



DEPARTMENT ADMINISTRATIVE ORDER NO. _____
Series of 2019

SUBJECT : GUIDELINES ON THE IMPLEMENTATION, ISSUANCE, AND VERIFICATION OF THE NEW PHILIPPINE STANDARD (PS) QUALITY AND/OR SAFETY CERTIFICATION MARK

WHEREAS, the Bureau of Philippine Standards (BPS) of the Department of Trade and Industry (DTI) is mandated to develop, promulgate, implement and coordinate standardization activities in the Philippines by virtue of Republic Act (R.A.) No. 4109, R.A. No. 7394, Executive Order (E.O.) No. 913 Series of 1983, and E.O. No. 133 Series of 1987;

WHEREAS, the BPS is implementing Mandatory Product Certification Schemes through Department Administrative Order (DAO) No. 04:2008 and DAO No. 05:2008 or The New Rules and Regulations Concerning the Philippine Standard (PS) Quality and/or Safety Certification Mark and the Issuance of Import Commodity Clearance Mark, respectively, and the relevant Implementing Rules and Regulations (IRR);

WHEREAS, under the Philippine Standard (PS) Certification Mark Licensing Scheme, manufacturers holding a valid PS license are required to affix the PS Mark on their products as proof of compliance to the relevant standards and their corresponding Implementing Guidelines and as an immediate guide for the consumers in regards to the quality and/or safety of the products;

WHEREAS, the BPS issued Memorandum Circular No. 16-04 on 18 August 2016 to provide clarification on the use and monitoring of the BPS product certification marks prescribing that the license number shall form part of the PS Mark consistent with the PS Mark prescribed under the IRR of DAO 4:2008 to ensure that the said certification mark is only used for those products certified under a valid PS license;

WHEREAS, the existing policy on the use of the PS Mark allows the manufacturers to print the said mark on products included in the scope of certification of their PS Licenses which is vulnerable to abuse by unscrupulous persons trying to imitate the PS Mark and affix it to products not certified by the BPS;

WHEREAS, the existing policy also provides opportunity to manufacturers with suspended, expired, or cancelled license to continue to operate and produce covered products and use the PS Mark since the same is not traceable once the products are placed in the market;

WHEREAS, there is a need for the BPS to establish strict control over the use of the PS Mark by ensuring that said certification mark is issued only to legitimate PS license holders to preserve the integrity of the PS Certification Mark Licensing Scheme;

NOW, THEREFORE, pursuant to Section 9, Article XVI of the 1987 Philippine Constitution; RA 4109; R.A. 7394; E.O.101, Series of 1967; EO 913, Series of 1983; and EO 292, Series of 1987, Sec 10 (4), Chapter 3, Title X, Book IV, the following guidelines prescribing the implementation of serialized stickers as the new PS Quality and/or Safety Certification Mark are hereby prescribed and promulgated for the compliance, information and guidance of all concerned.

Section 1. OBJECTIVE

This Guidelines aims to strictly ensure that only products produced by manufacturers with a valid PS License are affixed with tamper proof PS stickers and allowed to be distributed in the local market.

Section 2. SCOPE

This DAO prescribes the guidelines on the implementation, issuance, and verification of serialized holographic stickers as the new PS Quality and/or Safety Certification Mark to safeguard the integrity of the PS Mark and the PS Licensing Scheme.

Section 3. THE NEW PHILIPPINE STANDARD (PS) CERTIFICATION MARK

- 3.1 The new PS mark shall be in the form of a holographic sticker incorporated with security features identifiable by the DTI/BPS, the PS logo prescribed in DAO 4:2008, a unique serial number, and a quick response (QR) code which shall include the details of the certified product and its corresponding PS license.
- 3.2 For a more stringent control of the use of the PS mark, the PS Mark stickers shall only be purchased at the BPS or DTI Regional/Provincial Offices.
- 3.3 All PS license holders shall be required to purchase PS Mark stickers and affix them only on products covered by a valid PS license before market distribution or selling.
- 3.4 The PS license holders may still affix the PS mark logo prescribed under the Implementing Rules and Regulations (IRR) of DAO 4:2008 to the products and/or the packaging of the products covered under the corresponding valid PS licenses provided that the PS Mark sticker shall be affixed on the same product.
- 3.5 In cases where the affixing of the PS Mark sticker on the product/unit is not practicable, the PS license holder may affix the said sticker to the product's packaging provided that the PS Mark sticker shall be visible at the point of sale. If the sticker is affixed on the packaging, the manufacturers, importers, distributors, dealers, traders, or retailers shall ensure that the corresponding packaging of the display unit is available for verification by DTI monitors/enforcers.

Section 4. APPLICATION FOR PS MARK STICKERS

- 4.1 The PS license holder or, in the case of foreign manufacturers, the authorized local importer, shall file a Purchase Request for PS Mark Stickers to the BPS or DTI Regional/Provincial Offices prior to production or importation of products covered within the scope of the manufacturer's PS license. The Purchase Request shall include the following details:
 - 4.1.1 Name, address and, contact details of the manufacturer or name, address, and contact details of the authorized local importer (for foreign PS license holders)
 - 4.1.2 Description of the product/s being requested for PS stickers to include brand name, type, model/s, grade, capacity, and/or size of the products
 - 4.1.3 Quantity of the products being requested for PS stickers
 - 4.1.4 Date or proposed date of production of the products being requested for PS stickers

4.1.5 Batch or serial numbers of the products being requested for PS stickers

- 4.2 The PS license holder or the authorized local importer of a foreign PS license holder shall submit the duly accomplished Purchase Request form to the BPS or DTI Regional/Provincial Offices together with the summary of the production batch/lot and/or serial numbers of products and the corresponding target manufacturing dates verifiable during surveillance audits duly certified by the manufacturer's Quality Management Representative or Quality Manager.

Section 5. CONDITIONS ON THE ISSUANCE OF PS MARK STICKERS

- 5.1 The BPS or DTI Regional/Provincial Office shall issue the requested PS Mark stickers upon verification of the information indicated in the Purchase Request form and its supporting document/s and upon payment of the applicable fees by the applicant. The exact number of PS Mark stickers shall be issued based on the number specified in the Purchase Request and the corresponding amount paid by the applicant.
- 5.2 The PS Mark stickers shall not be issued to manufacturers, or their authorized importers, whose PS license has expired, been suspended, cancelled or withdrawn for a cause. Only upon lifting of the suspension or issuance of a new PS license shall the manufacturer or its authorized importer be allowed to purchase PS Mark stickers.
- 5.3 The PS Mark stickers shall not be issued to manufacturers, or their authorized importers, whose PS license has not been subjected to surveillance audit as required under DAO 4:2008. Only upon satisfactory results of the surveillance audit shall the BPS or DTI Regional/Provincial Office issue the requested PS Mark stickers.
- 5.4 The PS license holder shall inform the BPS, in writing, of any incident that may affect the use of the PS Mark stickers for their intended purpose, to include damage or loss of the purchased stickers in whole or in part. The BPS shall have the prerogative to conduct inspection and inventory, or require the submission of the damaged PS mark stickers to verify the reported incident. The BPS shall allow the repurchase of the stickers only upon satisfactory results of the verification of the reported incident.
- 5.5 In the case of lost PS Mark stickers, the BPS shall require the PS license holder, or its authorized local importer (for foreign manufacturers), to initiate a publication of a notice informing the loss of such PS Mark stickers. The particular serial numbers of the lost PS Mark stickers shall form part of the notice, which shall indicate that such stickers shall be considered as invalid PS Certification Mark to protect the public from the possible misuse of these stickers. Only upon compliance to this requirement shall the BPS allow the repurchase of PS Mark stickers to replace the lost ones.
- 5.6 The PS license holder shall inform the BPS, in writing, of any deviations between the purchased PS Mark stickers and their actual consumption. If the actual quantity of units produced is less than the quantity of the PS Mark stickers purchased, the PS License holder shall declare to the BPS the serial numbers of the unused stickers and submit the list of the batch/serial numbers of the new product type/models intended to be affixed with the unused PS Mark stickers. After satisfactory results of the evaluation of the submitted documents, the BPS shall allow the use of the stickers on the succeeding production of types/models that are covered under the scope of certification of the manufacturer's PS License.

Section 6. EXEMPTION ON THE USE OF PS MARK STICKERS

6.1 For the following products in which affixing the PS Mark sticker is not practicable, the purchase of PS Mark stickers shall not be required:

- 6.1.1 Deformed steel bars
- 6.1.2 Rerolled steel bars
- 6.1.3 Equal leg angle bars
- 6.1.4 Portland cement
- 6.1.5 Blended hydraulic cement with Pozzolan
- 6.1.6 LPG cylinders

6.2 A separate manner of identification or traceability for the aforementioned products shall be determined through the particular Technical Regulations or Implementing Guidelines of the specific products, which may include, among others, the use of BPS approved logo, identification tags, batch/lot numbers, serial numbers, or date of manufacture.

6.3 Manufacturers shall submit to the BPS the summary of the product identification and traceability numbers/codes of the production lot or batch for every production and/or importation of the products stated in clause 6.1 of this DAO which are covered within the scope of certification of the manufacturer's valid PS license.

Section 7. IMPORTED PRODUCTS CERTIFIED UNDER THE PS LICENSING SCHEME

7.1. All importers of products certified under a PS license issued by the BPS to a foreign manufacturer shall apply for a Statement of Confirmation (SOC) on a per shipment, per Bill of Lading basis to ensure that the imported products came from a valid PS License holder company and bear the prescribed PS Stickers.

7.2 To facilitate the immediate release of the imported products from the Bureau of Customs, Certificate of Conditional Release shall be issued upon receipt of complete application, required documents and payment of the prescribed fees as shown in Annex 1. The BPS shall conduct verification and inspection of the actual shipment prior to the issuance of a Statement of Confirmation to ensure that the product were manufactured by a valid PS license holder. The required documents for the application for SOC are as follows:

- 7.2.1 Packing list
- 7.2.2 Invoice
- 7.2.3 Bill of Lading or Airway Bill
- 7.2.4 Summary of Batch Numbers
- 7.2.5 PS Stickers Serial Numbers

7.3 The BPS shall have the prerogative to conduct sampling and testing to verify the consistent compliance of the manufacturer to the terms and conditions of the PS license and the provisions of DAO 4:2008, its IRR, and this DAO.

Section 8. SURVEILLANCE

8.1 The PS license holder shall be subject to at least once a year surveillance activity to ensure consistent compliance with the BPS' requirements on the PS Licensing Scheme, the provisions of this DAO, and other applicable DTI/BPS rules and regulations.

- 8.2 Surveillance activities shall be prescribed by the BPS which shall include system audit based on ISO 9001 and/or product audit based on the relevant Philippine National Standard (PNS) and its corresponding Technical Regulation or Implementing Guidelines. Product audit shall include independent testing of samples drawn from the factory, warehouse or from the open market.
- 8.3 During the surveillance audit, the BPS designated auditor shall conduct verification on the allocation of the PS Mark stickers by the manufacturer to ensure that the PS Mark stickers purchased from the DTI/BPS are consumed for the intended purpose. Failure to present proof of allocation of the PS Mark stickers shall be a ground for the suspension, withdrawal, or cancellation of the PS license of the manufacturer.
- 8.4 If a product was found to be non-conforming during the surveillance audit, the BPS may suspend, withdraw, or cancel the PS license and the manufacturer or its local importer shall be required to facilitate recall of the non-conforming products in accordance to the requirements stated in this DAO.

Section 9. PRODUCT RECALL

After a product affixed with a PS Mark, whether in the form of the PS Mark sticker or the PS Mark logo described in DAO 4:2008 and/or its IRR, is declared by the BPS to be non-conforming, the BPS shall immediately notify the manufacturer and/or importer. The manufacturer and/or importer shall within fifteen (15) days from receipt of notice implement product recall in accordance with the following:

- 9.1 The recall order shall be published in a newspaper of general circulation for at least two (2) consecutive Saturdays/Sundays;
- 9.2 The layout, content, font and size of the recall order shall be prescribed by the BPS;
- 9.3 The recall period shall be for a minimum of thirty (30) days from date of the second publication;
- 9.4 Proof of publication of the recall orders shall be submitted to the BPS or the DTI Regional/Provincial Office;
- 9.5 Inventory of the recalled products shall be submitted to BPS or DTI Regional/Provincial Office;
- 9.6 Recalled products shall be condemned, destroyed, or otherwise disposed of in accordance with applicable rules on disposal issued by the DTI, Department of Budget and Management and Commission on Audit.
- 9.7 The manufacturer and/or importer shall compensate parties availing of the recall order.

Section 10. PROHIBITED ACTS

- 10.1 The PS Mark stickers shall not be used or attached to any other product or quantity of products or shipment of products to which such PS mark and its corresponding number were not issued thereto.
- 10.2 The PS Mark stickers shall not be used or attached to a product in any misleading manner.

- 10.3 The maximum administrative fine as per Section 6, E.O. 913, and as provided for by the applicable Rules and Regulations or Orders issued by the DTI and the ipso facto revocation, cancellation or withdrawal of the PS Certification Mark License which may have been issued by the BPS shall be imposed as a penalty to any person or entity found guilty of using falsified document or record in obtaining PS Mark stickers, without prejudice to the separate filing of civil and/or criminal case.

Section 11. PENALTIES OR SANCTIONS

The following shall be imposed upon any manufacturer, importer, or any other person or entity found in violation of any provision hereof after due process, as may be appropriate:

- 11.1 Administrative fine as per existing DTI Rules and Regulations/Department Administrative Orders and E.O. 913.
- 11.2 Cancellation or revocation of PS License pursuant to a final and executory decision rendered by an administrative agency or the regular courts.
- 11.3 Watch-listing and/or blacklisting of importers/manufacturers.
- 11.4 Any other sanctions or penalties as provided under existing DTI rules and regulations.

Section 12. ISSUANCE OF GUIDELINES/PROCEDURES

The BPS may issue such procedural guidelines as may be necessary in the implementation of this Order.

Section 13. REPEALING CLAUSE

All provisions of existing Department Administrative Orders, circulars, and guidelines inconsistent with this Administrative Order are hereby repealed subject to the transitory provisions below.

Section 14. TRANSITORY PROVISIONS

- 14.1 The BPS shall issue a notice on the date of implementation of the new PS Mark stickers.
- 14.2 All manufacturers and importers of products covered under a valid PS license may voluntarily purchase PS Mark stickers and affix them on products covered within the scope of certification of their PS license/s within six (6) months from the date of implementation of the new PS Mark stickers.
- 14.3 All manufacturers and importers of products covered under a valid PS license shall be required to purchase PS Mark stickers and affix them on products covered within the scope of certification of their PS license/s six (6) months after the date of implementation of the new PS Mark stickers.
- 14.4 Except for the products prescribed in clause 6.1 of this DAO, all products certified

under a valid PS license that shall be found distributed in the local market shall bear a valid PS Mark sticker 24 months after the date of implementation of the new PS Mark stickers. Compliance therewith shall be verified through the conduct of market monitoring and enforcement activities. All non-compliant products shall be subject to appropriate legal actions.

Section 15. EFFECTIVITY

This Order shall take effect upon fifteen (15) days after its publication in a national newspaper of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register.

Done in the City of Makati this _____ day of _____ in the year 2019.

Recommended by:

ENGR. JAMES E. EMPEÑO

Director, Bureau of Philippine Standards

ATTY. RUTH B. CASTELO

Undersecretary, Consumer Protection Group

Approved by:

RAMON M. LOPEZ

Secretary

TABLE 1: SCHEDULE OF FEES AND CHARGES FOR THE STATEMENT OF CONFIRMATION (SOC)

PARTICULARS	FEE	PAYABLE TO
Application Fee	Php 300.00	DTI
Processing Fee (depends on the value of the batch being applied for SOC)		
Invoice/batch value up to Php 500,000.00	Php 5,000.00	DTI
Invoice/batch value from Php 500,001.00 to Php 1,000,000.00	Php 7,500.00	
Invoice/batch value above Php 1,000,000.00	Php 10,000.00	
Inspection Fee	As charged by the DTI / BPS Designated Inspection Body	DTI / Designated Inspection Body
Transportation	As per arrangement (if necessary)	DTI / Designated Inspection Body
Testing Fee	As charged by the BPS-Recognized Testing Laboratory	BPS-Recognized Testing Laboratory
Freight charges of samples	As charged by Freight Forwarder	Freight Forwarder
Market sample	As per Official Receipts/Sales Invoice	Establishment