Industry Association	Cement Manufacturers Association of the Philippines Inc.
13.	Nguyen, Quyen	Private Individual	N/A
14.	Sotelo, Jerish Dane	Private Individual	N/A
15.	Tabile, Justine Irish	Media	Business World
16.	Tan, Ross Kendrick	Private Individual	Fortem Cement Corporation
17.	Ueminami, Noritaka	Private Individual	N/A




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Seq No	Name	Sector Represented	Name of Organization
18.	Verdon, Kiana Jill	Philippine Government - Executive Branch	Department of Trade and Industry
19.	Villa, Fabiola	Private Individual	N/A
Other Admitted Participants			
1.	Hoang, Lyn	N/A	N/A
2.	Lan	Private Sector	Vietnam Trading Services and Import Export Limited Company
3.	Lily	Private Sector	Vietnam Trading Services and Import Export Limited Company
4.	Long	Private Sector	Vietnam Trading Services and Import Export Limited Company
5.	Monzon, Alden	Media	Philippine Daily Inquirer
6.	Ngoc, No	N/A	N/A
7.	Servano, Koleene	Private Sector	Honghui Pioneer S-Cement International Inc. (HPSI)
8.	TH-DFT	Government Sector	Department of Foreign Trade, Ministry of Commerce of the Kingdom of Thailand
9.	Vu, Rosie	Private Sector	Vietnam Trading Services and Import Export Limited Company

Day 2
17 June 2025

Seq No	Name	Sector Represented	Name of Organization
Petitioner			
1.	Alger-del Rosario, Frances Margaret	Private Sector	Holcim Philippines, Inc.
2.	Aplasca, Ana Patricia	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
3.	Appari, Carlitio	Private Sector	Goodfound Cement Corporation
4.	Britanico, Rodolf	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
5.	Castaneda, Kimberly	Private Sector	Republic Cement & Building Materials, Inc.
6.	Cleto, Isabel	Private Sector	Holcim Philippines, Inc.

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Seq No	Name	Sector Represented	Name of Organization
7.	De Gracia, Cheryl	Private Sector	Taiheiyo Cement Philippines Inc.
8.	Dizon, John Reinier	Private Sector	Republic Cement & Building Materials, Inc.
9.	Gador, Ken	Private Sector Counsel	Concreat Holdings Philippines
10.	Garcia, Kemuel Jarel	Private Sector	Republic Cement & Building Materials, Inc.
11.	Javier, Roberto Martin Gerardo	Private Sector	Concreat Holdings Philippines
12.	Kim, Maria Fricela	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
13.	Mistica, Trizia	Private Sector	Concreat Holdings Philippines
14.	Ortega, Emylita	Private Sector	Taiheiyo Cement Philippines Inc.
15.	Pestano, Cirilo	Private Sector	Cement Manufacturers Association of the Philippines
16.	Qua, Lorraine Marie	Private Sector	Republic Cement & Building Materials, Inc.
17.	Rosales, Sarah Dominic	Private Sector	Holcim Philippines, Inc.
18.	Testor, Lyndson Jon	Private Sector	Republic Cement & Building Materials, Inc.
Oppositor			
1.	Avecilla, Julianne	Private Sector	Philcement Corporation
2.	Baroso, Frances Angelie	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
3.	Chang, Vic	Foreign Embassy	Taipei Economic and Cultural Office in the Philippines
4.	Co, Ferdinand	Private Sector	Cohaco Merchandising & Development Corp. / NGC Marketing Corp.
5.	Cueto-Mamites, Maria Monica	Private Sector	Philcement Corporation





Seq No	Name	Sector Represented	Name of Organization
6.	Español, Fritzzie Lyn	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
7.	Hoa, Do Mai	Private Sector	Vietnam Trading Services and Import Export Limited Company
8.	Ingente, Mark Philip	Private Sector	Davao Multibuild Corporation
9.	Inmuang, Chagkrit	Private Sector	Siam Cement Public Limited Company
10.	Lauredo, Caleb	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
11.	Nguyen, Son	Private Sector	Vissai Ninh Binh Joint Stock Company
12.	Paloma, Bianca Georgia	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
13.	Penisa, Xaviery	Private Sector	Philcement Corporation
14.	Quesada, Leah Glenda	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation





Seq No	Name	Sector Represented	Name of Organization
15.	Remulla, Melissa Gabrielle	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
16.	Santos, Enrnelyn Joy	Private Sector	Davao Multibuild Corporation
17.	Sumalinog, William	Private Sector	Philcement Corporation
18.	Tuazon, Krissa	Private Sector	Philcement Corporation
19.	Usodan, Sanny-Din	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
20.	Valdepeñas, Via Monina	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
Observers			
1.	Baja, Renato	Industry Association	Cement Manufacturers Association of the Philippines Inc.
2.	Fernandez, Jonathan	Industry Association	Eagle Cement Corporation
3.	Jose, Sandra	Philippine Government - Executive Branch	Department of Trade and Industry
4.	Malto, Nadine	Industry Association	Cement Manufacturers Association of the Philippines Inc.
5.	Ueminami, Noritaka	Private Individual	N/A



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Seq No	Name	Sector Represented	Name of Organization
6.	Tabile, Justine Irish	Media	Business World
7.	Tan, Ross Kendrick	Private Individual	Fortem Cement Corporation
8.	Verdon, Kiana Jill	Philippine Government - Executive Branch	Department of Trade and Industry
9.	Villa, Fabiola	Private Individual	N/A
Other Admitted Participants			
1.	Juatco, Graciela Marie	Philippine Government - Executive Branch	Board of Investments
2.	Lan	Private Sector	Vietnam Trading Services and Import Export Limited Company
3.	Lily	Private Sector	Vietnam Trading Services and Import Export Limited Company
4.	Mercado, Armando	Philippine Government - Executive Branch	Department of Trade and Industry
5.	Monzon, Alden	Media	Philippine Daily Inquirer
6.	Ngoc, No	N/A	N/A
7.	Servano, Koleene	Private Sector	Honghui Pioneer S-Cement International Inc. (HPSI)
8.	Vu, Rosie	Private Sector	Vietnam Trading Services and Import Export Limited Company





Day 3
18 June 2025

Seq No	Name	Sector Represented	Name of Organization
Petitioner			
1.	Alger-del Rosario, Frances Margaret	Private Sector	Holcim Philippines, Inc.
2.	Aplasca, Ana Patricia	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
3.	Appari, Carlitio	Private Sector	Goodfound Cement Corporation
4.	Britanico, Rodolf	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
5.	Castaneda, Kimberly	Private Sector	Republic Cement & Building Materials, Inc.
6.	Cleto, Isabel	Private Sector	Holcim Philippines, Inc.
7.	De Gracia, Cheryl	Private Sector	Taiheiyo Cement Philippines Inc.
8.	Dizon, John Reinier	Private Sector	Republic Cement & Building Materials, Inc.
9.	Gador, Ken	Private Sector Counsel	Concreat Holdings Philippines
10.	Garcia, Kemuel Jarel	Private Sector	Republic Cement & Building Materials, Inc.
11.	Javier, Roberto Martin Gerardo	Private Sector	Concreat Holdings Philippines
12.	Kim, Maria Fricela	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
13.	Mistica, Trizia	Private Sector	Concreat Holdings Philippines
14.	Pestano, Cirilo	Private Sector	Cement Manufacturers Association of the Philippines
15.	Qua, Lorraine Marie	Private Sector	Republic Cement & Building Materials, Inc.
16.	Rosales, Sarah Dominic	Private Sector	Holcim Philippines, Inc.
17.	Testor, Lyndson Jon	Private Sector	Republic Cement & Building Materials, Inc.
Oppositor			
1.	Avecilla, Julienne	Private Sector	Philcement Corporation

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Seq No	Name	Sector Represented	Name of Organization
2.	Baroso, Frances Angelie	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
3.	Co, Ferdinand	Private Sector	Cohaco Merchandising & Development Corp. / NGC Marketing Corp.
4.	Cueto-Mamites, Maria Monica	Private Sector	Philcement Corporation
5.	Español, Fritzzie Lyn	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
6.	Inmuang, Chagkrit	Private Sector	Siam Cement Public Limited Company
7.	Ingente, Mark Philip	Private Sector	Davao Multibuild Corporation
8.	Lauredo, Caleb	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
9.	Nguyen, Son	Private Sector	Vissai Ninh Binh Joint Stock Company
10.	Ortega, Emylita	Private Sector	Taiheiyo Cement Philippines Inc.
11.	Paloma, Bianca Georgia	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
12.	Penisa, Xaviery	Private Sector	Philcement Corporation




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Seq No	Name	Sector Represented	Name of Organization
13.	Quesada, Leah Glenda	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
14.	Remulla, Melissa Gabrielle	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
15.	Sahagun, Eduardo	Private Sector	Philcement Corporation
16.	Santos, Enrnelyn Joy	Private Sector	Davao Multibuild Corporation
17.	Tuazon, Krissa	Private Sector	Philcement Corporation
18.	Usodan, Sanny-Din	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
19.	Valdepeñas, Via Monina	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
Observers			
1.	Baja, Renato	Industry Association	Cement Manufacturers Association of the Philippines Inc.
2.	Desiderio, Louella	Media	Philippine Star
3.	Fabian, Liana Alexis	Private Individual	N/A
4.	Fernandez, Jonathan	Industry Association	Eagle Cement Corporation
5.	Isip, Irma	Media	Malaya Business Insight
6.	Jose, Sandra	Philippine Government - Executive Branch	Department of Trade and Industry




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Seq No	Name	Sector Represented	Name of Organization
7.	San Juan, Andrea	Media	Business Mirror
8.	Tabile, Justine Irish	Media	Business World
9.	Tan, Ross Kendrick	Private Individual	Fortem Cement Corporation
10.	Ueminami, Noritaka	Private Individual	N/A
11.	Velasquez, Angela	Private Individual	N/A
12.	Verdon, Kiana Jill	Philippine Government - Executive Branch	Department of Trade and Industry
13.	Villa, Fabiola	Private Individual	N/A
Other Admitted Participants			
1.	Hoang, Lyn	N/A	N/A
2.	Lan	Private Sector	Vietnam Trading Services and Import Export Limited Company
3.	Lily	Private Sector	Vietnam Trading Services and Import Export Limited Company
4.	Mercado, Armando	Philippine Government - Executive Branch	Department of Trade and Industry
5.	Ngoc, No	N/A	N/A
6.	Servano, Koleene	Private Sector	Honghui Pioneer S-Cement International Inc. (HPSI)
7.	Vu, Rosie	Private Sector	Vietnam Trading Services and Import Export Limited Company



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Day 4
19 June 2025

Seq No	Name	Sector Represented	Name of Organization
Petitioner			
1.	Alger-del Rosario, Frances Margaret	Private Sector	Holcim Philippines, Inc.
2.	Aplasca, Ana Patricia	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
3.	Appari, Carlitio	Private Sector	Goodfound Cement Corporation
4.	Britanico, Rodolf	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
5.	Castaneda, Kimberly	Private Sector	Republic Cement & Building Materials, Inc.
6.	Cleto, Isabel	Private Sector	Holcim Philippines, Inc.
7.	De Gracia, Cheryl	Private Sector	Taiheiyo Cement Philippines Inc.
8.	Dizon, John Reinier	Private Sector	Republic Cement & Building Materials, Inc.
9.	Kim, Maria Fricela	Private Sector Counsel	Britanico Sarmiento & Ringler Law Offices
10.	Gador, Ken	Private Sector Counsel	Concreat Holdings Philippines
11.	Garcia, Kemuel Jarel	Private Sector	Republic Cement & Building Materials, Inc.
12.	Javier, Roberto Martin Gerardo	Private Sector	Concreat Holdings Philippines
13.	Mistica, Trizia	Private Sector	Concreat Holdings Philippines
14.	Ortega, Emylita	Private Sector	Taiheiyo Cement Philippines Inc.
15.	Pestano, Cirilo	Private Sector	Cement Manufacturers Association of the Philippines
16.	Sibala, Zoe	Private Sector	Holcim Philippines, Inc.
17.	Rosales, Sarah Dominic	Private Sector	Holcim Philippines, Inc.
18.	Testor, Lyndson Jon	Private Sector	Republic Cement & Building Materials, Inc.
Oppositor			
1.	Avecilla, Julianne	Private Sector	Philcement Corporation

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Seq No	Name	Sector Represented	Name of Organization
2.	Baroso, Frances Angelie	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
3.	Co, Ferdinand	Private Sector	Cohaco Merchandising & Development Corp. / NGC Marketing Corp.
4.	Español, Fritzzie Lyn	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
5.	Ingente, Mark Philip	Private Sector	Davao Multibuild Corporation
6.	Inmuang, Chagkrit	Private Sector	Siam Cement Public Limited Company
7.	Lauredo, Caleb	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
8.	Nguyen, Son	Private Sector	Vissai Ninh Binh Joint Stock Company
9.	Paloma, Bianca Georgia	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
10.	Penisa, Xaviery	Private Sector	Philcement Corporation



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Seq No	Name	Sector Represented	Name of Organization
11.	Quesada, Leah Glenda	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
12.	Remulla, Melissa Gabrielle	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
13.	Santos, Enrnelyn Joy	Private Sector	Davao Multibuild Corporation
14.	Sumalinog, William	Private Sector	Philcement Corporation
15.	Tuazon, Krissa	Private Sector	Philcement Corporation
16.	Usodan, Sanny-Din	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
17.	Valdepeñas, Via Monina	Private Sector Counsel	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, Ngc Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation
Observers			
1.	Baja, Renato	Industry Association	Cement Manufacturers Association of the
2.	Fabian, Liana Alexis	Private Individual	N/A
3.	Fernandez, Jonathan	Industry Association	Eagle Cement Corporation
4.	Isip, Irma	Media	Malaya Business Insight
5.	Jose, Sandra	Philippine Government - Executive Branch	Department of Trade and Industry




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Seq No	Name	Sector Represented	Name of Organization
6.	Malto, Nadine	Industry Association	Cement Manufacturers Association of the
7.	San Juan, Andrea	Media	Business Mirror
8.	Tan, Ross Kendrick	Private Individual	Fortem Cement Corporation
9.	Ueminami, Noritaka	Private Individual	N/A
10.	Verdon, Kiana Jill	Philippine Government - Executive Branch	Department of Trade and Industry
11.	Villa, Fabiola	Private Individual	N/A
Other Admitted Participants			
1.	Hoang, Lyn	N/A	N/A
2.	Lily	Private Sector	Vietnam Trading Services and Import Export Limited Company
3.	Ngoc, No	N/A	N/A
4.	Servano, Koleene	Private Sector	Honghui Pioneer S-Cement International Inc. (HPSI)
5.	Vu, Rosie	Private Sector	Vietnam Trading Services and Import Export Limited Company

Note: The other admitted participants are those who were not able to register within the registration period and were allowed to enter the PHV following the approval of the Task Force

**** nothing follows****

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Summary of Final Position Paper

Party / Topic	Position
1. CeMAP	
On determination of like product or directly competitive product	- Locally manufactured OPC Type 1 cement and blended cement are considered like and directly competitive products vis-à-vis their imported counterparts based on the submissions of the parties, results of plant inspections, technical discussions, and its own independent research. - As to the production process, the Honorable Commission found that both OPC Type 1 and blended cement, whether locally produced or imported, are manufactured using dry process technology. - Both local and imported OPC Type 1 cement are made from clinker, gypsum, and limestone. - In terms of physical characteristics, both locally manufactured and imported OPC Type 1 cement comply with the physical requirements of Philippine National Standard (PNS) 07:2018. - Both types of cement are delivered to construction projects or sold through retail and wholesale outlets. - It is submitted that locally manufactured OPC Type 1 cement including Type 2 as well as blended cement is a like product to imported OPC Type 1 and Type 2, and blended cement, respectively. - In terms of tariff classification, both locally produced and imported OPC Type 1 cement are classified under AHTN 2022 Code 2523.29.90, while blended cement products, regardless of origin, fall under AHTN 2022 Code 2523.90.00. This common classification reflects their similar product definitions and properties. - With respect to distribution channels, the Honorable Commission determined that OPC Type 1 cement and blended cement, whether produced domestically or imported, are distributed through similar channels in the Philippine market. Both types of cement are delivered to construction projects or sold through retail and wholesale outlets by manufacturers, importers, or dealers.
On determination of increased volume of imports	- The increase in the volume of imports was recent, sudden, sharp, and significant. - Based on data sourced from Electronic Import Entry Declarations (EIEDs) of the Bureau of Customs, imports of OPC Type 1 and blended cement increased significantly in both absolute and relative terms during the POI. - Imports by traders grew at an average annual rate of 8%, rising from 5.18 million tons in 2019 to 7.55 million tons in 2024. Notably, traders accounted for 95% of total cement imports. - Imports not subject to anti-dumping duties and/or safeguard measures rose by 460%, from less than 1 million tons in 2022 to 5.44 million metric tons in 2023, and then by a further 14% to 6.20 million metric tons in 2024. - In 2019, cement imports represented 25% relative to the total domestic production. By 2024, this share had substantially increased to 46%, nearly doubling over the POI. - Following the termination of safeguard duties in October 2022, the share of imports not subject to either anti-dumping duties and/or safeguard measures, to domestic production jumped significantly, from just 5% in 2022 to 32% in 2023, and further to 38% in 2024.
On determination of serious injury	- In terms of market share, particularly, in 2019, imports only constituted 25% relative to the domestic production, but rose to almost half or 46% by the end of the POI in 2024. - The aggregate data of the domestic industry would show that they have also experienced a significant decline of as much as 24% in their production due to the increase of imports of cement during the POI. - The capacity utilization of the domestic manufactures has decreased to as low as 53% by the end of the POI.



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Party / Topic	Position
	• The declining market share of the domestic industry resulted in the decrease of the revenue generated by the domestic industry. Data of the domestic industry would show that their annual revenue from 2019 to 2024 has significantly decreased by 28%. • The domestic industry shows a significant operating profit decline by 142% during the POI resulting from the increase in imported cement in the past years. • The domestic industry has also suffered a substantial decline in their profits during the POI, the highest decrease being in 2024 which amounted to approximately 163%. • Employment significant decrease of as high as 14% in the employment rate. • Importers alleged that other non-CeMAP members are performing well and are able to run their businesses at a profit, attempting to make a distinction between CeMAP and non-CeMAP members. However, the data presented by the importers themselves show that the totality of the domestic industry is at a state of loss due to the surge of imports. For instance, majority of the San Miguel Group plants are based in Luzon whereas CeMAP members are also highly present in Visayas and Mindanao where imports are much more present. • For price depression, both the ex-plant prices and average selling prices of the domestic industry saw a consistent decline due to the surge of imports. • For price suppression, the comparison of the domestic manufacturers' cost and expenses vis-a-vis their average selling prices reveals a significant price suppression rate. • This significant price gap leads to continued price undercutting, resulting in a loss of market share and sales volumes for locally produced cement in favor of cheaper imported cement.
On causal link between import surge and serious injury or threat thereof	• Comparing the growth of the imports volume by the end of the POI, the volume grew by 46% since 2019. • Share of imports relative to domestic production increased from 25% in 2019 to 46% in 2024. • Declines in their conditions consistently followed with the continuous increase in imports. • By the end of the POI, the following metrics decline significantly: production volume by 24%, revenue by 28%, operating income by 142%, profits by 163%, and employment by 14%. • Republic Cement had to shut down its operation due to surplus of clinker. • Apo Cement was forced to suspend their terminal due to the influx of imports. • Holcim Philippines closed its terminals due to increasing import competition in the areas catered by these terminals. • In an attempt to downplay the injurious effects of the surge in imports, the importers erroneously attribute the injury to the following: a. Internal operational issues b. Shift in market leaders that are able to dictate prices c. Rising costs d. Failure to modernize technology e. Lack of supply to meet domestic demand • However, during the public hearings in this case, the domestic industry was able to rebut these allegations by establishing that the importers have no basis and credible sources to support their theory.
On threat of serious injury	• There is an issue of oversupply in the region, specifically from China, Viet Nam, Indonesia, and Thailand. This oversupply issue will have implications on the Philippine cement manufacturing industry as the subdued demand in China will mean increase in volume for export markets of both China and Viet Nam. It must be noted that China is a major export market of Viet Nam, which happens to be the top 1 exporter to the Philippines. • Viet Nam continues to expand its capacity despite the slow down in its domestic demand. • There is an impending imposition of a 46% tariff on imports from Viet Nam to the United States of America. If fully implemented, this will result in further regional oversupply that Viet Nam is the second most important exporter of cement to the US.



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Party / Topic	Position
On public interest	• The domestic cement manufacturing industry contributes significantly to industrial development and supply chain development, by strengthening local production facilities and infrastructure through supporting local industries, from raw material suppliers to distributors, retailers, and contractors. Hence, the domestic cement manufacturing industry has spurred the growth of these downstream industries as well as small to medium enterprises. • The industry also generates thousands of employment to the Filipino people. As a leading industry in the country, cement manufacturing has a high multiplier effect of at least 3x. • The domestic industry is significantly contributing to national and local government programs through increased revenue collection. It also reduces the trade deficit as the Philippines' trade deficit averages about \$50 Billion annually, accounting for 15% of the country's Gross Domestic Product (GDP). By promoting local production and reducing reliance on imports, the country can conserve foreign exchange reserves, lessen trade deficits and strengthen its currency. • The mining operations involved in cement manufacturing are also mandated to allocate 1.5% of their operating costs to the Social Development and Management Program (SDMP) which is a significant investment in the social and economic upliftment of the host and neighboring communities. • The domestic cement industry has also actively engaged in sustainability initiatives by promoting a circular economy through the use of waste materials. • The domestic industry reduces its carbon footprint by using fly ash from local coal-fired power plants as a cementitious additive in the cement production. • Importing cement from other Asian countries is more carbon-intensive due to the long-distance transportation required, resulting in higher energy consumption and greenhouse emission, along with the higher carbon footprint in imported products. • An injured domestic cement industry would mean lower economic contribution and fewer jobs that would translate to lower household incomes, and economic instability, all of which run counter to the national interest.
2. Davao Multibuild Corporation (DMC)	
On determination of product under consideration	• The Commission declared that the products under consideration are OPC Type 1 and Blended Cement. In particular, the blended cement covers Type 1P, Type 1T, Type 1L, Type 1S and Type P. However, during the POI, only bended cement Type 1P, Type 1T, and Type 1L were recorded to have been imported to the Philippines from various countries. • DMC submits that the blended cement products under consideration should be limited to the types actually imported to the Philippines during the POI, i.e., Type 1P, Type 1T, and Type 1L.
On determination of increased volume of imports	• There is no recent, sudden, sharp, and significant increase in the volume of imports of the subject products during the POI, whether in absolute or relative terms. <i>As to the Increase in Volume of Imports in Absolute Terms.</i> • Negative growth rates observed in 2022 and 2023. Thus, the 16% growth rate in 2024 is relatively close to the average growth of 15% using the rates in 2020 and 2021. • Based on this alone, the six-year data reveal no recent, sudden, sharp, or significant increase in the volume of imports of the subject products. This is further supported by the individual annual imports of the top ten importers during the POI. • Majority of the top ten importers have decreasing growth rate trend. The data show minimal, gradual, and fluctuating growth rate trend in the importation. <i>As to the Increase of Imports Relative to Domestic Production</i> • The share of imports should be compared with the total domestic production, and not only to the share of those domestic industry players who have participated in the present investigation.





Party / Topic	Position
	- The share of imports relative to domestic production does not even reach 29%, and with an average share of 22.7% only. - Comparing the alleged increase in the volume of imports of the subject products in its absolute terms and relative to the domestic production, the alleged increased imports do not resemble any recent, sudden, sharp, or significant increase. On this score alone, the application of the safeguard measure should be denied.
On determination of serious injury or threat	- All the relevant factors show no serious injury or threat thereof to the domestic cement industry caused by the alleged increased imports of the subject products. <i>As to the rate and amount of the increase in imports of the products concerned in absolute and relative terms</i> - There is no recent, sudden, sharp, and significant increase in the volume of imports during the POI. With respect to the increase of imports in absolute terms, there are negative growth rates observed in 2022 and 2023; while the 16% growth rate in 2024 is relatively close to the average growth of 15% using the rates in 2020 and 2021. In fact, a scrutiny of the growth rate of the top ten importers-based on the data in Table 7.3b- reveals decreasing trend. - The share of imports does not even reach 29% and translates only to an average share of 22.7% relative to the domestic production. <i>As to the share of the domestic market taken by the increased imports.</i> - The six-year average share of imports of 22.7% further supports the dominant position of the local cement industry that stands around 80% of the total cement supply in the country. - Since 2019 up to present, the domestic industry players dominate the domestic cement market. Therefore, the application of the safeguard measures, and its corresponding imposition of the safeguard duties, shall be denied. <i>As to the changes in the level of sales, production, productivity, capacity utilization, profits and losses, and employment.</i> - The operational challenges experienced by the CeMAP members are attributed to their lack of modernization. - The operational challenges have further caused the decrease in the financial performance of the domestic players. - The alleged increase in the volume of imports of the subject products do not cause any of the alleged decrease in the sales, production, productivity, capacity utilization, profits and losses, and employment of CeMAP members, as claimed by them. What the information show, however, is that the proximate cause of the changes in these factors pertains to internal factors such as lack of investment on modern facilities and high operating costs, all of which are not attributable to the alleged increased imports. - In addition to the foregoing, the decline in production and profitability of local players during the POI can be attributed to several macroeconomic factors: the Covid-19 pandemic and resulting lockdowns, global trade disruptions from the Russia-Ukraine war, rising inflation, and the peso's depreciation, which increased the cost of imported raw materials such as clinker. - Domestic cement manufacturers themselves import clinker, indicating their reliance on global supply chains. At the same time, government infrastructure programs like the 'Build Build Build' program and the 'Build Better More' program drove up cement demand during the POI, making the rise in imports a necessary response to supply local needs. These factors suggest that the current safeguard investigation risks limiting market competition while favoring certain producers who continue to benefit from importation.
On determination of casual link between the increased imports	There is no "increased" imports. The data reveals no recent, sudden, sharp, and significant increase in the importation of the subject products.



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Party / Topic	Position
and the serious injury or threat thereof	• The alleged serious injury or threat thereof experienced by the CeMAP members lacks nexus to the increased imports. • The financial statements of the CeMAP members attribute their financial challenges to factors other than the alleged increased imports during the POI. • Factors that has caused the decreased in the financial performance of the domestic players are: their structural inefficiencies and internal cost challenges. • Historically, domestic cement plants have incurred higher operating costs, largely driven by the expensive costs of electricity and fuel (coal), which typically account for approximately half of the total production costs. In addition, many local manufacturers continue to operate using older, less-energy efficient equipment, which further increases production costs and may ultimately affect the unit price or the selling price of the product. These factors are internal to the domestic industry and are not caused by the entry of imported cement products. • The higher operating costs of the CeMAP members are attributed to their failure to modernize and their lack of investment to modern facilities. • Several factors - other than the alleged increased imports — has caused the injury experienced by the CeMAP members.
Other issues	• DMC asserts that the safeguard mechanism is being misused by large domestic cement manufacturers not as a means of protection from serious injury, but rather as a tool to consolidate market dominance and suppress legitimate competition. • While these domestic cement companies advocate for protection against imported cement, they simultaneously benefit from and continue to import clinker — a principal component in cement production- primarily from countries such as Vietnam. • Local manufacturers claim that the Philippines has adequate cement supply to meet national construction demands. However, data from the World Integrated Trade Solution (WITS) clearly indicates a consistent increase in clinker imports into the Philippines from 2019 to 2023.
3. Cement-Importers (Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, NGC Land Corporation, Pabaza Import and Export, Inc., Lemery Cement Silo Tank Corporation, and Philcement Corporation)	
On serious injury or threat thereof	<i>Market Dominance</i> • The sustained market leadership of the domestic industry is a crucial indicator of the minimal impact of importation and effectively negates any claim of serious injury. In this case, the domestic industry's condition even improved considering that its share in the market has significantly increased. • The market dynamics confirm that the domestic industry retains a commanding position, reinforcing the conclusion that the importation of the Subject Products had had very minimal, if any, impact on the domestic industry. <i>Position Pricing</i> • Cement-Importers needed to offer better price deals and increase brand awareness because of observable minimal store brand presence in different stores surveyed and higher pricing schemes as compared to other local products. • Imported cement products are still placed higher than that of the locally-produced cement products in some specific markets in the country. There is also a huge gap between their brand awareness where public consumers are more familiar with the locally-produced products than the imported cement products. Despite the presence of importations, the local cement industry is not significantly impaired, affected, or even threatened. <i>Shift in Market Leaders</i> • The San Miguel Group, comprised of Eagle Cement, Northern Cement, and Southern Concrete has emerged as market leader and this is neither incidental nor unexpected. It



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Party / Topic	Position
	is the result of San Miguel's deliberate and sustained investments in its cement business in the last ten to fifteen years. <i>Increasing Market Demand</i> - The participating domestic manufacturers are unable to meet and keep up with the growing market demand, to the extent that the Cement-Importers have to step in to fill in the supply gap. - The presence of importations made by the Cement-Importers is not only intended to fill-in the gap in the supply of the needed cement products to meet the increasing demand brought about by the government's continued prioritization of infrastructure development projects, but also to provide the public consumers a wider range of choice of cement products to choose from. <i>Speculative Purported Injury or Threat Thereof</i> - Participating Domestic Manufacturers have failed to demonstrate the requisite imminence or severity of injury mandated under established precedent. Their claims remain speculative, misleading, and unsupported by credible evidence. <i>Overall Condition of the Domestic Cement Industry</i> - The Participating Domestic Manufacturers do not accurately reflect the overall condition of the domestic industry. Major domestic players continue to report substantial gross profits, directly contradicting any claim of injury. The alleged losses and decline in profits raised by the Participating Domestic Manufacturers are clearly issues that are isolated to them and are not reflective of the domestic industry as a whole, which remains stable and profitable.
On causal link between the purported injury and the importation of the subject products	- The supposed serious injury suffered by the Participating Domestic Manufacturers (and not by the domestic industry as a whole) is not caused by the importation of the Subject Products, but rather, if any, is attributable to several factors: ➤ The decline in the financial performance of the domestic producers is attributable to factors not related to importation. ➤ The increase in their cost of sales and operating expenses is driven by rising production and distribution costs which are likewise not related to importation. ➤ The domestic producers themselves continue to import cement which indicates their inability to meet the market demand using local supply alone. <i>Higher Power Costs</i> - During the public hearing, Participating Domestic Manufacturers admitted that one of the major challenges of the domestic manufacturers is the energy prices. - Participating Domestic Manufacturers do not incur energy and electricity costs at the same rates as other businesses. They typically benefit from preferred industrial rates offered by energy and electricity suppliers, allowing them to consume energy at a reduced cost. - At any rate, since, cement production is energy production is energy intensive, any international energy crisis can heavily affect the operation of the domestic industry. <i>High Repairs and Maintenance</i> - The effect of using outdated equipment negatively affects the production capacity of domestic manufacturers to the extent that it will be unable to meet the market demand given that it goes into a corporation's production efficiency, cost-effectiveness and long-term sustainability. - Examples of these high repairs and maintenance-related expenditures are those observed with CEMEX and Eagle Cement Corporation where millions of pesos were incurred in relation to the regular maintenance of their production equipment, as shown in their AFS for the years 2019 to 2024.



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Party / Topic	Position
	<i>Inefficient Inventory Handling and Management</i> • If indeed the local cement industry is currently under-utilizing its production capacity, then it has a wider latitude to properly manage and control its inventories. Despite such under-utilization and at a relatively manageable number of inventories, some local cement manufacturers are still facing inventory obsolescence. This only means that if the local cement manufacturers are given a 100% production utilization, this will result to a higher number of inventories subject to proper handling and management that are likely susceptible to obsolescence. • Corporate structure and lack of adequate warehousing facilities may also affect the financial performance of the local cement producers. These structural and cost inefficiencies undermine their ability to compete effectively with more cost-efficient players. <i>Corporate Structure</i> • Local cement manufacturers sometimes operate as subsidiaries of global cement multinational corporations. In exchange for adopting their registered production mechanisms, these local producers are required to pay a substantial amount of royalties and management fees to their parent companies. These expenditures further increase the cost base of local cement manufacturers, independent of any influence from imported cement, and contribute to the financial pressures they experience. <i>Higher Logistics Expense</i> • Manufacturers without enough warehousing close to their customers will face higher logistics costs due to the expenses necessary to transport products over longer distances. This is clearly not an issue attributable to cement importation. <i>Loan Borrowings</i> • To some extent, loan borrowings of other local cement manufacturers also negatively affected the results of their over-all financial performance. <i>Other Factors Affecting Operational Results</i> • Numerous factors affected the production and performance of the Participating Domestic Manufacturers which includes, among others, equipment malfunctions and increase in cost of coal, fuel and power. As the risk of being repetitive, these factors cannot be blamed on the importation of the Subject Products. <i>Competition Among the Domestic Manufacturers</i> • Competition is also not limited between domestic manufacturers and cement importers, as it is also among local players themselves. <i>Entry of New Local Players</i> • The market share captured by new entrants in the domestic cement industry will necessarily be derived from the existing market share of incumbent players. The expansion of market share by these new local manufacturers has directly correlated with a decline in the market share held by CeMAP members, consequently leading to a diminution in several key performance indicators for said members.
On the adjustment plans	• The adjustment plans submitted by the Participating Domestic Manufacturers consist merely of activities which are carried out in the ordinary course of business and do not demonstrate any concrete, strategic initiatives aimed at meaningfully enhancing the long-term competitiveness of the domestic cement industry. Worse, the adjustment plans submitted are essentially the same as those submitted during the previous imposition of safeguard measures and the application for safeguard extension, which underscores the



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Party / Topic	Position
	fact that the domestic manufacturers are not making any genuine effort to improve competitiveness.
On public interest	• When a few local players control the market and they are unconstrained by either new entrants or imports, the ultimate consumers will end up shouldering the inefficiencies of the existing local players. This is detrimental to consumer welfare and ultimately to public interest.

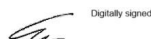
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LIST OF SUBMISSIONS

No.	Company	Submission	Date
Domestic Manufacturer			
1	Cement Manufacturers' Association of the Philippines (CeMAP), represented by <i>Britanico Sarmiento & Ringler Law Offices</i>	Motion for Extension of submission of TC Form 5-A	21 March 2025
2		Initial Position Paper (Confidential and Non-confidential)	14 April 2025
3		TC Forms 5-A (Confidential and Non-Confidential) of the following members of the CeMAP: 1. Concreat Holdings Philippines, Inc. (Solid Cement Corporation and Apo Cement Corporation; 2. Holcim Philippines, Inc.; and 3. Republic Cement and Building Materials, Inc.	14 April 2025
4		Confidential Test Certificates of the following members of the CeMAP: 1. Concreat Holdings Philippines, Inc.; 2. Holcim Philippines, Inc.; and 3. Republic Cement and Building Materials, Inc.	14 April 2025
5		Confidential Test Certificates of Goodfound Cement Corporation (Annexes A-GCC to B-GCC)	29 April 2025
6		Confidential Test Certificates of Taiheiyo Cement Philippines (Annexes A-TCPI to D-TCPI)	29 April 2025
7		Confidential TC Form 5-A of Goodfound Cement Corporation and Taiheiyo Cement Philippines, Inc.	29 April 2025
8		Non-confidential TC Form 5-A of Goodfound Cement Corporation and Taiheiyo Cement Philippines, Inc.	30 April 2025
9		Confidential submission – Domestic industry standing computation	08 May 2025
10		Motion for Extension of Time to Submit Affidavits	05 June 2025
11		Confidential and Non-Confidential Comment to Staff Report	10 June 2025
12		Confidential and Non-Confidential copies of: 1. Compliance	13 June 2025


No.	Company	Submission	Date
		2. Annex A- Judicial Affidavit of John Reinier H. Dizon, Renato A. Baja, and Cirilo M. Pestaño II 3. Annex B- Judicial Affidavit of Cirilo M. Pestaño II, Renato A. Baja, Roberto Martin Gerardo Z. Javier, Trizia J. Mistica, Maria Isabel Carmela G. Cleto, and John Reinier H. Dizon with attachment	
13		Keynote Presentation of the CeMAP	16 June 2025
14		Confidential Annex "A" and "B" – Percentage of Alternative Fuels in the Fuel Mix and Cement Grinding Capacity	17 June 2025
15		Confidential Compliance; 1. Annex "A" - San Miguel Corporation Disclosure; 2. Annex "B" - 2023 Annual Report of Aboitiz Equity Ventures Inc.; 3. Annex "B-1" - Page 113 of the 2023 Annual Report of Aboitiz Equity Ventures Inc.; 4. Annex "C" - 2024 Annual report of Cemex Holdings Philippines Inc.; and 5. Annex "C-1" - Page 13 of the 2024 Annual report of Cemex Holdings Philippines Inc.	19 June 2025
16		28 September 2020 Holcim Press Release; and 09 July 2022 CEMEX Press Release.	19 June 2025
17		Confidential data and documents: 1. Concreat Holdings Philippines, Inc. ("CHP") on the volume and prices of OPC Type II; 2. Test certificate for the OPC Type II produced by CHP; 3. Republic Cement and Building Materials, Inc. ("RCBM") on volume and prices; and	30 June 2025

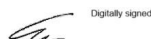



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No.	Company	Submission	Date
		4. Test certificates for the OPC Type II produced by RCBM	
18		Confidential and Non-Confidential Final Position Paper	30 June 2025
19		Confidential Manifestation with confidential attachments pertaining to the matter of price comparability	07 July 2025
20		Confidential and Non-Confidential Manifestation and Motion (to EXCLUDE People's Republic of China and Indonesia from the list of developing countries with de minimis levels of imports volume) with attached Confidential Annex A	01 August 2025
21		Manifestation (Ad Cautelam)	01 September 2025
22	Eagle Cement Corporation	Letter of Support	22 April 2025
Exporter			
23	Nhuan Phat Trading Service and Transportation Company Limited	Clarification on Investigation Scope and Next Steps	13 March 2025
24		Position Paper	02 April 2025
25		Clarification on Submission Deadline – TC Form 5-B	17 April 2025
26		TC Form 5-B (Confidential and non-confidential copy)	29 April 2025
27		Comments on Staff Report – Product Comparability and Volume of Increased Imports	06 June 2025
28	Vietnam Trading Services and Import Export Limited Company	Clarification about questionnaire for formal investigation on the imposition of definitive safeguard duty against importations of cement from various countries.	24 March 2025
29		TC Form 5-B (Confidential and non-confidential copy)	14 April 2025
27	Tokuyama Corporation	TC Form 5-B with reference docs	31 March 2025
28	Vissai Ninh Binh Joint Stock Company	TC Form 5-B (Confidential and non-confidential copy)	03 April 2025
29	Sumitomo Osaka Cement	TC Form 5-B (Confidential and non-confidential copy)	28 April 2025
30	Omanco Material Vietnam Company Limited	TC Form 5-B (Confidential and non-confidential copy)	29 April 2025
31	NCL Trading Joint Stock Company	TC Form 5-B (Confidential copy and non-confidential copy)	29 April 2025


No.	Company	Submission	Date
Importer			
32	Davao Multibuild Corporation	Request for Inclusion	04 April 2025
33		Ex-parte Motion for Extension to submit TC Form 5C	06 May 2025
34		Comment to the Staff Report (Public Version)	10 June 2025
35		Inquiry on the availability of the Transcript of Stenographic Notes (TSN) covering the public hearings conducted on 16 to 20 June 2025	25 June 2025
36		Motion for Extension (to File Final Memorandum/Position Paper)	30 June 2025
37		Final Memorandum/Position Paper	10 July 2025
38	Philcement Corporation	TC Form 5-C (Confidential and non-confidential copy)	29 April 2025
39		Confidential additional documents, as requested	15 May 2025
40		PowerPoint presentation – Public Hearing	18 June 2025
41		Confidential Market Shares and Prices	19 June 2025
42	Cohaco Merchandising & Development Corporation, Fortem Cement Corporation, NGC Land Corporation, PABAZA Import and Export Inc., Lemery Cement Silo Tank Corporation and Philcement Corporation, represented by Villaraza & Angangco Law Center	Motion for Extension of Time to File Position Paper	03 April 2025
43		Position Paper with Annexes 1-27	21 April 2025
44		Motion for Extension of Time to Submit Affidavits	05 June 2025
45		Motion for Extension of Time to File Comment to the Staff Report	10 June 2025
46		Copy of the following documents: 1. Manifestation with Compliance; 2. Annex A - Judicial Affidavit of Ms. Maria Monica H. Cueto-Mamites; 3. Annex B - Judicial Affidavit of Mr. William Sumalinog; 4. Annex C - Judicial Affidavit of Mr. Ross Kendrick Tan; 5. Exhibits A to T of the Judicial Affidavit of Ms. Maria Monica H. Cueto-Mamites ; and 6. Exhibits A to E of the Judicial Affidavit of Mr. Ross Kendrick Tan	13 June 2025





No.	Company	Submission	Date
		7. Affidavit of Service and Filing by Electronic Mail	
47		Comment on the Staff Report	16 June 2025
48		Letter Request: Copy of the Transcript of Stenographic Notes (TSN) from the Public Hearing Held on 16–18 June 2025	18 June 2025
49		Philippine Daily Inquirer article: Japan's Taiheiyo Cement inaugurates P12.8B Cebu plant	19 June 2025
50		Letter Request: Copy of the TSN from the Public Hearing Held on 19 June 2025	20 June 2025
51		Motion for Extension of Time to File Memorandum	30 June 2025
52		Confidential and Non-Confidential Memorandum of the Cement-Importers	10 July 2025
53	Fortem Cement Corporation	TC Form 5-C (Confidential copy)	29 April 2025
54		Ex-parte Manifestation and its TC Form 5-C (Non-confidential copy)	05 May 2025
55	NGC Marketing Corporation	TC Form 5-C (Confidential copy)	29 April 2025
56		Ex-parte Manifestation and its TC Form 5-C (Non-confidential copy)	05 May 2025
57	Cohaco Merchandising and Development Corporation	TC Form 5-C (Confidential copy)	29 April 2025
58		Ex-parte Manifestation and its TC Form 5-C (Non-confidential copy)	05 May 2025
59	Lemery Cement Silo Tank Corporation	TC Form 5-C (Confidential copy)	29 April 2025
60		Ex-parte Manifestation and its TC Form 5-C (Non-confidential copy)	05 May 2025
61	Marlusa Construction Supply and Samstone Multi Resources Inc.	Comments on the Staff Report	13 June 2025
Other Interested Party			
62	Department of Foreign Trade, Ministry of Commerce of the Kingdom of Thailand	Comment on the Formal Investigation of Safeguard Measure against the Importation of Cement from Various Countries (SG - 2025 - OC - Cement)	07 March 2025
Government Agency			
63	Philippine Competition Commission (PCC)	Comments to the Staff Report	10 June 2025




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