

20 JAN 2021

MEMORANDUM CIRCULAR NO. 02
Series of 2021

**SUBJECT : MIAA IMPLEMENTING GUIDELINES FOR RA 11032
"EASE OF DOING BUSINESS" (EODB)**

GENERAL

1. One of President Duterte's 10-point socio-economic agenda is "increasing competitiveness and the ease of doing business" which espouses "citizen-centered, clean, efficient and effective governance.
2. On 28 May 2018, the President signed into law the Republic Act No. 11032, otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, amending the Anti-Red Tape Act of 2007 in simplifying government transaction to make processes easy to follow and understand.
3. It was also reiterated in his 2020 State of the Nation Address, directing all government agencies with frontline services for speedy reforms that will further streamline their respective services to make these truly efficient and people-friendly and to ensure that the people receive the quality services that they deserve minus the delays by the bureaucratic red tape.
4. In terms of improving government service and in compliance to the President's directive, the MIAA issued policy measures to promote integrity and accountability in the government service as well as the efficient turnaround in the delivery of government service. This policy is significant, particularly in performing functions such as, accreditation of businesses and service providers, granting of exemption, issuance of permits/ license/ access, enforcing contracts, processing and issuance of construction permits, licenses, certificates and clearances, among others.

PURPOSE

5. The MIAA shall ensure streamlined procedures to improve service delivery and accountability by creating a more service oriented, business friendly and competitive environment in the NAIA to realize economic gains and eradicate corruption.
6. The MIAA shall promote simplification of requirements for business transaction to guarantee immediate delivery of services to its stakeholders.
7. The MIAA shall provide inter-operability of government processes and strengthen linkages and coordination among offices in the aviation sector to boost client's confidence.

LEGAL BASIS:

8. **Republic Act No. 11032**, dated July 24, 2017, entitled "***Ease of Doing Business and Efficient Government Service Delivery Act of 2018***," which repealed **Republic Act No. 9485**, "***Anti-Red Tape Act of 2007***," promotes integrity, accountability, proper management of public affairs and public property as well as establishes effective practices aimed at the prevention of graft and corruption in the government as further detailed under **CSC-ARTA-DTI Joint Memorandum Circular No. 2019-001**, dated July 17, 2019, entitled "***The Implementing Rules and Regulations of Republic Act No. 11032, otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018***"
9. **ARTA Memorandum Circular No. 2019-002**, dated August 13, 2019, entitled "***Guidelines on the Implementation of the Citizen's Charter in Compliance to RA 11032***", provides pertinent information and instruction in developing and revising their Citizen's Charter.
10. **MIAA Office Order No. 101, s.2020**, dated 16 November 2020 entitled "Committee on Anti-Red Tape –MIAA (CART-MIAA) pursuant to ARTA MC No. 07 series of 2020.
11. **Government Quality Management Committee (QPMC) Memorandum Circular No. 2019-1**, dated October 23, 2019, entitled "***Guidelines in the Validation of ISO 9001:2015 Quality Management System (QMS) Certification/ recertification as a Support to Operations (STO) Requirement for the Grant of the FY 2019 Performance-Based Bonus (PBB)***," prescribes the criteria and conditions for the granting of Performance-Based Bonus for FY 2019 performance to be given in FY 2020.
12. **Executive Order No. 605**, dated February 23, 2007, entitled "***Institutionalizing the Structure, Mechanisms and Standards to Implement the Government Quality Management Program, amending Administrative Order No. 161, s. 2007***" directs all Departments and Agencies to adopt the ISO 9001 Quality Management Systems as part of the implementation of a government-wide quality management program.
13. **Executive Order No. 176, s. 2015**, dated December 01, 2014, entitled "institutionalizing the "***Integrity Management Program as the National Corruption Prevention Program in all Government Agencies through Establishment of Integrity Management Systems***", direct all government agencies to establish an Integrity Management Program (IMP) and Integrity Management Committee (IMC) to oversee and ensure the effective implementation of the IMP and all integrity management initiatives within the Department.
14. **IATF Memorandum Circular No. 2019-01**, dated September 3, 2019, entitled "***Guidelines on the Grant of the Performance-Based Bonus (PBB) for Fiscal Year (FY) 2019***" and other earlier issuances require the streamlining of processes for the grant of incentives.
15. **Executive Order No. 80**, dated July 20, 2012, entitled "***Directing the Adoption of a Performance-Based Incentive System for Government Employees***," provides the system for the Productivity Enhancement Incentive (PEI) and the Performance-Based Bonus (PBB).
16. **Administrative Order No. 25**, dated December 21, 2011, entitled "***Creating an Inter-Agency Task Force (IATF) on the Harmonization of National Government***

Performance Monitoring, Information and Reporting Systems,” create an IATF that shall harmonize, unify, streamline and simplify all existing monitoring and reporting requirements and processes consistent with the Results-based Performance Management System (RBPMS).

SCOPE AND COVERAGE

17. This Circular shall cover and apply to all MIAA Offices, its officials and employees.
18. This shall cover all transactions serving both internal and external stakeholders/customers which include services enlisted in the MIAA Citizen's Charter including the current systems, processes and procedures, both manual and automated, among others, which shall later be classified in either of the (3) categories (simple, complex, highly technical) or under exemptions.
19. This shall apply to MIAA business-related and nonbusiness transactions referring to permitting, such as construction permit, shooting permit, access permit, hot work permit, business accreditation permit, licensing, and the issuance of any privilege, right, reward, clearance, authorization, or concession, including frontline services enrolled in the existing MIAA Citizen's Charter with corresponding back-end/support services.

DEFINITION OF TERMS

20. For purposes of this circular, the following terms are defined as follows:
 - a. **Action** – refers to the written approval or disapproval made by government office or agency on the application or request submitted by an applicant or requesting party for processing;
 - b. **Applicant or Requesting Party** – with reference to the Citizen's Charter, are those who availed and will avail of the services provided by MIAA.
 - c. **Applications or requests** – are formal requests to MIAA for access to government service.
 - d. **Authorization** – means a permission embodied in a document granted by MIAA to a natural or juridical person who has submitted an application for government service in order to implement or sanction specific acts or to engage in a particular line of business. The authorization can take the form of a permit, a clearance, a license, a certificate of registration, accreditation, compliance, or exemption, or any similar document.
 - e. **Business-related transactions** – a set of regulatory requirements that a business entity must comply with to engage, operate or continue to operate a business, such as, but not limited to, collection or preparation of a number of documents, submission to national and local government authorities, approval of application submitted, and receipt of a formal certificate or certificates, permits, licenses which include primary and secondary, clearances and such similar authorization or documents which confer eligibility to operate, continue to operate, or to cease operation as a legitimate business.
 - f. **Certificate** – is a document in which a fact is formally attested.
 - g. **Citizen or Client** – persons or entities whose interests and values are addressed by a particular government service and, therefore, includes not only the citizens of the Republic of the Philippines, but also all the stakeholders, including but not limited to, users, beneficiaries, other government offices and agencies, and the transacting public.
 - h. **Citizen's Charter** – is an official document, a service standard, or a pledge, that communicates, in simple terms, information on the services provided by the government to its citizens. It describes in detail the comprehensive and uniform checklist of requirements for each type of application or request; procedure to obtain a particular service; person/s responsible for each step; maximum time to conclude the process; document/s to be presented by the applicant or requesting party, if necessary; amount of fees, if necessary; and procedure for filing

complaints.

- i. **Clearance** – refers to any and all documents issued by the MIAA with or without corresponding fees as defined in their rules and regulations and/or citizen's charter.
- j. **Complete requirements** – are all the necessary or appropriate documents that are required to be submitted together with an application form by the applicants or requesting party, which fully satisfy the formal and substantive requirements of the relevant law. For processes that involve several stages with different requirements per stage, it is complete when the applicant or requesting party has fully satisfied or submitted all the requirements necessary for each stage, as enumerated in the Citizen's Charter.
- k. **Complex Transactions** – applications or requests submitted by applicant or requesting parties of a government office which necessitates evaluation in the resolution of complicated issues by an officer or employee of said government agency.
- l. **Compliance Cost Analysis** – refers to the analysis of the costs that are incurred by businesses or other parties at whom regulation may be targeted in undertaking actions necessary to comply with the regulatory requirements, as well as the costs to government of regulatory administration and enforcement.
- m. **Electronic Signature** – refers to the distinctive mark, characteristic and/or sound in electronic form, representing the identity of the person and attached to or logically associated with the electronic data message or electronic document or any methodology or procedures employed or adopted by a person and executed or adopted by such person with the intention of authenticating or approving an electronic data message or electronic document.
- n. **Extension of Maximum Prescribed Time** – The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter, subject to the pertinent provisions of the R.A. No.11032. Within Forty-Five (45) days, with a possible extension of twenty (20) working days, in case applications or requests requiring the approval of the local Sangguniang Bayan, Sangguniang Panglunsod or Sangguniang Panlalawigan as the case may be.
- o. **Fixer** – any individual or a group of individuals whether or not officially involved in the operation of government office or agency who has/have access to the people working therein, and whether or not in collusion with them, facilitates speedy completion of transaction for pecuniary gain or any other advantage or consideration.

Pecuniary gain or any advantage or consideration shall include but not limited to the following:
 - Receiving gifts or anything monetary value as payment for the services rendered;
 - Gaining advantage in employment or promotions;
 - Asking for sexual favors in exchange for any request; and
 - Securing a loan from the applicant or requesting party.
- p. **Fixing** – refers to the act that involves undue facilitation of transactions for pecuniary gain or any other advantage or consideration.
- q. **Frontline Service** – refers to MIAA office whose process deals with transaction between clients and government offices or agencies involving applications for any privilege, right, permit, reward, license, concession, or for any modification, renewal or extension of the enumerated applications and/or requests which are acted upon in the ordinary course of business of the agency or office concerned.
- r. **Government Service** – the process or transaction between applicants or requesting parties and government offices or agencies involving applications for any privilege, right, reward, license, clearance, permit or authorization,

- concession, or for any modification, renewal or extension of the enumerated applications or requests, which are acted upon in the ordinary course of business of the agency or office concerned. This include frontline services enrolled in the existing MIAA Citizen's Charter (whether or not related to business), corresponding back-end/support services, and regulatory functions related to permitting, licensing, and the issuance of a privilege, right, reward, clearance, authorization or concession.
- s. **Highly Technical Application or Transaction** (20 working days) – a transaction which requires the use of technical knowledge, specialized skills and/or training in the processing and/or evaluation thereof.
 - t. **MIAA Business One Stop Shops (MBOSS)** – a single online website or portal designated for the Permit and Licensing System to be developed by MIAA MIS to facilitate clients filing of application/request.
 - u. **Non-business transaction** – all other government transactions not falling under item 9(e)
 - v. **Officer or Employee** – refers to a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by a client for processing.
 - w. **Permit** – is a permission evidenced by a certificate issued by the concerned government agency or instrumentality.
 - x. **Prescribed processing time** – is the period prescribed by the government which refers to the maximum period of three (3) working days for simple, seven (7) working days for complex, and twenty (20) working days for highly technical transactions given to complete its process. It shall also include the period when a transaction has been extended for justifiable reasons.
 - y. **Processing Time** – the time consumed by an agency from the receipt of an application or request with complete requirements, accompanying documents and payment of fees for the issuance of certification or such similar documents approving or disapproving an application or request. For processing that involve several stages, each stage shall have its own processing time. The processing time commences on the date/time that the applicant has satisfactorily completed the previous stages and all the requirements for the stage being applied for, and has paid the applicable fees, if any.
 - z. **Re-engineering of Processes** – reform in the operations of MIAA including streamlining of procedures of business and nonbusiness related transactions and reducing the processing time to efficiently and effectively deliver services to clients and other stakeholders without delays.
 - aa. **Red-Tape** – any regulation, rule or administrative procedure or system that is ineffective or detrimental in achieving its intended objectives and, as a result, produces slow suboptimal and undesirable social outcomes.
 - bb. **Regulation** – any legal instrument that gives effect to a government policy intervention and includes licensing, imposing information obligation, compliance standards or payment of any form of fee, levy charge or any other statutory and regulatory requirements necessary to carry out activity.
 - cc. **Regulatory Impact Assessment** – is a tool to design and evaluate policies, laws and regulations that are targeted, proportionate, accountable, transparent and consistent. It involves systematic processes that examine the expected consequences of a range of alternative policy options that could be used to address a particular policy problem or issue. The policy options shall include evidence-based information to decision makers, regulators and stakeholders. It aims to reduce unnecessary regulatory burdens and costs to enhance the quality of existing regulations and regulatory proposals.
 - dd. **Simple transactions** – applications or requests submitted by applicants or requesting parties of a government office or agency which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for the resolution by an officer or employee

- of said government office.
- ee. **Stakeholders** – refers to MIAA’s external and internal clients.
 - ff. **Time and Motion Study** – is a tool to track the progress of customer interface, processing, queuing and waiting times, and linked processes that are within and beyond the control of the service office. It is an essential step in the process mapping of services for the formulation and/or updating of Citizen’s Charter.
 - gg. **Zero Contact Policy** - refers to the policy that government officers or employees shall have no contact, in any manner, unless strictly necessary with any applicant or requesting party concerning said application or request.

STATEMENT OF POLICIES

- 21. All offices shall commence with the reengineering of their systems and procedures in compliance with the provisions in the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 (hereinafter referred to as “EODB”) and its Implementing Rules and Regulations (hereinafter referred as the “IRR”).
- 22. Each office shall aim to achieve improvements for each of their critical services/processes in terms of - -
 - a. Reduction in the number of signatories to not more than three (3);
 - b. Simplification of application forms or documentary requirements;
 - c. Progressive reduction in the turn-around time in accordance to the set standards and completion of the transaction within standard timeliness;
 - d. Automation or computerization of applicable services/processes;
 - e. Reductions in costs, if any; and
 - f. Clear feedback mechanisms and client satisfaction measurement.
- 23. The approved MIAA Citizen’s Charter shall be reviewed and updated in accordance to the rules and regulations issued by Anti-Red Tape Authority (ARTA). The Citizen’s Charter shall be in the form of a handbook, information billboards such as touchscreens, interactive information kiosks, electronic billboards, posters, tarpaulins, standees or any other readable materials that could easily be understood by the public. It shall be posted at the main entrance of offices or at the most conspicuous place, in the MIAA website, and through published materials written either in English, Filipino, or in local dialect. Updates shall be posted not later than March 31st of each year.
- 24. **Zero Contact Policy**
 - a. MIAA shall adopt Zero Contact Policy, thus concerned employees shall limit interactions with an applicant or requesting party unless such interaction is strictly necessary for the processing of the request or application. For the interactions that are necessary, the concerned office shall adhere to the provisions stipulated in Sec. 2 (a) and Sec. 2 (b) of the IRR.
 - b. The MIAA shall develop online system in the issuance of permits, licenses, slot application, certification to comply with zero-contact policy. The creation of unified application form platforms where all forms will be moved online, and digital copies of documents will be submitted electronically.
- 25. **Process of Acceptance of Application/Requests**

For the acceptance of applications or requests and the action of offices, the concerned office shall adhere to the provision stipulated in Sec. 9 (a) and Sec. 9 (b) of R.A.11032, respectively, and as applicable wherein the receiving officer or employee shall - -

 - a. Perform preliminary assessment of the application or request submitted with its supporting documents to ensure a more expeditious action on the application or request, and immediately inform the applicant or requesting party of any deficiency in the accompanying requirements which shall be limited to those enumerated in the MIAA Citizen’s Charter.

- b. Assign a unique identification number to an application or request, which shall be the identifying number for all subsequent transactions between the government and the applicant or requesting party regarding such specific application or request.
- c. Issue an acknowledgement containing the seal of the agency, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such application or request.

26. **Process for Disapproved Application/Request**

No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall - -

- a. Send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. A finding by a competent authority of a violation of any or other laws by the applicant or requesting party shall constitute a valid ground for the disapproval of the application or request, without prejudice to other grounds provided in the Act or other pertinent laws.

27. **Automatic Approval /Extension.**

Section 10 of the Act provides the automatic approval or automatic extension of license, clearance, permit, certification or authorization which stipulates that if a government agency fails to –

- a. approve or disapproved an original application or request for issuance of the above-mentioned documents within the prescribed processing time
- b. act on an application or request for renewal within the prescribed processing time, the same shall be deemed approved/automatically extended.

Provided, that all acquired documents have been submitted and all required fees and charges have been paid.

28. **Performance Based Bonus /Quality Management System**

- a. Recognizing that streamlining is one of the requirements for the Performance-Based Bonus (PBB) entitlement, process improvement shall be considered as one of the performance indicators in the performance evaluation of Offices with Frontline Services and its personnel.
- b. In conformity with MIAA QMS ISO 9001 Standard as well as other applicable Government Quality Management Systems Standards (GQMSS), the processes shall be monitored, reviewed and evaluated as to compliances of this Circular.
- c. All Managers, Heads of Offices shall be responsible in complying with the Good Governance Conditions set forth by the Inter-Agency Task Force on the Harmonization of National Government Performance Monitoring, Information and Reporting Systems (hereinafter referred to as "AO25 IATF) and ARTA's requirements.

29. The Integrity Management Program shall be established and strengthened through the establishment of Integrity Management System (IMS) as the Authority's corruption prevention program. A program overseer of the IMP shall be designated.

30. The Public Assistance and Complaints Desk (PACD) shall be strengthened to receive feedback where an officer or employee who is knowledgeable in government services shall be available for consultation and advice. The desk shall be attended to even during break time. There shall be a hotline number, short message service or other mechanisms by the which the clients may adequately express their complaints, comments or suggestions.

31. To ensure prompt action on complaints and grievances, the Integrated Grievance

Monitoring System shall be developed for efficient monitoring and systematic resolution of complaints. The system shall cover all grievance platforms of the Authority (PACD, 888 Citizen's Complaint Hotline and walk-in Clients).

32. For complaints received by or referred to the Authority, conduct of administrative hearing upon receipt of complaint shall be done subject to existing rules and procedures of CSC Rules on Administrative Cases.

IMPLEMENTING PROCEDURES

33. **Preparatory**

- a. All Frontline Offices shall come up with their list of critical services and/or transactions together with its relevant flowcharts containing detailed steps to complete these services and submit the same to the CART-MIAA Secretariat for compilation into an inventory;
- b. Criteria for simple, complex and highly technical transactions shall be issued by the CART-MIAA and thus, identifies critical services and/or transactions with its flowcharts shall be reviewed, assessed and categorized based on said criteria;
- c. Compliance cost analysis, conduct of time and motion studies and evaluation of improvement of all services shall be undertaken by all Frontline Offices;
- d. The Citizen's Charter and a report on the process of the identified critical services and/or transactions using the standard template provided by ARTA shall be prepared by all Frontline Offices for submission to their respective AGMs for approval prior to submission to the CART-MIAA. Fill-up instructions shall be used in the filling-up of the form;
- e. An appropriate system or mechanism for the legal use of electronic or digital signature shall be developed by the Management Information System (MIS) as provided under the IRR of the Electronic Commerce Act, within Thirty (30) calendar days upon approval of this Circular,
- f. A standard feedback mechanism and client satisfaction measurement shall be developed by the CART-MIAA in collaboration with the concerned Frontline Offices for the process improvement of the identified service/transactions;
- g. Each Frontline Office shall conduct their own Regulatory Impact Assessment (RIA) for purpose of reviewing, simplifying, modifying, modernizing regulations, laws, and issuances to reduce regulatory burden and cost. This applies to existing regulations or regulatory changes that are outdated, redundant and adds undue regulatory burden to the transacting public; and
- h. The location of offices providing these services and feasibility of establishing one- stop shops shall be reviewed by all Heads of Frontline Office.

34. **Monitoring, Evaluation and Reporting**

- a. The Office Performance Report and Citizen /Client Satisfaction Report as prescribed by ARTA shall be prepared and submitted to the AGM Bloc Head prior to submission to CART-MIAA.
- b. An Agency Report which is the consolidated aforementioned reports together with the prescribed Certificate of Compliance shall be submitted to the General Manager for onward submission to AO25 IATF and ARTA;
- c. The OFS Harmonized Performance indicators pertaining to EODB shall be regularly enhanced and compliance thereto shall be discussed and therefor form part of their respective Operations Planning and Review; and
- d. For complaints and grievances, the MIAA grievance monitoring system shall be used for efficient monitoring and systematic resolution of complaints.

35. **Institutional Mechanisms**

- a. Committee on Anti-Red Tape (CART-MIAA). All members of the CART-MIAA shall be all offices catering frontline services and as mandated by ARTA in MC

No. 2020-7 s. 2020. (Annex A: MIAA Office Order No. 101 series of 2020)

The primary roles and functions of the Committee:

- Take the lead role in the implementation of the EODB as well as this Circular within the Authority.
 - Identify management support needed by OFS as well as provide technical assistance to the same to comply with the provisions of the law;
 - Provide advisory to the General Manager relevant to the implementation of this Circular.
 - Facilitate the generation of inventory of the Authority's critical services and/or transactions for EODB
 - Review and endorse the final critical services and/or transactions for the Authority's streamlining and process improvement to the General Manager for approval.
 - Oversee and validate the implementation of EODB and other streamlining efforts to further ensure the Authority's compliance by 2021 and the succeeding years;
- b. CART-MIAA Secretariat
- Monitor and evaluate the streamlining and process improvement of the OFS including the client satisfaction report using the reporting template provided by ARTA'
 - Monitor offices submission on the status of the identified critical services and/or transactions
 - Monitor and review the submitted Citizen's Charter by each OFS and the implementation of the same, particularly on the procedure/steps, time and documentary requirements, and fees.
 - Facilitate the submission of the following to AO25 IATF and ARTA Citizen/Client Satisfaction Report and Citizens Charter Certificate of Compliance using the prescribed template provided by ARTA
- c. Offices with Frontline Services (OFS)
- Adhere to the general policies of this Circular and perform the tasks indicated in the implementing procedures of this Circular
 - Regularly conduct regulatory impact assessment to review, simplify, modify, modernize regulations, issuances to reduce regulatory burden and cost;
 - Periodically review and harmonize existing issuances and regulations and repeal unnecessary and redundant policies to lessen regulatory burdens to the transacting public;
 - Regularly update the Citizen's Charter of their critical services and/or transactions and post the same immediately in their respective offices (physical representation) and in the MIAA website;
 - Accept and assess the written applications, requests and/or documents submitted by requesting parties to ensure a more expeditious action on the request;
 - Assign a unique identification number to a particular request and issue an acknowledgement receipt;
 - Act on the request within the prescribed processing time stated in the Citizen's Charter
 - Implement the feedback mechanism and client satisfaction measurement for the process improvement of the identified service/transactions.
 - Ensure that all personnel wear the ARTA identification Card at all times;
 - Ensure the contact numbers are updated and reachable at all times; and
 - Perform other tasks inherent to its functions and mandate as may be deemed necessary in relation to the implementation of the EODB.

- d. Public Assistance Division
- Shall man the Public Assistance and Complaints Desk (PACD)
 - Shall ensure that all feedback boxes at the Information/Concierge counters of all NAIA terminals are complete and monitored.
 - Regularly gather feedback including those from the feedback boxes in preparation for the required agency reports. The forms from the feedback box at the ground floor lobby of MIAA Admin Building will be forwarded by Systems and Procedures Improvement Division (SPID) to PAD.
 - Facilitate the submission of approved agency reports to AO25 IATF and ARTA Citizen's/Client Satisfaction Report to Plans and Programs Division for consolidation.
- e. Plans and Programs Division
- Develop Performance indicators related to the Department's process improvement /EODB as well as consolidate suggestions from Offices if any, and recommend to the PMT –Technical Working Group for its inclusion in the performance commitment and evaluation of office/ department/ division; and
 - Ensure alignment with OPC indicators, particularly the timeline.
 - Consolidate and compile all OPC report prior to submission to the CART-MIAA Secretariat.
 - Facilitate the submission of the Performance Report to AO 25 IATF and ARTA.
 - Perform other tasks inherent to its functions and mandate as may be deemed necessary in relation to the implementation of the EODB.
- f. Administrative Department
- Facilitate the internal capacity building to all officers and employees of the MIAA in relation to the implementation of EODB to raise awareness
 - create programs and activities for continuous training and capability building information campaign.
 - Provide MIAA orientation on the salient features of EODB to all MIAA personnel including contracted services.
 - Undertake preparations for the change of working schedules as may be recommended and subsequently inform the appropriate office in the adoption of such working schedules
 - Ensure that all employees/staff/personnel and even regular temporary external service providers of the MIAA are provided with Identification Cards bearing the full, name position title, name of office and the office seal or logo if any, apart from MIAA logo. This must be readable and available immediately on Day 1 and
 - Ensure alignment with IPC indicators, particularly the timeline
 - Include in the performance measures, to implement random spot check on frontline services of MIAA i.e., compliances of "no noon break policy", wearing of ARTA ID, etc.
 - Perform other tasks inherent to its functions and mandate as may be deemed necessary in relation to the implementation of the EODB.
- g. Management Information System Division
- Maintain and update the posting of Citizen's Charter in the MIAA Website reflecting the MIAA's enhanced service standards for all government services to citizens and other government agencies.
 - Ensure that contact numbers are posted and regularly updated in the MIAA website;
 - Lead the development of automation systems of all transactions and processes of the MIAA offices

- Lead the conduct of capacity building on the business process maps and process reengineering.;
- Develop and maintain information systems for the identified transactions/processes; A single or unified business application form shall be used in processing applications for business permits, which shall be made available online and in the premises of the concerned office or agency; such form shall consolidate all information required from the applicant or requesting party by all offices of MIAA.
- After filing of the application, MIAA system will anonymously transact with applicants, with only a case number to identify them with.
- Provide the required ICT equipment, connectivity, information and communication technology and other support needed to the implementation of automated transaction and dissemination of Citizen's Charter (information billboards such as touchscreens, interactive information kiosks, and electronic billboards);
- Formulate guidelines for the use of electronic or digital signature as provided under the IRR of the Electronic Commerce Act within thirty (30) calendar days upon approval of this Circular;
- Immediate coordination with Department of Information and Communication Technology (DICT) in obtaining PNPKI Digital Certificates for External client under the "new normal".
- Perform other tasks inherent to its functions and mandate as may deemed necessary in relation to the implementation of the EODB.

h. Legal Office

- Review the Rules on Delegation to ensure that the number of signatories will be reduced at the minimum to three (3) signatories as mandated;
- Determine whether the complaints are viable to undertake administrative proceedings.
- Serve as the arbiter for grievance.
- Conduct administrative hearing upon receipt of complaint from transacting public and/or internal clients, subject to existing rules and procedures stipulated in CSC Rules on Administrative Cases; and
- Perform other tasks inherent to its functions and mandate as may be deemed necessary in relation to the implementation of EODB.

36. **Monitoring and Reportorial Requirements**

All concerned offices shall submit report following the schedule listed in the table below.

Requirements/ Forms	Recurring (yes/no)	Deadline of Submission	Office of Primary Responsible	Submitted To
List of MIAA Critical Services and/or Transactions	NO (unless determined by the CART)	Within 30 calendar days upon approval of the guidelines	All MIAA Offices /	CART-MIAA Secretariat
Office performance report on streamlining and process improvement of identified critical services and/or transactions.	Yes	Every 23rd of July	All MIAA Offices	Respective AGM concerned
Client Satisfaction Report				

Consolidated report on streamlining and process improvement	Yes	Every 31 st of July	AGMs	CART-MIAA Secretariat
Compilation of client satisfaction Report				
Agency Report on Streamlining and process improvement	Yes	Every 3 rd week of August	CART-MIAA Secretariat	Office of the GM
Approved Agency Reports for submission to AO 25 IATF	Yes	Every 31 st of August	Plans and Programs Div/CART- MIAA Secretariat	IATF (AO-25)
Citizen's Charter	Yes	Every 1 st week of November	All MIAA offices	CART-MIAA Secretariat
Update on Citizens Charter	Yes	Every 31 st day of March	MIS for posting	
Citizen's Charter and Certificate of Compliance – for submission to ARTA	Yes	Every 6 th day of December	CART-MIAA	ARTA
MIAA's compilation of Citizen/Client Satisfaction – Measurement Report	Yes	Every 5 th day of January	CART-MIAA	ARTA

37. **Violations and Penalties**

The following shall constitute **violations** of this guideline:

- a. Refusal to accept application or requests with complete requirements being submitted by an applicant or requesting party without due cause.
- b. Imposition of additional cost and requirements other than those listed in the Citizen's Charter
- c. Failure to give the applicant or requesting party a written notice on the disapproval of an application or request.
- d. Failure to render government services within the prescribed processing time on any application or request without due cause.
- e. Failure to attend to applicants or requesting parties who are within the premises of the office or agency concerned prior to end of the official working hours and during lunch break.
- f. Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage.

Penalties

Violations of said Act shall warrant any and all penalties and liabilities, as well as civil and criminal liabilities, stipulated in Sections 22 of the Act:

- a. **First Offense** : shall be charged with administrative liability with six (6) months suspension: Provided, however, that in the case of fixing and/or collusion with fixers, the penalty and liability under the second offense apply.
- b. **Second Offense:** : shall be charged with administrative and criminal liabilities, dismissal from public service, perpetual disqualification from holding public office and forfeiture of retirement benefits and imprisonment of one (1) year to six (6) years with a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) but not more than Two Million Pesos (Php2,000,000.00)

38. **Source of Funds**

All MIAA Offices shall allot funds in their respective Work and Financial Plans (WFP) and budget proposals as well as provision of budgetary requirements needed to implement this policy.

39. **Repealing Clause**

All guidelines inconsistent with the provisions of this Circular are hereby repealed, modified or amended accordingly.

40. **Effectivity**

This Circular shall take effect immediately.



EDDIE V. MONREAL
General Manager



MEMORANDUM CIRCULAR NO. 2020 – 07
Series of 2020

TO: ALL HEADS OF GOVERNMENT OFFICES AND AGENCIES INCLUDING STATE UNIVERSITIES AND COLLEGES (SUCs), LOCAL GOVERNMENT UNITS (LGUS), GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS (GOCCS), AND OTHER GOVERNMENT INSTRUMENTALITIES

SUBJECT: GUIDELINES ON THE DESIGNATION OF A COMMITTEE ON ANTI-RED TAPE (CART) IN THE AGENCIES CONCERNED IN COMPLIANCE WITH REPUBLIC ACT (RA) NO. 11032, OTHERWISE KNOWN AS THE “EASE OF DOING BUSINESS AND EFFICIENT GOVERNMENT SERVICE DELIVERY ACT OF 2018,” AND ITS IMPLEMENTING RULES AND REGULATIONS (IRR)

DATE: September 30, 2020

1. BACKGROUND AND LEGAL BASES

- 1.1. Pursuant to RA No. 11032 Section 5, all offices and agencies which provide government services are mandated to regularly undertake cost compliance analysis, time and motion studies, undergo evaluation and improvement of their transaction systems and procedures and reengineer the same if deemed necessary to reduce bureaucratic red tape and processing time.
- 1.2. Section 8 of the said law states that “The head of the office or agency shall be primarily responsible for the implementation of this Act and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.”
- 1.3. The issuance of these Guidelines has been authorized and approved by the Ease of Doing Business and Anti-Red Tape Advisory Council in its meeting held on August 5, 2020 pursuant to RA No. 11032 Section 19. The guidelines was subjected to public consultations with inputs from different National Government Agencies and Local Government Units.
- 1.4. In the Implementing Rules and Regulations, Rule III, Section 1, Streamlining of Government Services, it is provided that all agencies which provide government services shall undertake compliance cost analysis, conduct time and motion studies, undergo evaluation and improvement of all their government services, and reengineer the same, if deemed necessary, to reduce bureaucratic red tape and processing time, and to promote efficiency and simplicity of processes.

2. PURPOSE

This **Memorandum Circular** is issued to provide all concerned government agencies with pertinent information, instructions and guidelines in forming a CART to comply with RA No. 11032 and its IRR.

3. DESIGNATION

Each office or agency shall designate a CART to perform the functions in Section 6.2 of this MC, as well as other roles stated in the Act. The CART shall be an inter-office task force which

requires no separate budget or the creation of new plantilla positions to facilitate its creation by the agency head.

The Agency may also designate a sub-CART in their respective regional/field offices, attached agencies, bureaus, as may be necessary.

4. COVERAGE

This MC shall apply to all government agencies including state universities and colleges, local government units (LGUs), government-owned or controlled corporations and other government instrumentalities, whether located in the Philippines or abroad, that provide services covering business and nonbusiness related transactions as defined in RA No. 11032 and its IRR.

5. DEFINITION OF TERMS

- 5.1. **Agency of the Government:** any of the various units of the Government, including a department, bureau, office, instrumentality, or government-owned or controlled corporations, or a local government or a distinct unit therein (Administrative Code, 1987).
- 5.2. **Amend:** modification or alteration of an enacted law or issuance (Project Repeal Guidebook, 2018).
- 5.3. **Authority:** the Anti-Red Tape Authority created under Section 17 of RA No. 11032.
- 5.4. **Bureau:** any principal subdivision or unit of any department. For purposes of Book IV, this shall include any principal subdivision or unit of any instrumentality given or assigned the rank of a bureau, regardless of actual name or designation, as in the case of department-wide regional offices (Administrative Code, 1987).
- 5.5. **Circulars:** issuances prescribing policies, rules and regulations, and procedures promulgated pursuant to law, applicable to individuals and organizations outside the Government and designed to supplement provisions of the law or to provide means for carrying them out, including information relating thereto. (Project Repeal Guidebook, 2018).
- 5.6. **Department:** an executive department created by law. For purposes of Book IV, this shall include any instrumentality, as herein defined, having or assigned the rank of a department, regardless of its name or designation (Administrative Code, 1987).
- 5.7. **External Services:** government services applied for or requested by external citizens or clients or those who do not form part or belong to the government agency or office providing the service.
- 5.8. **Government Service:** the process or transaction between applicants or requesting parties and government offices or agencies involving applications for any privilege, right, reward, license, clearance, permit or authorization, concession, or for any modification, renewal or extension of the enumerated applications or requests, which are acted upon in the ordinary course of business of the agency or office concerned. This includes frontline services enrolled in the existing Citizen's Charter (whether or not related to business), corresponding back-end/support services and regulatory functions related to permitting, licensing and issuance of a privilege, right, reward, clearance, authorization or concession.
- 5.9. **Instrumentality:** any agency of the National Government, not integrated within the department framework vested within special functions or jurisdiction by law, endowed with some if not all corporate powers, administering special funds, and enjoying operational autonomy, usually through a charter. This term includes regulatory agencies, chartered institutions and government-owned or controlled corporations (Administrative Code, 1987).
- 5.10. **Internal Services:** government services applied for or requested by citizens or clients who are within the respective government agency or office, such as, but not limited to,

its personnel or employees, whether regular or contractual. Internal services include services such as, but not limited to, back-end/support services and regulatory functions related to permitting, licensing and issuance of privilege, right, reward, clearance, authorization or concession.

- 5.11. **Implementing Rules and Regulations (IRR):** rules and regulations that are drafted by the implementing agency to fill-in the gaps of its charter law, subject to public consultation. At times, the charter law clearly provides agencies and entities that the implementing agency should coordinate with in creating its IRR. Notably, it cannot go beyond the powers and functions that were granted to the agency under its charter law. (Project Repeal Guidebook, 2018).
- 5.12. **Issuances:** rules or guidelines issued by the agency to implement a law or to lay regulations for the public, in accordance with the law (Project Repeal Guidebook, 2018).
- 5.13. **Local Government:** political subdivisions established by or in accordance with the Constitution (Administrative Code, 1987).
- 5.14. **Office:** any major functional unit of a department or bureau including regional offices. It may also refer to any position held or occupied by individual persons, whose functions are defined by law or regulation (Administrative Code, 1987).
- 5.15. **Orders:** issuances directed to particular offices, officials, or employees, concerning specific matters including assignments, detail and transfer of personnel, for observance or compliance by all concerned (Project Repeal Guidebook, 2018).
- 5.16. **Ordinances:** are legislative actions of a general and permanent character enacted by the local Sanggunian or Council.
- 5.17. **Philippine Business Regulation Information System (PBRIS):** a web-based platform providing accessible information on business regulations issued by the Philippine government. It is established pursuant to Section 17(k) of the Republic Act No. 11032.
- 5.18. **Regulations:** legal instruments are legal instruments issued by all levels of government that give effect to a government policy intervention and includes licensing, imposing information obligation, compliance to standards or payment of any form fee, levy, charge or any other statutory and regulatory requirements necessary to carry out activity or modify behavior.
- 5.19. **Regulatory Impact Assessment:** a tool to design and evaluate policies, laws, and regulations that are targeted, proportionate, accountable, transparent, and consistent. It involves a systematic process that examines the expected consequences of a range of alternative policy options that could be used to address a particular policy problem or issue.
- 5.20. **Regulatory Management System:** set of policies, standards, institutions, processes and tools employed by government to pursue and maintain good quality regulation and minimize regulatory burden
- 5.21. **Regulatory Reform:**
 - 5.21.1. Changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations and related government formalities;
 - 5.21.2. Revision of a single regulation, the scrapping and rebuilding of an entire regulatory regime and its institutions, or improvement of processes for making regulations and managing reform (Source: Regulatory Reform: A Synthesis, OECD, Paris, 1997, page 6);
 - 5.21.3. Evaluate existing and/or proposed regulations, local ordinances and issuances and subsequently taking the necessary policy option for each.

- 5.22. **Repeal:** revocation of laws, local ordinances and issuances are repealed only by subsequent ones. (Project Repeal Guidebook, 2018).
- 5.23. **Unnecessary Regulatory Burden:** arises from regulations that have duplication, inconsistency, poor enforcement and administration. It also involves unnecessary compliance costs and administrative burden that adds delays and barriers to competition and innovation (Malaysia Productivity Corporation)

6. GENERAL GUIDELINES

6.1. Composition

The CART shall be composed of a Chairperson, a Vice Chairperson and at least five members with the following positions or their equivalent, as applicable, or as may be determined or at the discretion of the Head of Agency, subject to existing laws, rules, and regulations. It shall be composed of a number of members who are institutionally tasked to identify, develop, implement, and review policies and monitor processes which may include the following or equivalent.

Chairperson: Head of Department/Office/Agency; President/Administrator/CEO of Government -owned or -controlled Corporation and SUCs; Local Chief Executive; or Official designated by the Head of Department/Office/Agency (at least a third highest ranking official in the agency)

Vice Chairperson: Official to be designated by the Head of Agency (at least a rank lower than the Chairperson of CART)

Members:

National Government Agencies

Heads of Bureau/Service/Office/Division/Section, such as but not limited to the following, or equivalent:

- Policy/Planning
- Core Operations
- Internal Audit
- Information Technology/Management Services for Systems and Methods
- Records
- Legal
- Finance
- Human Resource Management
- Public Assistance/Complaints Center

Local Government Units Members:

Head/Representative of any of the following Office/Division/Section or equivalent:

- Sanggunian ng Panlalawigan/Panlungsod/Barangay Members
- Treasury
- Administration
- Assessor
- Planning
- Human Resources
- Business Permit and Licensing
- Building Official
- Health
- Environmental
- Legal
- Public Assistance/Complaints Center
- Records
- Information Technology

Government -Owned and -Controlled Corporations Members:

Shall be composed of members institutionally tasked to identify, develop and implement policies and monitor processes, which may include the following Office/Division/Section or its equivalent:

- Human Resource
- Internal Audit
- Planning
- Administration
- Legal
- Information Technology
- Records
- Public Assistance/Complaints Center
- Core Operations

The CART may be assisted by a Secretariat to be designated by the Head of Agency. National Government Agencies with existing Management Divisions pursuant to DBM Circular 2008-05 may be assigned as the Secretariat.

6.2. Functions, Duties, and Responsibilities

The CART shall ensure that their agency shall comply with the requirements of RA No. 11032, its IRR and subsequent issuances by the Authority, as may be applicable. These requirements pertain to the conduct of the following:

6.2.1. Conduct of compliance cost analysis, time and motion studies, evaluation and improvement of all the agency's services, and reengineering the same;

6.2.2. Subject to the Guidelines/National Policy on Regulatory Management System to be issued by the Authority:

6.2.2.1. Notify the Authority of every formulation, modification, and repeal of regulations, ordinances or other related issuances;

6.2.2.2. Conduct post-implementation assessment and review of existing regulations, ordinances or other related issuances, undertake Regulatory Impact Assessment (RIA);

6.2.2.3. Prepare a Preliminary Impact Assessment (PIA) whenever there is an intent to formulate, modify, or repeal a regulation and submit to the Authority;

6.2.2.4. Produce a Regulatory Impact Statement (RIS) upon completion of each RIA and submit to the Authority for review and assessment;

6.2.2.5. Refer the Authority's policy option recommendations to the appropriate decision-makers within the agency;

6.2.2.6. Submit an inventory and electronic copies of all existing (both in-effect and repealed) regulations and issuances to populate the Philippine Business Regulation Information System (PBRIS).

6.2.3. Ensure effective knowledge transfer, or information dissemination among office employees on ARTA-related trainings, briefings, or such related matters obtained by office staff within sixty (60) days from the end of the training;

6.2.4. Register new regulations and issuances to the following, if applicable, within fifteen (15) days from issuance:

- a. UP Office of National Administrative Register (UP ONAR), and
- b. Official Gazette for publication

6.2.5. Set up the most current and updated service standards and indicate in the Citizen's Charter in accordance to the prescribed template issued by the Authority, and submit the same to the Authority to populate the Anti-Red Tape Electronic Management Information System (ARTEMIS);

6.2.6. Monitor and periodically review the office or agency's Citizen's Charter, specifically: procedures/steps, time, documentary requirements, and fees;

6.2.7. Ensure that an updated Citizen's Charter, should there be any change, is posted not later than March 31st of each year;

6.2.8. Ensure the compliance of the agency on the zero-contact policy in accordance with the law;

6.2.9. Ensure the compliance of the agency's external and internal services with the prescribed processing time as mandated by RA No. 11032 or the agency's mandate under special law;

6.2.10. Develop and foster a client feedback mechanism and client satisfaction measurement;

6.2.11. Report to the Authority not later than the last working day of January of each year the results of the Client Satisfaction Survey for each service based on the guidelines to be issued by the Authority;

6.2.12. Establish and manage a public assistance complaints desk or ARTA Helpdesk to effectively receive complaints, feedback and monitor customer satisfaction via hotline numbers, short message service (SMS), information and communication technology, or other mechanisms where clients may adequately express their complaints, comments, or suggestions. The CART must ensure that complaints forwarded by the Presidential Complaints Center, Civil Service Commission's Contact Center ng Bayan, and Complaints Action Center of the Authority are acknowledged, received, responded to and/or acted upon within the designated period by the intended recipient within their agency;

6.2.13. Serve as overall coordinating body for the establishment of an Electronic Business One Stop Shop (e-BOSS) in compliance with the mandate under RA No. 11032, its IRR, and other issuances by the Authority. The CART must facilitate and assist various departments and offices involved during the development and implementation of e-BOSS, including logistical and personnel requirements, security of the system, development of a communication plan, implementation of contingency measures, and protection of data and information, as applicable;

6.2.14. Coordinate with the agency's communications/public relations office the dissemination of ARTA Information, Education, and Communication materials for public consumption;

6.2.15. Perform such other functions, duties and responsibilities under RA No. 11032 (amending RA No. 9485), its IRR and other issuances issued by the Authority.

6.3. Compliance

An Office Order designating the composition of a CART shall be issued by the agency in compliance with this MC within seven (7) working days from its effectivity. The Authority shall be furnished with electronic copy of the Office Order within three (3) working days from the date of the Office Order. The Authority shall be given the CART members' contact number and email addresses. Electronic copy of the Office Order and the contact details may be submitted to regulatorymanagement@arta.gov.ph copy furnish compliance@arta.gov.ph with the subject "CART Office Order - (AGENCY)".

Agencies with an existing Technical Working Group or Committee for Project Repeal, or an existing Unit to comply with the Anti Red Tape Act of 2007 (RA No. 9485), as amended by the RA No. 11032 should be reorganized as the CART. LGUs with an existing Regulatory Reform Team (RRT) created under DILG-ARTA JMC 2019-01, shall recognize RRTs as the equivalent of the CART and shall require the CART to perform the additional functions provided in this Guidelines.

7. FEEDBACK

All inquiries and concerns shall be coursed through the Authority through any of the following:

- Telephone Number – (02) 8478 5099
- E-mail Address – regulatorymanagement@arta.gov.ph
- Website – www.arta.gov.ph
- Facebook – Anti-Red Tape Authority
- Twitter – @ARTAgovph
- Instagram – @ARTAgovph

8. SEPARABILITY CLAUSE

If any provisions of this MC shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this MC.

9. EFFECTIVITY

This MC shall take effect within fifteen (15) days from registration with the UP Office of the National Administrative Register (ONAR) and publication with the Official Gazette.

RECOMMENDED BY:



Digitally signed by
Perez Ernesto Vinluan
Date: 2020.09.30
14:21:02 +08'00'

ATTY. ERNESTO V. PEREZ, CPA
Deputy Director General for Legal



Sep 30 2020 17:08 PST edb@arta.gov.ph

ATTY. EDUARDO V. BRINGAS
Deputy Director General for Admin and Finance



APPROVED BY:



Digitally signed by
Belgica Jeremias Banta
Date: 2020.10.06
15:40:36 +08'00'

ATTY. JEREMIAH B. BELGICA, REB, EnP
Director General

S. No. 1311
H. No. 6579

Republic of the Philippines
Congress of the Philippines
Metro Manila

Seventeenth Congress

Second Regular Session

Began and held in Metro Manila, on Monday, the twenty-fourth
day of July, two thousand seventeen.

[REPUBLIC ACT NO. **11032**]

AN ACT PROMOTING EASE OF DOING BUSINESS AND
EFFICIENT DELIVERY OF GOVERNMENT SERVICES,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
9485, OTHERWISE KNOWN AS THE ANTI-RED TAPE
ACT OF 2007, AND FOR OTHER PURPOSES

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

SECTION 1. Section 1 of Republic Act No. 9485, otherwise
known as the "Anti-Red Tape Act of 2007", is hereby amended
to read as follows:

"SECTION 1. *Short Title.* - This Act shall be
known as the Ease of Doing Business and Efficient
Government Service Delivery Act of 2018."

SEC. 2. Section 2 of the same Act is hereby amended
to read as follows:

"SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in government. Towards this end, the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified requirements and procedures that will reduce red tape and expedite business and nonbusiness related transactions in government."

SEC. 3. Section 3 of the same Act is hereby amended to read as follows:

"SEC. 3. *Coverage.* - This Act shall apply to all government offices and agencies including local government units (LGUs), government-owned or -controlled corporations and other government instrumentalities, whether located in the Philippines or abroad, that provide services covering business and nonbusiness related transactions as defined in this Act."

SEC. 4. Section 4 of the same Act is hereby amended to read as follows:

"SEC. 4. *Definition of Terms.* - As used in this Act, the following terms are defined as follows:

"(a) *Action* refers to the written approval or disapproval made by a government office or agency on the application or request submitted by an applicant or requesting party for processing;

"(b) *Business One Stop Shop (BOSS)* - a single common site or location, or a single online website

or portal designated for the Business Permit and Licensing System (BPLS) of an LGU to receive and process applications, receive payments, and issue approved licenses, clearances, permits, or authorizations;

"(c) *Business-related transactions* - a set of regulatory requirements that a business entity must comply with to engage, operate or continue to operate a business, such as, but not limited to, collection or preparation of a number of documents, submission to national and local government authorities, approval of application submitted, and receipt of a formal certificate or certificates, permits, licenses which include primary and secondary, clearances and such similar authorization or documents which confer eligibility to operate or continue to operate as a legitimate business;

"(d) *Complex transactions* - applications or requests submitted by applicants or requesting parties of a government office which necessitate evaluation in the resolution of complicated issues by an officer or employee of said government office, such transactions to be determined by the office concerned;

"(e) *Fixer* - any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration;

"(f) *Government service* - the process or transaction between applicants or requesting parties and government offices or agencies involving applications for any privilege, right, reward, license, clearance, permit or authorization, concession, or for any modification, renewal or extension of the enumerated applications or requests which are acted

upon in the ordinary course of business of the agency or office concerned;

"(g) *Highly technical application* - an application which requires the use of technical knowledge, specialized skills and/or training in the processing and/or evaluation thereof;

"(h) *Nonbusiness transactions* - all other government transactions not falling under Section 4 (c) of this Act;

"(i) *Officer or employee* - a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by an applicant or requesting party for processing;

"(j) *Processing time* - the time consumed by an LGU or national government agency (NGA) from the receipt of an application or request with complete requirements, accompanying documents and payment of fees to the issuance of certification or such similar documents approving or disapproving an application or request;

"(k) *Red tape* - any regulation, rule, or administrative procedure or system that is ineffective or detrimental in achieving its intended objectives and, as a result, produces slow, suboptimal, and undesirable social outcomes;

"(l) *Regulation* - any legal instrument that gives effect to a government policy intervention and includes licensing, imposing information obligation, compliance to standards or payment of any form of fee, levy, charge or any other statutory and regulatory requirements necessary to carry out activity; and

"(m) *Simple transactions* - applications or requests submitted by applicants or requesting parties of a government office or agency which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for the resolution by an officer or employee of said government office."

SEC. 5. Section 5 of the same Act is hereby amended to read as follows:

"SEC. 5. *Reengineering of Systems and Procedures.* - All offices and agencies which provide government services are hereby mandated to regularly undertake cost compliance analysis, time and motion studies, undergo evaluation and improvement of their transaction systems and procedures and reengineer the same if deemed necessary to reduce bureaucratic red tape and processing time.

"The Anti-Red Tape Authority, created in this Act, shall coordinate with all government offices covered under Section 3 of this Act in the review of existing laws, executive issuances and local ordinances, and recommend the repeal of the same if deemed outdated, redundant, and adds undue regulatory burden to the transacting public.

"All proposed regulations of government agencies under Section 3 of this Act shall undergo regulatory impact assessment to establish if the proposed regulation does not add undue regulatory burden and cost to these agencies and the applicants or requesting parties: *Provided*, That when necessary, any proposed regulation may undergo pilot implementation to assess regulatory impact.

"Upon effectivity of this Act, all LGUs and NGAs are directed to initiate review of existing policies and operations and commence with the

reengineering of their systems and procedures in compliance with the provisions of this Act, pending the approval of the implementing rules and regulations (IRR) thereof."

SEC. 6. Section 6 of the same Act is hereby amended to read as follows:

"SEC. 6. *Citizen's Charter*. - All government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or -controlled corporations, or LGUs shall set up their respective most current and updated service standards to be known as the Citizen's Charter in the form of information billboards which shall be posted at the main entrance of offices or at the most conspicuous place, in their respective websites and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:

"(a) A comprehensive and uniform checklist of requirements for each type of application or request;

"(b) The procedure to obtain a particular service;

"(c) The person/s responsible for each step;

"(d) The maximum time to conclude the process;

"(e) The document/s to be presented by the applicant or requesting party, if necessary;

"(f) The amount of fees, if necessary; and

"(g) The procedure for filing complaints."

SEC. 7. A new Section 7 is hereby inserted after Section 6 of the same Act to read as follows:

"SEC. 7. *Zero-Contact Policy*. - Except during the preliminary assessment of the request and evaluation of sufficiency of submitted requirements, no government officer or employee shall have any contact, in any manner, unless strictly necessary with any applicant or requesting party concerning an application or request. Once the Department of Information and Communications Technology (DICT) has completed a web-based software enabled business registration system that is acceptable to the public as mandated under Section 26 of this Act, all transactions shall be coursed through such system. All government agencies including LGUs shall adopt a zero-contact policy."

SEC. 8. Section 7 of the same Act is hereby renumbered as Section 8 to read as follows:

"SEC. 8. *Accountability of Heads of Offices and Agencies*. - The head of the office or agency shall be primarily responsible for the implementation of this Act and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned."

SEC. 9. Section 8 of the same Act is hereby amended and renumbered as Section 9 to read as follows:

"SEC. 9. *Accessing Government Services*. - The following shall be adopted by all government offices and agencies:

"(a) Acceptance of Applications or Requests. -

"(1) All officers or employees shall accept written applications, requests, and/or documents being submitted by applicants or requesting parties of the offices or agencies.

"(2) The receiving officer or employee shall perform a preliminary assessment of the application or request submitted with its supporting documents to ensure a more expeditious action on the application or request. The receiving officer or employee shall immediately inform the applicant or requesting party of any deficiency in the accompanying requirements, which shall be limited to those enumerated in the Citizen's Charter.

"(3) The receiving officer or employee shall assign a unique identification number to an application or request, which shall be the identifying number for all subsequent transactions between the government and the applicant or requesting party regarding such specific application or request.

"(4) The receiving officer or employee shall issue an acknowledgement receipt containing the seal of the agency, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such application or request.

"(b) Action of Offices. -

"(1) All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received.

"For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical application, the prescribed processing time shall in no case be longer than twenty (20) working days or as determined by the government agency or instrumentality concerned, whichever is shorter.

"The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter. Prior to the lapse of the processing time, the office or agency concerned shall notify the applicant or requesting party in writing of the reason for the extension and final date of release of the government service/s requested. Such written notification shall be signed by the applicant or requesting party to serve as proof of notice.

"If the application or request for license, clearance, permit, certification or authorization shall require the approval of the local *Sangguniang Bayan*, *Sangguniang Panlungsod*, or the *Sangguniang Panlalawigan* as the case may be, the *Sanggunian* concerned shall be given a period of forty-five (45) working days to act on the application or request, which can be extended for another twenty (20) working days. If the local *Sanggunian* concerned has denied the application or request, the reason for the denial, as well as the remedial measures that may be taken by the applicant shall be cited by the concerned *Sanggunian*.

"In cases where the cause of delay is due to *force majeure* or natural or man-made disasters, which result to damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated in this Act shall be suspended and appropriate adjustments shall be made.

"(2) No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. A finding by a competent authority of

a violation of any or other laws by the applicant or requesting party shall constitute a valid ground for the disapproval of the application or request, without prejudice to other grounds provided in this Act or other pertinent laws.

"(c) Denial of Application or Request for Access to Government Service. - Any denial of application or request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of application or request is deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.

"(d) Limitation of Signatories. - The number of signatories in any document shall be limited to a maximum of three (3) signatures which shall represent officers directly supervising the office or agency concerned: *Provided*, That in case the authorized signatory is on official business or official leave, an alternate shall be designated as signatory. Electronic signatures or pre-signed license, clearance, permit, certification or authorization with adequate security and control mechanism may be used.

"(e) Electronic Versions of Licenses, Clearances, Permits, Certifications or Authorizations. - All government agencies covered under Section 3 of this Act shall, when applicable, develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority as that of the signed hard copy, which may be printed by the applicants or requesting parties in the convenience of their offices.

"(f) Adoption of Working Schedules to Serve Applicants or Requesting Parties. - Heads of offices and agencies which render government services shall

adopt appropriate working schedules to ensure that all applicants or requesting parties who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours.

"(g) Identification Card. - All employees transacting with the public shall be provided with an official identification card which shall be visibly worn during office hours.

"(h) Establishment of Public Assistance/ Complaints Desk. - Each office or agency shall establish a public assistance/complaints desk in all their offices."

SEC. 10. Section 9 of the same Act is hereby amended and renumbered as Section 10 to read as follows:

"SEC. 10. *Automatic Approval or Automatic Extension of License, Clearance, Permit, Certification or Authorization.* - If a government office or agency fails to approve or disapprove an original application or request for issuance of license, clearance, permit, certification or authorization within the prescribed processing time, said application or request shall be deemed approved: *Provided*, That all required documents have been submitted and all required fees and charges have been paid. The acknowledgement receipt together with the official receipt for payment of all required fees issued to the applicant or requesting party shall be enough proof or has the same force and effect of a license, clearance, permit, certification or authorization under this automatic approval mechanism.

"If a government office or agency fails to act on an application or request for renewal of a license, clearance, permit, certification or authorization subject for renewal within the prescribed processing time, said license, clearance, permit, certification or

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authorization shall automatically be extended: *Provided*, That the Authority, in coordination with the Civil Service Commission (CSC), Department of Trade and Industry (DTI), Securities and Exchange Commission (SEC), Department of the Interior and Local Government (DILG) and other agencies which shall formulate the IRR of this Act, shall provide a listing of simple, complex, highly technical applications, and activities which pose danger to public health, public safety, public morals or to public policy."

SEC. 11. New sections to be numbered as Sections 11, 12, 13, 14, 15, 16, 17, 18 and 19 are hereby inserted after Section 9 of the same Act, to read as follows:

"SEC. 11. *Streamlined Procedures for the Issuance of Local Business Licenses, Clearances, Permits, Certifications or Authorizations.* - The LGUs are mandated to implement the following revised guidelines in the issuance of business licenses, clearances, permits, certifications or authorizations:

"(a) A single or unified business application form shall be used in processing new applications for business permits and business renewals which consolidates all the information of the applicant or requesting party by various local government departments, such as, but not limited to, the local taxes and clearances, building clearance, sanitary permit, zoning clearance, and other specific LGU requirements, as the case may be, including the fire clearance from the Bureau of Fire Protection (BFP). The unified form shall be made available online using technology-neutral platforms such as, but not limited to, the central business portal or the city/municipality's website and various channels for dissemination. Hard copies of the unified forms shall likewise be made available at all times in designated areas of the concerned office and/or agency.

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"(b) A one-stop business facilitation service, hereinafter referred to as the business one stop shop, (BOSS) for the city/municipality's business permitting and licensing system to receive and process manual and/or electronic submission of application for license, clearance, permit, certification or authorization shall be established within the cities/municipalities' *Negosyo Center* as provided for under Republic Act No. 10644, otherwise known as the "Go Negosyo Act". There shall be a queuing mechanism in the BOSS to better manage the flow of applications among the LGUs' departments receiving and processing applications. LGUs shall implement colocation of the offices of the treasury, business permits and licensing office, zoning office, including the BFP, and other relevant city/municipality offices/ departments, among others, engaged in starting a business, dealing with construction permits.

"(c) Cities/Municipalities are mandated to automate their business permitting and licensing system or set up an electronic BOSS within a period of three (3) years upon the effectivity of this Act for a more efficient business registration processes. Cities/Municipalities with electronic BOSS shall develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority, which may be printed by businesses in the convenience of their offices. The DICT shall make available to LGUs the software for the computerization of the business permit and licensing system. The DICT, DTI, and DILG, shall provide technical assistance in the planning and implementation of a computerized or software-enabled business permitting and licensing system.

"(d) To lessen the transaction requirements, other local clearances such as, but not limited to, sanitary permits, environmental and agricultural clearances shall be issued together with the business permit.

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"(e) Business permits shall be valid for a period of one (1) year. The city/municipality may have the option to renew business permits within the first month of the year or on the anniversary date of the issuance of the business permit.

"(f) Barangay clearances and permits related to doing business shall be applied, issued, and collected at the city/municipality in accordance with the prescribed processing time of this Act: *Provided*, That the share in the collections shall be remitted to the respective barangays.

"The pertinent provisions of Republic Act No. 7160, otherwise known as "The Local Government Code of 1991", specifically Article IV, Section 152(c) is hereby amended accordingly."

"SEC. 12. *Streamlined Procedures for Securing Fire Safety Evaluation Clearance (FSEC), Fire Safety Inspection Certificate (FSIC), and Certification of Fire Incidents for Fire Insurance.* - For the issuance of FSEC, FSIC, and certification of fire incidents, the following shall be adopted to make business permitting more efficient:

"(a) Issuance of FSEC and FSIC shall in no case be longer than seven (7) working days;

"(b) For new business permit application, the FSIC already issued during the occupancy permit stage shall be sufficient as basis for the issuance of the FSIC for a business entity as a requirement for the business permit;

"(c) For renewal of business permit, the BFP shall, within three (3) working days from application, present the FSIC to the city/municipality, either thru the copy of the FSIC or the negative/positive list: *Provided*, That the business entity shall inform the BFP and submit the necessary documentary

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requirements if renovations, modifications or any form of alterations are made to the original building structure thirty (30) working days before the expiration of the business permit;

"(d) If the BFP fails to furnish the city/municipality with an FSIC or to inform the same through the negative/positive list within three (3) working days from the application of business renewal, the business entity shall be deemed to have a temporary valid FSIC and, therefore, shall serve as the basis for the automatic renewal of the business permit;

"(e) Issuance of the certification of fire incident for fire insurance purposes shall in no case be longer than twenty (20) working days, and may be extended only once for another twenty (20) working days;

"(f) The BFP or any of its officials or employees shall not sell, offer to sell, or recommend specific brands of fire extinguishers and other fire safety equipment to any applicant or requesting party or business entity. Any violation thereof shall be punishable by imprisonment of one (1) year to six (6) years and a penalty of not less than Five hundred thousand pesos (P500,000.00), but not more than Two million pesos (P2,000,000.00);

"(g) The BFP shall collocate with the BOSS or in an appropriate area designated by the city/municipality within its premises to assess and collect the fire safety inspection fees;

"(h) The BFP may enter into agreements with cities/municipalities, allowing the latter to be deputized as assessors and/or collecting agents for the fire safety inspection fees; and

"(i) The BFP shall develop and adopt an online or electronic mechanism in assessing fees, collecting/

accepting payments and sharing/exchange of other relevant data on business permit processing.

"The pertinent provisions of Republic Act No. 9514, otherwise known as the "Revised Fire Code of the Philippines of 2008", are hereby amended accordingly."

"SEC. 13. *Central Business Portal (CBP)*. - To eliminate bureaucratic red tape, avert graft and corrupt practices and to promote transparency and sustain ease of doing business, the DICT shall be primarily responsible in establishing, operating and maintaining a CBP or other similar technology, as the DICT may prescribe.

"The CBP shall serve as a central system to receive applications and capture application data involving business-related transactions, including primary and secondary licenses, and business clearances, permits, certifications or authorizations issued by the LGUs: *Provided*, That the CBP may also provide links to the online registration or application systems established by NGAs.

"The DICT, upon consultation with the National Privacy Commission (NPC), NGAs and LGUs shall issue rules and guidelines on the following: (a) the establishment, operation and maintenance of the CBP; and (b) the use of electronic signatures.

"The DICT is hereby mandated to implement an Interconnectivity Infrastructure Development Program for interconnectivity between and among NGAs and LGUs.

"The DICT, in coordination with other concerned NGAs and LGUs, shall also conduct information dissemination campaigns aimed towards raising public awareness on the existence of the CBP

and the improved access to and effective utilization of the program."

"SEC. 14. *Philippine Business Databank (PBD)*. - Within a period of one (1) year from the effectivity of this Act, the DICT, in coordination with the concerned agencies, shall establish, manage and maintain a PBD which shall provide the concerned NGAs and LGUs access to data and information of registered business entities for purposes of verifying the validity, existence of and other relevant information pertaining to business entities. All concerned NGAs and LGUs shall either link their own database with the system or periodically submit to the system updates relevant to the information registered with them.

"The DICT, in consultation with the DTI, SEC, Cooperative Development Authority (CDA), NPC, DILG, LGUs, and other concerned agencies, shall issue the IRR on the development, management, operation and maintenance of the PBD within three (3) months from the effectivity of this Act.

"Documents already submitted by an applicant or requesting party to an agency which has access to the PBD shall no longer be required by other NGAs and LGUs having the same access. Documents or information shall be crosschecked and retrieved in the PBD.

"At the local government level, the city or municipal business process and licensing office shall not require the same documents already provided by an applicant or requesting party to the local government departments in connection with other business-related licenses, clearances, permits, certifications or authorizations such as, but not limited to, tax clearance, occupancy permit and barangay clearance."

"SEC. 15. *Interconnectivity Infrastructure Development.* - In order to expedite the processing of licenses, clearances, permits, certifications or authorizations, the Authority, together with the DICT, shall develop a fast and reliable interconnectivity infrastructure. In relation to this, the processing and approval of licenses, clearances, permits, certifications or authorizations for the installation and operation of telecommunication, broadcast towers, facilities, equipment and service shall be:

"(a) a total of seven (7) working days for those issued by the barangay;

"(b) a total of seven (7) working days for those issued by LGUs; and

"(c) seven (7) working days for those issued by NGAs.

"If the granting authority fails to approve or disapprove an application for a license, clearance, permit, certification or authorization within the prescribed processing time, said application shall be deemed approved: *Provided*, That when the approval of the appropriate local legislative body is necessary, a nonextendible period of twenty (20) working days is hereby prescribed.

"For homeowners and other community clearances, the officers of the homeowners association shall be given ten (10) working days to refer the application to the members of the association pursuant to Section 10(k) of Republic Act No. 9904, otherwise known as the "Magna Carta for Homeowners and Homeowners Associations": *Provided*, That a nonextendible period of thirty (30) working days is granted the homeowners association to give its consent or disapproval: *Provided, further*,

That in case of disapproval, the granting authority shall notify the applicant or requesting party within the prescribed period of the reason/s for disapproval as well as remedial measures that may be taken by the applicant or requesting party.

"Within three (3) months upon the approval of the IRR of this Act, the Authority, in coordination with the DICT, shall review and recommend the repeal of outdated, redundant and unnecessary licenses, clearances, permits, certifications or authorizations being required by NGAs, LGUs, and private entities."

"SEC. 16. *Anti-Red Tape Unit in the Civil Service Commission (CSC).* - The CSC shall maintain an anti-red tape unit in its central and all its regional offices, utilize Report Card Survey findings for purposive and integrated government-wide human resource systems and programs toward efficient delivery of government service as contemplated in this Act; and receive, review, hear, and decide on complaints on erring government employees and officials and noncompliance with the provisions of this Act."

"SEC. 17. *Anti-Red Tape Authority.* - To ensure the attainment of the objectives of this Act, there is hereby created the Anti-Red Tape Authority, herein referred to as the Authority, which shall be organized within six (6) months after the effectivity of this Act. The Authority shall be attached to the Office of the President.

"The Authority shall have the following powers and functions:

"(a) Implement and oversee a national policy on anti-red tape and ease of doing business;

"(b) Implement various ease of doing business and anti-red tape reform initiatives aimed at improving the ranking of the Philippines;

"(c) Monitor and evaluate the compliance of agencies covered under Section 3 of this Act, and issue notice of warning to erring and/or noncomplying government employees or officials;

"(d) Initiate investigation, *motu proprio* or upon receipt of a complaint, refer the same to the appropriate agency, or file cases for violations of this Act;

"(e) Assist complainants in filing necessary cases with the CSC, the Ombudsman and other appropriate courts, as the case may be;

"(f) Recommend policies, processes and systems to improve regulatory management to increase the productivity, efficiency, and effectiveness of business permitting and licensing agencies;

"(g) Review proposed major regulations of government agencies, using submitted regulatory impact assessments, subject to proportionality rules to be determined by the Authority;

"(h) Conduct regulatory management training programs to capacitate NGAs and LGUs to comply with sound regulatory management practices;

"(i) Prepare, in consultation with the appropriate agencies, regulatory management manuals for all government agencies and/or instrumentalities and LGUs;

"(j) Provide technical assistance and advisory opinions in the review of proposed national or local legislation, regulations or procedures;

"(k) Ensure the dissemination of and public access to information on regulatory management system and changes in laws and regulations relevant to the public by establishing the Philippine Business Regulations Information System;

"(l) Enlist the assistance of the CSC, DTI and other government agencies in the implementation of its powers and functions provided for in this Act; and

"(m) Perform such acts as may be necessary to attain the objectives of this Act."

"SEC. 48. *Composition of the Authority.* - The Authority shall be headed by a Director General to be appointed by the President of the Philippines upon effectivity of this Act, and such appointment shall be coterminous with the tenure of the President of the Philippines. The Director General shall enjoy the benefits, privileges, and emoluments equivalent to the rank of Secretary.

"The Director General shall oversee the day-to-day operations of the Authority. He/She shall be assisted by three (3) Deputy Directors General each for legal, operations, and administration and finance: *Provided*, That they are career officials as defined in existing laws, rules and regulations. The Deputy Directors General shall enjoy the benefits, privileges, and emoluments equivalent to the rank of Undersecretary and shall likewise be appointed by the President of the Philippines.

"The Director General of the Authority, in consultation with the CSC, DTI and the Department of Budget and Management (DBM), shall determine the organizational structures including regional or field offices, qualification standards, staffing pattern and compensation of the newly created Authority in accordance with existing laws, rules and regulations;

Provided, That in the absence of regional or field offices, the Authority may deputize the regional personnel of the DTI to perform its powers and functions."

"SEC. 19. *Ease of Doing Business and Anti-Red Tape Advisory Council*. - There is hereby created an Ease of Doing Business and Anti-Red Tape Advisory Council, herein referred to as the Council. It shall be composed of the Secretary of the DTI as Chairperson, the Director General of the Authority as Vice-Chairperson, the Secretaries of the DICT, DILG and Department of Finance (DOF), and two (2) representatives from the private sector as members. The department secretaries may designate their representatives, who shall sit in a permanent capacity, with no less than Undersecretary in rank, and their acts shall be considered the acts of their principals. The private sector representatives shall be appointed by the President of the Philippines for a term of three (3) years, and may be reappointed only once, from the nominees submitted by reputable business groups or associations.

"The Council shall be the policy and advisory body to the Authority. The Council shall formulate policies and programs that will continuously enhance and improve the country's competitiveness and ease of doing business. Towards this end, the Council shall have the following powers and functions:

"(a) Plan, draft and propose a national policy on ease of doing business and anti-red tape:

"(b) Recommend policies, processes and systems to improve regulatory management to increase the productivity, efficiency, and effectiveness of permitting and licensing agencies:

"(c) Design and identify systems that will continuously enhance and improve the delivery of

services in government and ease of doing business in the country:

"(d) Authorize the creation or appointment of specific working groups or task forces in aid of the implementation of this Act;

"(e) Propose legislation, amendments or modifications to Philippine laws related to anti-red tape and ease of doing business:

"(f) Periodically review and assess the country's competitiveness performance, challenges, and issues:

"(g) Provide technical assistance and advisory opinions in the review of proposed national or local legislation, regulations, or procedures:

"(h) Recommend to the Authority the issuance of the appropriate measures to promote transparency and efficiency in business practices and delivery of services in government; and

"(i) Perform such other functions as may be necessary or as may be directed by the President of the Philippines for the successful implementation to attain the objectives of this Act.

"The Authority shall serve as Secretariat to the Council to be headed by its Deputy Director General for operations.

"The National Competitiveness Council (NCC), created under Executive Order No. 44, Series of 2011, shall be renamed and reorganized as the Council. The pertinent provisions under the following presidential orders: Executive Order No. 571, Executive Order No. 44, and Administrative Order No. 38 are hereby repealed accordingly."

SEC. 12. Section 10 of the same Act is hereby amended and renumbered as Section 20 to read as follows:

"SEC. 20. *Report Card Survey.* - All offices and agencies providing government services shall be subjected to a Report Card Survey to be initiated by the Authority, in coordination with the CSC, and the Philippine Statistics Authority (PSA), which shall be used to obtain feedback on how provisions in the Citizen's Charter and the provisions of this Act are being followed and how the agency is performing.

"The Report Card Survey shall also be used to obtain information and/or estimates of hidden costs incurred by applicants or requesting parties to access government services which may include, but is not limited to, bribes and payment to fixers. The result of the survey shall also become basis for the grant of awards, recognition and/or incentives for excellent delivery of services in all government agencies.

"A feedback mechanism shall be established in all agencies covered by this Act and the results thereof shall be incorporated in their annual report."

SEC. 13. Sections 11 and 12 of the same Act are hereby deleted, and replaced with new sections to be numbered as Sections 21 and 22, to read as follows:

"SEC. 21. *Violations and Persons Liable.* - Any person who performs or cause the performance of the following acts shall be liable:

"(a) Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;

"(b) Imposition of additional requirements other than those listed in the Citizen's Charter:

"(c) Imposition of additional costs not reflected in the Citizen's Charter;

"(d) Failure to give the applicant or requesting party a written notice on the disapproval of an application or request;

"(e) Failure to render government services within the prescribed processing time on any application or request without due cause;

"(f) Failure to attend to applicants or requesting parties who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;

"(g) Failure or refusal to issue official receipts; and

"(h) Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage."

"SEC. 22. *Penalties and Liabilities.* - Any violations of the preceding actions will warrant the following penalties and liabilities.

"(a) First Offense: Administrative liability with six (6) months suspension: *Provided, however,* That in the case of fixing and/or collusion with fixers under Section 21(h), the penalty and liability under Section 22(b) of this Act shall apply.

"(b) Second Offense: Administrative liability and criminal liability of dismissal from the service, perpetual disqualification from holding public office and forfeiture of retirement benefits and imprisonment of one (1) year to six (6) years with a fine of not less than Five hundred thousand pesos (P500,000.00), but not more than Two million pesos (P2,000,000.00).

"Criminal liability shall also be incurred through the commission of bribery, extortion, or when the violation was done deliberately and maliciously to solicit favor in cash or in kind. In such cases, the pertinent provisions of the Revised Penal Code and other special laws shall apply."

SEC. 14. Section 13 of the same Act is hereby renumbered as Section 23 to read as follows:

"SEC. 23. *Civil and Criminal Liability, Not Barred.* - The finding of administrative liability under this Act shall not be a bar to the filing of criminal, civil or other related charges under existing laws arising from the same act or omission as herein enumerated."

SEC. 15. Section 14 of the same Act is hereby amended and renumbered as Section 24 to read as follows:

"SEC. 24. *Administrative Jurisdiction.* - The administrative jurisdiction on any violation of the provisions of this Act shall be vested in either the CSC, or the Office of the Ombudsman as determined by appropriate laws and issuances."

SEC. 16. Section 15 of the same Act is hereby renumbered as Section 25, and all succeeding sections of the same Act are hereby deleted.

"SEC. 25. *Immunity; Discharge of Co-Respondent/ Accused to be a Witness.* - Any public official or employee or any person having been charged with another offense under this Act and who voluntarily gives information pertaining to an investigation or who willingly testifies therefore, shall be exempt from prosecution in the case/s where his/her information and testimony are given. The discharge may be granted and directed by the investigating body or court upon the application or petition of any of the

respondent/accused-informant and before the termination of the investigation: *Provided, That:*

"(a) There is absolute necessity for the testimony of the respondent/accused-informant whose discharge is requested:

"(b) There is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said respondent/accused-informant;

"(c) The testimony of said respondent/accused-informant can be substantially corroborated in its material points;

"(d) The respondent/accused-informant has not been previously convicted of a crime involving moral turpitude; and

"(e) Said respondent/accused-informant does not appear to be the most guilty.

"Evidence adduced in support of the discharge shall automatically form part of the records of the investigation. Should the investigating body or court deny the motion or request for discharge as a witness, his/her sworn statement shall be inadmissible as evidence."

SEC. 17. New sections to be numbered as Sections 26, 27, 28, 29, 30, 31, 32 and 33 are hereby inserted after Section 15 of the same Act to read as follows:

"SEC. 26. *Transition from Manual to Software-Enabled Business-Related Transactions.* - The DICT, in coordination with other concerned agencies, shall within three (3) years after the effectivity of this Act, automate business-related transactions by developing the necessary software and technology-neutral platforms and secure infrastructure that is web-based and accessible to the public. The DICT

28 shall ensure that all municipalities and provinces classified as third (3rd), fourth (4th), fifth (5th) and sixth (6th) class are provided with appropriate equipment and connectivity, information and communications technology platform, training and capability building to ensure the LGUs compliance with this Act."

"SEC. 27. *Transitory Provisions.* -

"(a) The Director General of the Authority, in consultation with the DTI, shall determine the organizational structure and personnel complement of the Authority. To ensure continued implementation of ease of doing business and anti-red tape reforms, the teams or units involved in regulatory improvement and/or ease of doing business-related programs of the DTI-Competitiveness Bureau shall serve as temporary secretariat of the Authority until such time that its organizational structure and personnel complement have been determined and filled up: *Provided*, That the staff of the DTI-Competitiveness Bureau shall have the option to be absorbed or transferred laterally to the Authority without diminution of their rank, position, salaries and other emoluments once the staffing pattern and plantilla position of the Authority has been approved.

"(b) All regulatory management programs and anti-red tape initiatives across government agencies shall be gathered by the Authority. The DTI, CDA, NCC, DOF, Development Academy of the Philippines (DAP), and National Economic and Development Authority (NEDA) shall submit to the Authority a report on the status of their respective projects related to regulatory management.

"(c) The Authority, in coordination with CSC and the Council, shall conduct an information dissemination campaign in all NGAs and LGUs to

29 inform them of this Act amending Republic Act No. 9485, otherwise known as the Anti-Red Tape Act of 2007."

"SEC. 28. *Congressional Oversight Committee.* - To monitor the implementation of this Act, there shall be created a Congressional Oversight Committee on Ease of Doing Business (COC-EODB), to be composed of five (5) members from the Senate, which shall include the Chairpersons of the Senate Committees on Trade and Commerce and Entrepreneurship, Civil Service, Government Reorganization and Professional Regulation, and Economic Affairs; and five (5) members from the House of Representatives which shall include the Chairpersons of the House Committees on Trade and Industry, Civil Service and Professional Regulation, Government Reorganization, and Economic Affairs. The COC-EODB shall be jointly chaired by the Chairpersons of the Senate Committee on Trade and Commerce and Entrepreneurship and the House of Representatives Committee on Trade and Industry: *Provided*, That the oversight committee shall cease to exist after five (5) years upon the effectivity of this Act.

"The Secretariat of the COC-EODB shall be drawn from the existing personnel of the Senate and House of Representatives committees comprising the COC-EODB."

"SEC. 29. *Appropriations.* - The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the concerned agencies. In addition, the amount of Three hundred million pesos (P300,000,000.00) as initial funding for the Authority to be charged against the unexpended Contingency Fund of the Office of the President is hereby appropriated. Thereafter, the amount needed for the

implementation of this Act shall be included in the annual General Appropriations Act."

"SEC. 30. *Implementing Rules and Regulations.*

- The Authority with the CSC and DTI, and in coordination with the DICT, DOF, DILG, NEDA, PSA, CDA, SEC, the Office of the Ombudsman, Housing and Land Use Regulatory Board (HLURB) and the Union of Local Authorities of the Philippines (ULAP), shall promulgate the necessary rules and regulations within ninety (90) working days from the effectivity of this Act."

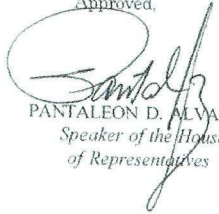
"SEC. 31. *Separability Clause.* - If any provision of this Act shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this Act."

"SEC. 32. *Repealing Clause.* - All provisions of laws, presidential decrees, letters of instruction and other presidential issuances which are incompatible or inconsistent with the provisions of this Act are hereby deemed amended or repealed accordingly."

"SEC. 33. *Effectivity.* - This Act shall take effect within fifteen (15) days following its publication in the *Official Gazette* or in two (2) national newspapers of general circulation."

SEC. 18. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.


Approved,


PANTALEON D. ALVAREZ
Speaker of the House
of Representatives


AQUILINO "KOKO" PIMENTEL III
President of the Senate

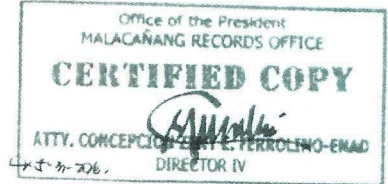
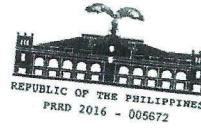
This Act which is a consolidation of Senate Bill No. 1311 and House Bill No. 6579 was finally passed by the Senate and the House of Representatives on February 21, 2018 and February 27, 2018, respectively.


CESAR STRAIT PAREJA
Secretary General
House of Representatives


LUTGARDO B. BARBO
Secretary of the Senate

Approved: MAY 28 2018


RODRIGO ROA DUTERTE
President of the Philippines



Memorandum Circular (MC)	DATE: 04 January 2021 DOCUMENT NO.: SECURITY CLASSIFICATION:
FOR: THE GENERAL MANAGER	SUBJECT: MC RE: MIAA IMPLEMENTING GUIDELINES FOR RA 11032 "EASE OF DOING BUSINESS" (EODB)
FROM: SAGM	

REFERENCES:

1. RA 11032 Ease of Doing Business and Efficient Government Service Delivery Act of 2018, (TAB A)
2. MC No. 7 Committee on ARTA (TAB B)

SUMMARY:

3. On 28 May 2018, the President signed into law the Republic Act No. 11032, otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, amending the Anti-Red Tape Act of 2007 in simplifying government transaction to make processes easy to follow and understand.
4. The ARTA Authority, in compliance to RA11032 released MC No. 2019-002, dated August 13, 2019, entitled "Guidelines on the Implementation of the Citizen's Charter in Compliance to RA 11032", to provide pertinent information and instruction in developing and revising the Citizen's Charter. The latest revision of our Citizen's Charter was acknowledged by the Compliance Monitoring and Evaluation Office on August 06, 2020.
5. However, the revision of the Citizen's Charter is a continual process, the ARTA Authority released MC No. 07 series of 2020 as guidelines on the designation of a committee to ensure that an updated Citizen's Charter, should there be any change, is posted not later than March 31st of each year. Thus, the creation of the Committee on Anti-Red Tape –MIAA (CART-MIAA) through Office Order No. 101, s.2020, dated 16 November 2020.
6. Further, IATF Memorandum Circular No. 2019-01, dated September 3, 2019, entitled "Guidelines on the Grant of the Performance-Based Bonus (PBB) for Fiscal Year (FY) 2019" and other earlier issuances require the streamlining of processes for the grant of incentives.
7. Thus, the Management, in coordination with CART-MIAA, held several meetings and through joined efforts, has finally drafted the above-mentioned MC to ensure that the Authority shall comply with all the requirements of RA 11032 and its IRR.

RECOMMENDATION:

8. For approval/signature of the GM on the MC (TAB C)

COORDINATION:

[Signature] 01/11/2021
ATTY. LEONIDES F. CRUZ
 OIC, Legal Office



[Signature]
ELENITA M. FERNANDO
 Senior Assistant General Manager

105 JAN 2021