



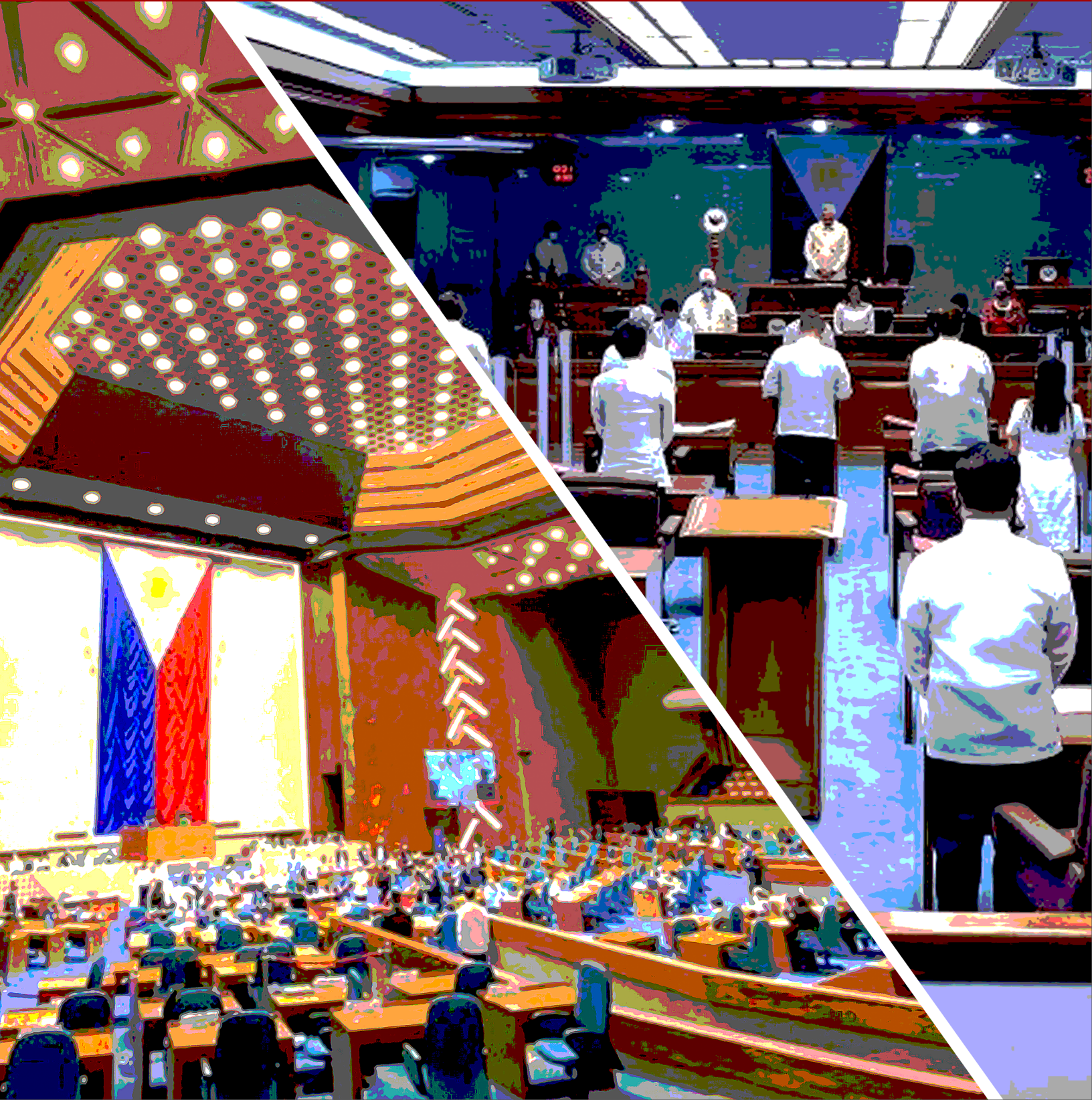
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A POLICY BRIEF ON LEGISLATION

I. INTRODUCTION

The first Arangkada Philippines Legislation policy brief was released in September of 2013, in the middle of former President Benigno S. Aquino 3rd's term and in the first year of the 16th Congress.¹ In it we wrote the following about legislation in the Philippines: the country has both well-crafted laws copied by others and badly outdated ones that need to be amended or repealed; the country's bicameral system, which requires deliberation, approval, reconciliation of differences, and separate ratification by both Houses of Congress before presidential enactment, is not designed to legislate rapidly; and bills can both stall for many years in successive Congresses or, occasionally, move through Congress in a surprisingly short period.

We also emphasized that it is not always certain that bills approved by the House and Senate become law, as there remains the prospect that the President will veto a bill rather than sign it into law. In the case of appropriation, revenue, or tariff bills, the President may also veto specific provisions in the bill before signing it.

In 2022, as we transitioned from 18th Congress and the administration of President Rodrigo Duterte to the 19th Congress and the administration of President Ferdinand Marcos Jr., much of what was written in 2013 remains true.



Cover of 2013 Arangkada Philippines Legislation Policy Brief

Perhaps nothing better encapsulates legislation in the Philippines than the Corporate Recovery and Tax Incentives for Enterprises Act or otherwise known as the CREATE law (RA 11534). Comprehensive reform of investment incentives, as intended by CREATE, was first proposed in the early 1990s. The process was not smooth sailing, however, because of the complex nature of the measure and the strong opinions it received from stakeholders who believed that CREATE would negatively impact various

¹ The 2013 Arangkada Philippines Legislation Policy brief can be accessed at: http://www.investphilippines.info/arangkada/wp-content/uploads/2015/09/Legislation_Policy_Brief_PDF.pdf

sectors of the Philippine economy. It took nearly two decades of protracted negotiations, give-and-take between the Executive branch, Congress, and the private sector, and line-item vetoes from the President for the law to be finally passed. The fact that the Duterte administration was strongly committed to pursuing fiscal reforms also gave CREATE a much-needed boost.

At the opposite end of the spectrum, we have the Bayanihan to Heal as One Act or Bayanihan 1 (RA 11469), which was crafted by Congress in response to the global declaration of the COVID-19 pandemic. This bill was deliberated on, approved, and signed into law in just three days.

The case of Bayanihan 1 is a rare occurrence. In general, it can be considered an achievement if an important reform measure is first proposed, approved, and enacted within the 3-year span of a Congress. Far more often do we see cases similar to CREATE, where a measure is repeatedly proposed in multiple Congresses before it is sufficiently debated on, prioritized, or refined.

This second edition of the Arangkada Legislation Policy Brief aims to survey the progress of business and economic reform legislation by the end of the 18th Congress and provide an evolving list of important proposed reform measures to guide Congress and private sector advocates in the 19th Congress and beyond.



PBG-JFC meeting with former House Speaker Alan Peter Cayetano and House leaders, September 30, 2019

II. INVESTMENT CLIMATE LEGISLATION 2013-2022

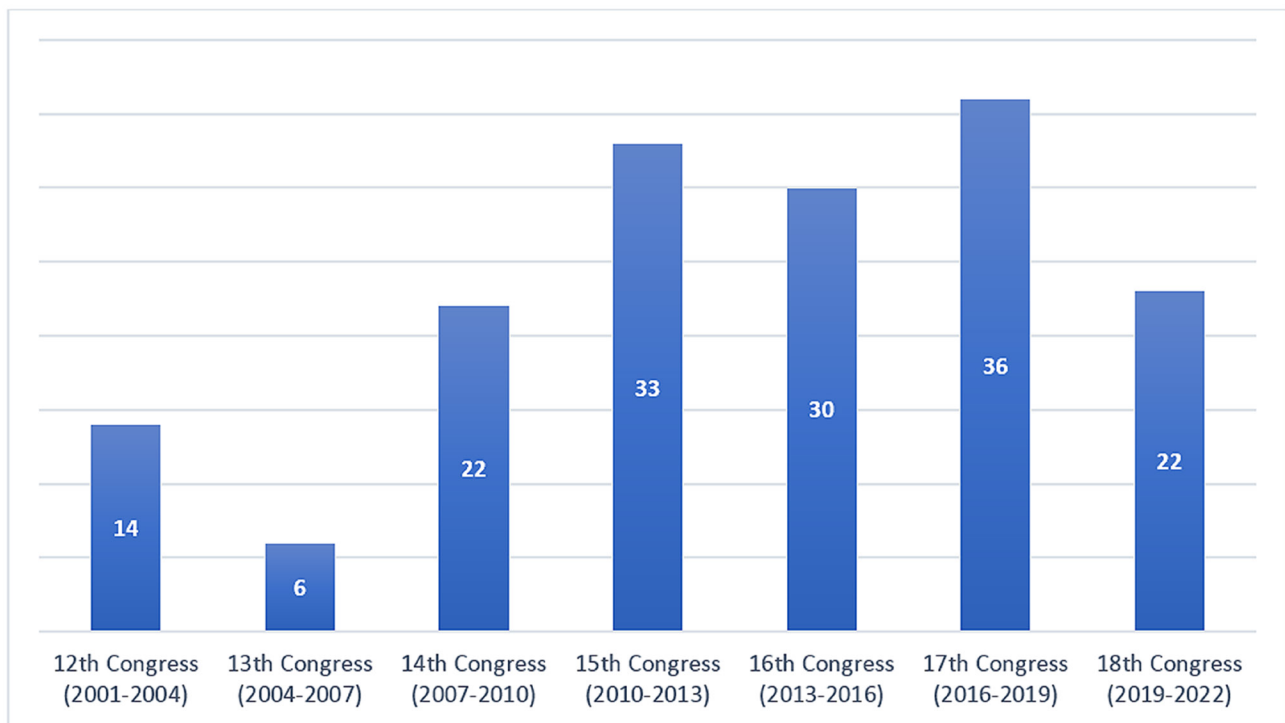
In 2013, we noted the increased pace of enactment and amendment of business and economic reform laws as of the 15th Congress and expressed optimism for the continued hastening of this pace in succeeding congresses. A look at the business and economic reform laws from the 12th to the 18th Congress would show that this optimism was well-founded.

More than 30 business and economic reform laws were passed in every Congress from

the 15th to 17th Congress, compared to the 14, 6, and 22 passed from the 12th to 14th Congress, respectively.

While the 22 reform laws enacted in the 18th Congress failed to reach the 30-reform threshold achieved by the past three Congresses, it did include, among others, long-awaited, game-changing economic liberalization laws: the amendments to the 2000 Retail Trade Liberalization Act, 1991 Foreign Investments Act, and the 1935 Public Service Act; the notoriously difficult to pass fiscal rationalization under CREATE; and laws to develop the electric vehicles and creative industries sectors of the country.

Figure 1. Business and Economic Reform Laws enacted, 12th to 18th Congress



As of August 12, 2022. For the full list of laws, see Annex 1.

Source: TAPP Research

Table 1. Reform laws enacted, 18th Congress

| | Laws | Law No. | Date Enacted |
|----|---|----------|--------------|
| 1 | Salary Standardization Law | RA 11466 | 8-Jan-20 |
| 2 | Amended Excise Tax Law on Alcohol, E-cigarettes | RA 11467 | 22-Jan-20 |
| 3 | Bayanihan to Heal as One Act/Emergency Powers law to address COVID-19 situation | RA 11469 | 23-Mar-20 |
| 4 | Bayanihan to Recover as One | RA 11494 | 11-Sep-20 |
| 5 | Streamlining Government Services in Times of National Emergency | RA 11517 | 23-Dec-20 |
| 6 | Anti-money Laundering Act amendments | RA 11521 | 29-Jan-21 |
| 7 | Financial Institution Strategic Transfer Act | RA 11523 | 16-Feb-21 |
| 8 | Coconut Farmers and Industry Trust Fund | RA 11524 | 26-Feb-21 |
| 9 | Corporate Recovery and Tax Incentives for Enterprises Act (CREATE) | RA 11534 | 26-Mar-21 |
| 10 | Energy Research and Policy Institute Act | RA 11572 | 30-Jul-21 |
| 11 | Improving Confirmation Process of Imperfect Land Titles | RA 11573 | 16-Jul-21 |
| 12 | Expanding the Jurisdiction of Municipal and Metropolitan Trial Courts | RA 11576 | 30-Jul-21 |

| | Laws | Law No. | Date Enacted |
|----|---|----------|--------------|
| 13 | Retail Trade Liberalization Act amendments | RA 11595 | 10-Dec-21 |
| 14 | Microgrid Systems Act | RA 11646 | 21-Jan-22 |
| 15 | Foreign Investments Act amendments | RA 11647 | 2-Mar-22 |
| 16 | Public Service Act amendments | RA 11659 | 21-Mar-22 |
| 17 | Electric Vehicle Industry Development Act | RA 11697 | 15-Apr-22 |
| 18 | Financial Products and Services Consumer Protection Act | RA 11765 | 6-May-22 |
| 19 | Extended Producer Responsibility Act | RA 11898 | 23-Jul-22 |
| 20 | Agriculture, Fisheries, and Rural Development Financing Enhancement Act | RA 11901 | 28-Jul-22 |
| 21 | Creative Industries Development Act | RA 11904 | 28-Jul-22 |
| 22 | Digital Workforce Competitiveness Act | RA 11927 | 30-Jul-22 |

As of August 12, 2022
Source: TAPP research

Box 1. Public Service Act amendments (RA 11659)

RA 11659, which amends the 1935 Public Service Act, is a major economic reform that should result in much improved rankings of the Philippines for openness to foreign investment and much higher levels of FDI in the newly liberalized public services. Among key provisions of the law are the following:

- Provides a clear definition of public utility and identifies specific sectors which will be classified as public utilities. Prior to RA 11659, there was no definition in either the Constitution or current laws for 'public utility.' As a result, the constitutional restriction on foreign ownership of public utilities was applied to the broader category of public services enumerated in the 1935 PSA.



Ceremonial presentation by Former President Rodrigo Duterte of the signed RA 11647 (Foreign Investments Act amendments) and RA 11659 (Public Service Act amendments) to ECCP President Lars Wittig representing the Joint Foreign Chambers of the Philippines, March 21, 2022

- Classifies the following as public utilities still subject to the 60-40 restriction on foreign ownership under the Constitution:
 1. Distribution of electricity
 2. Transmission of electricity
 3. Petroleum and petroleum products pipeline systems
 4. Water pipeline distribution systems and wastewater pipeline systems, including sewerage pipeline systems
 5. Seaports
 6. Public utility vehicles (Defined as internal combustion engine vehicles that carry passengers and/or domestic cargo for a fee, offering services to the public, namely trucks-for-hire, UV express service, public utility buses, tricycles, filcabs, and taxis. Transport vehicles accredited with and operating through transport network corporations shall not be considered as PUVs)
- All concessionaires, joint ventures and other similar entities, and other similar entities that wholly operate, manage, or control for public use sectors classified as public utilities are also considered public utilities.
- The list of public utilities does not include airlines, airports, airport services, canals, domestic shipping, railways, subways, telecommunications, and tollways/expressways. These sectors, along with other public services, are now open to 100 percent foreign ownership.
- Telecommunications is explicitly classified as critical infrastructure. Other services may be declared as critical infrastructure by the president.
- Entities controlled by or acting on behalf of a foreign government or foreign state-owned enterprises (SOEs) are prohibited from owning capital in any public service classified as public utility or critical infrastructure. Foreign SOEs that own capital prior to the effectivity of the law are prohibited from investing in additional capital upon the effectivity of the law. Sovereign wealth funds and independent pension funds may collectively own up to 30 percent of capital in such public services.
- The president, after review, evaluation, and recommendation of the relevant government department or administrative agency may suspend or prohibit any proposed merger or acquisition transaction or any investment in a public service that results in the grant of control to a foreigner or foreign corporation within 60 days from the receipt of such recommendation.
- A relatively more liberal reciprocity clause compared to other laws (“Reciprocity may be satisfied by according rights of similar value in other economic sectors” based on rules to be promulgated by the National Economic and Development Authority.)

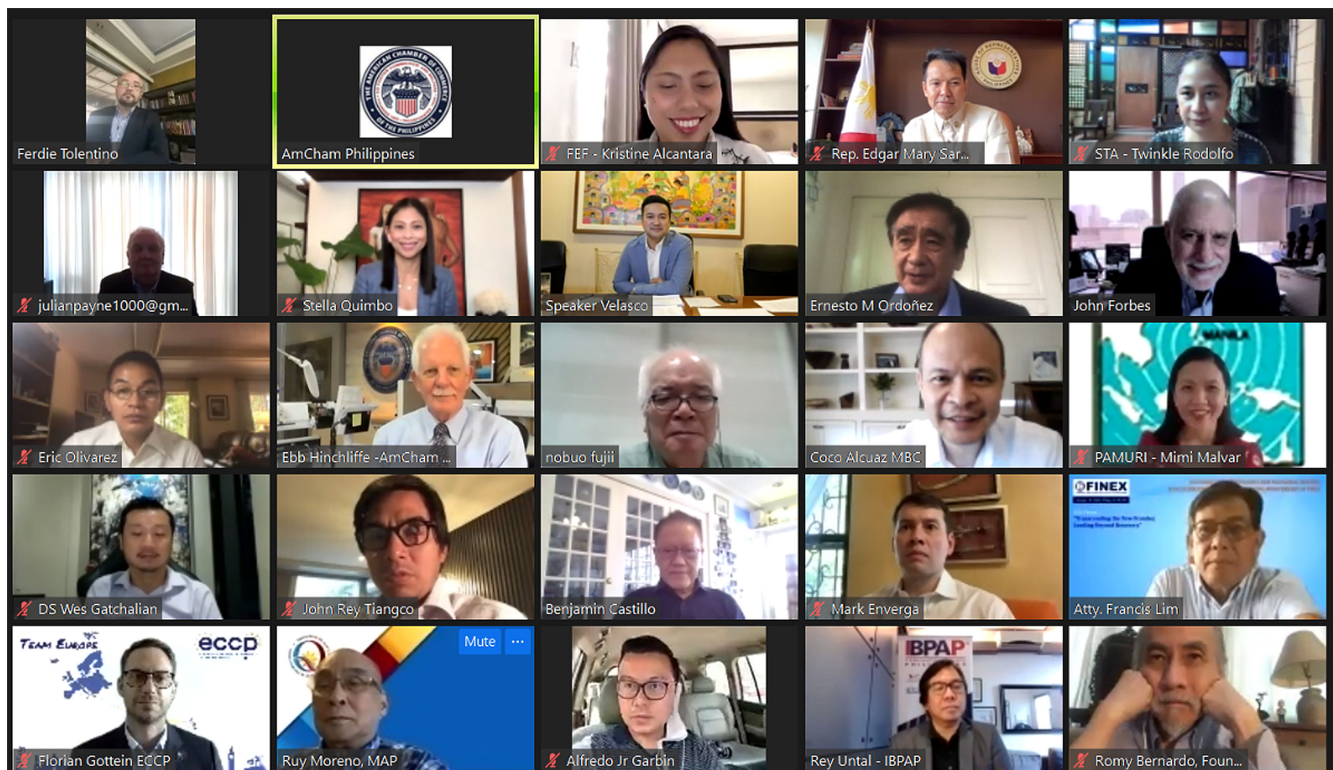
III. ADVOCACY IN THE 18TH CONGRESS

The private sector’s engagement with Congress is an important part of the legislative process. Individuals and groups who are concerned or impacted by legislation often get invited by Congress to speak at hearings and/or submit their position on the numerous bills that are filed and heard by the House and Senate. Private sector groups also frequently engage with legislators and members of the Executive through separate meetings, communications, and other advocacy activities.

This engagement is, of course, not limited to advocating for the passage of favorable reform measures. It also entails cautioning against bills, or against specific provisions in

bills, which would be inimical to business and the economy. Examples of these types of bills include the declaration of new non-working holidays, mining-free zones, and regressive labor laws. We noted in our first policy brief that these revenue and market-inimical bills often advanced in the House, with the Senate acting more conservatively.

Since 2010, the Joint Foreign Chambers of the Philippines (JFC) and Philippine business groups (PBGs) have jointly submitted a list of priority reform measures for the consideration of the House, Senate, and the Executive at the start of every Congress. These are measures that the JFC and PBGs believe will generate substantial impact in achieving inclusive growth through job generation, poverty reduction, and global competitiveness. The list is the result of consultation among the JFC and PBGs. It also informs the advocacy



PBG-JFC online meeting with former House Speaker Lord Allan Velasco and House leaders, March 4, 2021

activities the groups engage in throughout the 3-year period of a Congress.

In the 18th Congress, the seven members of the JFC and nine PBGs² advocated for 32 reforms. This includes an initial list of 28 measures submitted to President Duterte and the leadership of the House and Senate in 2019 and four additional measures added to the PBG-JFC priority list in 2021. Of these 32 reforms, eight were enacted, one was vetoed, and seven were passed on 3rd reading in at least one chamber of Congress.

The eight enacted laws represent a significant success for the PBG-JFC coalition. In addition, it is also important to note that bills approved in either House of Congress but have not been signed into law may be considered “low-hanging fruits” in the next Congress. These bills typically have a higher probability of being enacted early in the succeeding Congress due to the presumed extensive deliberation or refinement that went into their approval.

In fact, under its rules, the House allows identified priority bills or resolutions approved on 3rd reading to be approved in the immediately preceding Congress by the House Committee to which the measure was referred after only one Committee hearing. Senate Committees, likewise, occasionally take a similar course of action with certain measures.

Of course, it should be acknowledged that a reform advocacy does not end with just the enactment of law. It is also imperative to conduct a periodic review of laws and its implementation after enough time has passed. After all, the immense effort it takes to enact significant reforms would be put to waste if the same effort is not put into the execution of such reforms.

Table 2. Priority Bills of the Joint Foreign Chambers and Philippine Business Groups in the 18th Congress

| Enacted into Law | |
|--------------------------------------|---|
| 1 | Amended Excise Tax Law on Alcohol, E-cigarettes |
| 2 | Corporate Recovery and Tax Incentives for Enterprises Act (CREATE) |
| 3 | Retail Trade Liberalization Act amendments |
| 4 | Foreign Investments Act amendments |
| 5 | Public Service Act amendments |
| 6 | Electric Vehicle Industry Development Act |
| 7 | Agriculture, Fisheries, and Rural Development Financing Enhancement Act |
| 8 | Creative Industries Development Act |
| Vetoed | |
| 1 | Philippine Transportation Safety Board creation |
| Approved on 3rd reading in the House | |
| 1 | Department of Disaster Resilience creation |
| 2 | Ease of Paying Taxes |
| 3 | Foreign equity restriction amendments to the Constitution |
| 4 | Open Access in Data Transmission Act |
| 5 | Promotion of Digital Payments |

² Alyansa Agrikultura; American Chamber of Commerce of the Phils., Inc.; Australian-New Zealand Chamber of Commerce (Phils.), Inc. ; Bankers Association of the Philippines; Canadian Chamber of Commerce of the Phils., Inc.; European Chamber of Commerce of the Phils., Inc.; The Federation of Filipino-Chinese Chambers of Commerce and Industry, Inc.; Financial Executives Institute of the Philippines; Foundation for Economic Freedom; IT and Business Process Association of the Philippines; Japanese Chamber of Commerce and Industry of the Phils., Inc.; Korean Chamber of Commerce of the Phils., Inc.; Makati Business Club; Management Association of the Philippines; Philippine Association of Multinational Companies Regional Headquarters, Inc.; Semiconductors Electronics Industries in the Philippines, Inc.

| Enacted into Law | |
|----------------------|--|
| 6 | Tax Reform Package 3: Property Valuation and Assessment |
| 7 | Tax Reform Package 4: Capital Income and Financial Taxes |
| Other Priority Bills | |
| 1 | Apprenticeship Program Reform |
| 2 | Build Operate Transfer Law amendments |
| 3 | CA 541 amendments |
| 4 | CAAP Act amendments |
| 5 | Farm Entrepreneurship Act |
| 6 | Freedom of Information Act |
| 7 | Holiday Rationalization Act |
| 8 | National Land Use Act |
| 9 | National Traffic and Congestion Crisis Act |
| 10 | PEZA Act amendments |
| 11 | Philippine Airports Authority Act |
| 12 | Philippine Contractors Accreditation Board amendments |
| 13 | PhilPorts Act (PPA Charter amendments) |
| 14 | Secrecy of Bank Deposits Law amendments |
| 15 | Water Department Act |
| 16 | Water Regulatory Commission Act |

IV. LEGISLATIVE ADVOCACIES FOR THE 19TH CONGRESS AND BEYOND

In the following sub-sections, we list and provide short descriptions of reforms that select members of the Philippine business community support and would like to see enacted to bring in more investment and job creation and improve the economy in general. It also includes measures that



President Ferdinand Marcos Jr. in his first State of the Nation Address.

Source: Radio Television Malacañang

business would caution Congress to carefully reconsider.

A. Joint Foreign Chambers and Philippine Business Groups' priority bills for the 19th Congress

As has been done since 2010, the JFC and its partner PBGs³ voted on an initial list of priority bills after a series of roundtable discussions among foreign chambers, Philippine business groups, government officials, and policy experts. This following list of priorities will guide the PBG-JFC in its advocacy activities through the three years of the 19th Congress. Additional measures may also be added to the list over the course of the current Congress.

1. Liberalization of foreign equity restrictions in the Constitution

Amendment is sought to the economic provisions of the Constitution to remove foreign equity restrictions.

³ American Chamber of Commerce of the Phils., Inc.; Australian-New Zealand Chamber of Commerce (Phils.), Inc. ; Canadian Chamber of Commerce of the Phils., Inc.; European Chamber of Commerce of the Phils., Inc.; Financial Executives Institute of the Philippines; IT and Business Process Association of the Philippines; Japanese Chamber of Commerce and Industry of the Phils., Inc.; Korean Chamber of Commerce of the Phils., Inc.; Makati Business Club; Management Association of the Philippines; Philippine Association of Multinational Companies Regional Headquarters, Inc.; Semiconductors Electronics Industries in the Philippines, Inc.

Box 2. 10 Lessons Learned from Arangkada Advocacy Activities

The following lessons guide the advocacy activities of Arangkada Philippines as compiled by Arangkada Senior Legislative Consultant Atty. Armie Evardone:

1. Amending laws takes several Congresses after original law is enacted. (i.e. in the case of the RTLA, it has taken 67 years [46+21])
2. Private sector can initiate filing of bills or amendments through drafting of amendatory legislation and finding champions for the bill. It is recommended that the chairperson of relevant committee be considered as main champion for the bill. Chairperson would be best person to shepherd bill to passage. Otherwise, legislators with similar/related legislative agenda can be approached.
3. Advocacy for filing of bills, whether original or amendatory, should be initiated simultaneously in both houses--Legislative Branch being bicameral. Otherwise, legislation can only pass in one chamber and be left unacted in the other chamber or time may not be enough in one Congress to pass the measure in both houses, if done sequentially.
4. Advocacy for legislation should be done throughout entire legislative process--starting from drafting/filing of bill, participation in public hearings, submitting comments/proposed amendments for consideration in plenary and bicameral deliberation and until bill gets to the president's desk, if veto of bill has to be recommended.
5. Advocacy in House and Senate, at any stage of legislative process, may be done through letters. Meetings with committee chair and/or legislative staff and interested legislators may be advisable.
6. Press statements on the bill can be released at any stage of legislative process for various reasons: to announce recent status of bill, to explain advocates' position on bill, to react on comments by other stakeholders, to urge further action on the measure, etc.
7. It is recommended that submissions to Congress include comments on the bill (i.e. effects of the legislation) and specific language on proposed amendments, including its rationale.
8. Advocacy for legislation in Legislative Branch should be complemented with advocacy in Executive Branch. It is crucial to obtain position of the concerned department and, conversely, relay to them advocates' position on the bill. This can be done by sending letters to and/or meeting with Executive Branch, holding RTDs on bill with representatives from Legislative and Executive branches and stakeholders, including media.
9. Advocacy should aim for bill to be included among LEDAC priority bills, President's Legislative Agenda, mentioned in SONA and/or certified as urgent for immediate enactment.
10. Last but not least, monitoring the status of bill in both houses is crucial. Follow-on action needed on a measure would depend on its status.

2. Open Access in Data Transmission

Seeks to lower barriers and cost to entry for data service providers and promotes sharing of infrastructure and efficient use of resources.

3. Ease of Paying Taxes Act

Seeks to simplify and modernize tax administration to increase tax compliance. Among the bill's provisions are the institutionalization of a simplified process of filing tax returns for small taxpayers; the introduction of a medium taxpayer classification and a corresponding BIR special

unit; and the removal of venue restrictions in the filing of returns and payment of taxes.

4. Promotion of Digital Payments

Mandates the use of "safe and efficient" digital or electronic mode of payments by all national government agencies, government-owned and controlled corporations, and local government units.

5. CREATE and PEZA Act Amendments for Hybrid/Flexible Work Schedules

Amendments are sought to allow locators greater flexibility in setting work from home arrangements.

6. Freedom of Information Act

Provides the parameters and mechanisms for the citizens' access to information in all government offices.

7. Property Valuation and Assessment Reform

Seeks to introduce reforms to promote the development of a just, equitable, and efficient real property valuation system.

8. Passive Income and Financial Intermediary Taxation Act

Seeks to simplify the taxation of passive income, financial services and transactions; harmonize the tax rates on interest, dividends and capital gains, and the business taxes imposed on financial intermediaries; and rationalize the documentary stamp tax on financial transactions to lessen friction cost and enhance taxpayer compliance.

9. Build-Operate-Transfer Law amendments / PPP Act

Makes public-private partnership a policy of the Philippine government for infrastructure development; upholds competitive bidding as the core of government procurement policy; discourages the practice of unsolicited bids and negotiated contracts except for infrequent cases; and strengthens the institutional capacity within existing agencies.

10. Secrecy of Bank Deposits Law amendments

Amends the Secrecy of Bank Deposits Law (RA 1405) to provide an exception that allows the BSP, while acting in the course of its supervisory powers, to examine, inquire, or look into deposits under certain conditions related to unlawful activities.

11. National Unemployment Insurance

Institutionalizes a National Unemployment Insurance Program, which provides temporary unemployment benefits to protect individuals from the risk of substantial income loss and consumption reduction caused by job loss—at no fault to the worker—while they look for new employment opportunities.

12. Department of Disaster Resilience

Creates a Department of Disaster Resilience, which will lead the planning, coordination, monitoring, oversight, and implementation of disaster risk and vulnerability reduction and management.

13. E-Commerce Act amendments

Updates the Electronic Commerce Act to align it with treaty obligations and international best practices, particularly on legal recognition of electronic signatures; formation and validity of electronic contracts; error on electronic communication or electronic document; and the time and place of dispatch and receipt of electronic communications and documents.

14. Pandemic Protection Act

Aims to adopt efficient and effective measures that will prevent the overburdening of the healthcare system; develop the healthcare and manufacturing industries; preserve and generate employment opportunities during pandemic; ensure adequate and readily available supply of critical products and services to health workers and public; protect the interest of the consumers and establish standards of conduct for business and industry; and build strong partnership with the private sector and other relevant sectors.

15. Holiday Rationalization Act

Rationalizes the number of non-working holidays to reduce business cost and make it comparable to neighboring countries in the Association of Southeast Asian Nations.

16. Philippine Airports Authority Act

Creates a Philippine Airports Authority, which will handle the regulation and operation of all airports.

17. Philippine Ports Authority (PPA) Charter amendments

Amendment is sought to transfer PPA-operated ports to a separate public sector entity.

18. Intellectual Property (IP) Code amendments

Updates and modernizes the IP code to comply with treaty obligations and adopt international best practices.

19. Philippine Pension System Portability and Strengthening

Strengthen the Philippine pension system and improve its portability to allow employees to grow their pension fund even if they change employers.

20. Apprenticeship Program Reform

Further amends the current apprenticeship program to make it more attractive to both enterprises and the prospective apprentices.

21. Agricultural Lands Ownership Easing Act

Increases landholding ceiling on agricultural land from 5 hectares to 24 hectares and eases restrictions and rationalizes the process on agricultural land transactions.

22. Commonwealth Act 138 (Flag Act) repeal

Repeal is sought to remove the 15 percent domestic preference in awarding contracts for construction or repair of public works.

23. International Maritime Trade Competitiveness Act

Strengthens the oversight functions of government agencies over the imposition of shipping charges by international shipping lines and institutionalizes mechanisms for the efficient movement of goods.

24. Satellite-based Technologies Promotion Act

Eases regulatory requirements for the use of satellite-based internet technologies to connect unserved and underserved communities.

Other reform bills

There are bills that do not appear in the PBG-JFC priority list because of the variations in the business community's prioritization of reform measures. Moreover, there are instances where certain measures become more significant in the middle of a Congress, as was the case with the various response measures to the COVID-19 pandemic.

The following are reform measures that, while not indicated in the current PBG-JFC list for the 19th Congress, are equally important bills that should be advocated for in the current Congress and beyond.

1. Better Internet Act

Requires internet service providers (ISPs) to expand their coverage and set a minimum connection speed. Under the bill, the National Telecommunications Commission (NTC) shall require ISPs and telecommunication to "extend and expand the service coverage of fixed and mobile internet in all unserved and underserved areas in the Philippines within

three years”, which would be determined by the Department of Information and Communications Technology. It also proposes speed thresholds for the services delivered by the telcos and ISPs.

2. **Capital Market Development Act**

Seeks to widen the country’s institutional investor base through the establishment of a fully-funded, portable, and more actuarially fair and stable private retirement and pension system.

3. **Civil Aviation Authority of the Philippines (CAAP) Act amendments**

Addresses the deficiencies in the supervision and management of the Philippine civil aviation industry and to strengthen CAAP as an agency. Significant amendments in the bill include increasing the term of the director general to seven years; exemption of CAAP from the salary standardization law; and enhanced fiscal autonomy.

4. **Critical Information Infrastructure Protection Act**

Introduces a framework for protecting and promoting cybersecurity through the creation of a cybersecurity body, development of national cybersecurity plan, creation of a Computer Emergency Response Team, and investment in capacity development.

5. **Department of Water**

Creates a Department of Water and rationalizes numerous water institutions in order to ensure efficient management of water resources.

6. **E-government Act**

Enhances the access to and delivery of government services. The use of internet and information technology will support government operations, engage citizens, and

provide public services in a more efficient and transparent manner.

7. **Forest Land Cadastral Act**

Establishes a forest cadaster, which provides comprehensive and accurate data on forest resources and relevant information for future investment and development activities. It also enables stakeholders to make informed decisions on sustainable use, management, and/or regulation of forest resources; creates forest blocks and compartments needed for efficient management of forest land parcels; makes information on forest lands publicly available and accessible; and provides the rules on the conduct and approval of surveys.

8. **Government Financial Institutions Unified Initiatives to Distressed Enterprises for Economic Recovery (GUIDE)**

Another pandemic response bill which mandates government financial institutions to provide assistance to micro, small, and medium enterprises and strategically important companies through loan assistance and loan guarantee programs. It also seeks to strengthen their capacity to implement the said programs by infusing additional capital and by granting certain regulatory exemptions.

9. **Government Procurement Reform Act amendments (repeal of the Flag Act)**

Amendment is sought to remove the 15 percent preference for Filipinos and Americans in awarding contracts for construction or repair of public works.

10. **Internet Transactions Act**

Seeks to establish an e-Commerce Bureau that will focus on promoting

the development of e-commerce in the country by building trust between sellers and consumers; promoting stronger online consumer protection; safer e-payment gateways; easier online business registration; and formulating other policies and programs to increase the number of online merchants and consumers.

11. Midstream Natural Gas Industry Act

Seeks to develop the country's midstream natural gas industry by allowing private sector participation across the entire value chain; providing flexibility to the government to adapt to evolving market conditions; and ensuring protection of consumers' interest through transparency, competition, and disincentivizing anticompetitive behavior.

12. National Land Use Act

Harmonizes sector-spatial land use policies and addresses competing uses of limited land resources, such as those for food security, settlements, development, industry development, and environmental protection.

13. National Quality Infrastructure

Seeks to provide a sound and effective National Quality Infrastructure that allows the development and compliance with increasing quality requirements and that can support the national authorities in their mandates for consumer protection, free trade, environmental protection, and other societal objectives from a technical point of view.

14. Philippine Competition Act amendments

Enhances the Philippine Competition Commissions (PCC) ability to enforce its mandate and seeks to allow the PCC to focus its resources toward competition enforcement by shifting to

a voluntary merger review regime. The bill also seeks to legislate principles of the national competition policy to ensure that competition considerations are included in the formulation and deliberation of government policies.

15. Rice and Corn Trade Act amendments

Amendment is sought to delete the requirement mandating foreigners engaged in the rice and corn industry to divest at least 60 percent of their equity to Filipino citizens after a time period set by the National Food Authority.

16. Spectrum Management Act

Introduces transparency, equity, and competition in radio spectrum management through the creation of a consultative committee that can advise on spectrum assignment; the formulation of a spectrum management plan; the conduct of spectrum audits by the NTC; and the conduct of competitive bidding, among others.

17. Tree Growing Agreements Act

Eases regulations on planted trees in production forest land areas, allows personal ownership of trees in public land, and establishes a Tree Plantation and Policy Board.

B. Bills requiring substantial reconsideration

The following measures are classified as requiring substantial reconsideration. These are bills that, despite valid reasons as to why they were filed in Congress, the business community is compelled to caution against because of the overall negative impact they would have on the country's economic competitiveness.

1. Additional Non-working Holidays

Bills declaring additional local and national non-working public holidays.



Session Hall of the House of Representatives during the opening of the First Regular Session of the 19th Congress, July 25, 2022

Source: House of Representatives of the Philippines Facebook Page

2. Declaration of Mining-Free Zones

Bills prohibiting mining operations across whole provinces by declaring them as mining-free zones.

3. Granting Additional Service Incentive Leave

Amendment is sought to increase legally-mandated service incentive leave from the current five to 10.

4. Mining Fiscal Regime

Seeks to rationalize and apply a consistent fiscal regime for all mining contracts. The proposed bill imposes a 3 percent royalty tax on large-scale mining operations located within mining reservation areas; a margin-based royalty tax (from 1 percent to 5 percent) on large scale mining operations outside mining reservation areas; a royalty tax on small-scale mining operations equivalent to one-tenth of 1 percent of gross output; and an additional margin-based tax (from 1 percent to 10 percent on windfall profits gained from mining operations).

5. New Normal Bill

Establishes policies, regulations, and health safeguards for workplaces and public places as a response to the COVID-19 pandemic.

6. Paid Pandemic Leave

Mandates employers to grant 14 days of paid leave for employees with a confirmed, probable, or suspected case of COVID-19 or any emerging infectious diseases that reached the status of a pandemic. It also mandates granting a maximum of 60 days of paid leave at 80 percent of the employee's daily full pay for employees who have been rendered involuntarily out of work or placed under floating status due to the effects of the pandemic.

7. Security of Tenure

Prohibits labor-only contracting and defines the conditions under which it is present. It also mandates general employment as the general rule; prohibits fixed-term employment except under certain circumstances; expands the entitlements of illegally dismissed employees; and declares the violation of substantive or procedural due process as equivalent to illegal dismissal.

8. Thirty-five Hour Work Week Scheme

Allows employers in the private sector to implement a 35-hour work week either upon request of its employees or on a voluntary basis under mutually agreed upon terms and conditions compliant with minimum labor standards set by law.



First State of the Nation Address of President Ferdinand R. Marcos Jr, July 25, 2022. Senate President Juan Miguel Zubiri and House Speaker Martin Romualdez also pictured.

Source: Office of the Press Secretary website https://ops.gov.ph/photos/?post_id=154428

V. CONCLUSION

As with our 2013 policy brief, we reiterate the recommendation that business and economic reform bills should be given top priority because of its positive impact on investment and job creation. There should be no change in the government's pursuit for inclusive growth and global competitiveness despite the transition to a new administration in 2022. In fact, the change in leadership presents new opportunities for reform.

The Marcos-Duterte administration, elected as it was with an unprecedented mandate from the Filipino people and with overwhelming majorities in both the House and Senate, will have a strong hand to pursue further reforms

for the continued recovery and development of the economy over the next six years. This, of course, must be supplemented with strong communication and partnership between the private and public sectors, as well as effective coordination between the Executive and Legislative branches of government through institutions like the Legislative Executive Development Advisory Council (LEDAC).

The list of measures enumerated in this policy brief is intended as an evolving guide in the pursuit of significant reforms to make the Philippines more competitive. Continued advocacy for these and other reforms will be a critical task for the private sector in and beyond the 19th Congress.

Annex 1. List of Business and Economic Reform Laws enacted, 12th to 17th Congress

| | Law Title | Law No. | Date Enacted |
|---------------------------|--|----------|--------------|
| 12th Congress (2001-2004) | | | |
| 1 | Alternative Dispute Resolution | RA 9285 | 2-Apr-04 |
| 2 | Anti-Money Laundering Act of 2001 (AMLA) | RA 9160 | 29-Sep-01 |
| 3 | AMLA Amendments | RA 9194 | 7-Mar-03 |
| 4 | Clean Water Act | RA 9275 | 22-Mar-04 |
| 5 | Documentary Stamp Tax Rationalization | RA 9243 | 17-Feb-04 |
| 6 | Domestic Shipping Development Act | RA 9295 | 3-May-04 |
| 7 | Dual-Citizenship Act | RA 9225 | 29-Aug-03 |
| 8 | Electric Power Industry Reform Act | RA 9136 | 8-Jun-01 |
| 9 | Government Procurement Reform Act | RA 9184 | 10-Jan-03 |
| 10 | Judiciary Compensation Rationalization Act | RA 9227 | 23-Oct-03 |
| 11 | Optical Media Act | RA 9239 | 10-Feb-04 |
| 12 | Restructuring Excise Tax on Automobiles | RA 9224 | 28-Aug-03 |
| 13 | Securitization Act | RA 9267 | 19-Mar-04 |
| 14 | Special Purpose Vehicle Act | RA 9182 | 23-Dec-02 |
| 13th Congress (2004-2007) | | | |
| 1 | Anti-Red Tape Act | RA 9337 | 2-Jun-07 |
| 2a | Bases Conversion and Development Authority (BCDA) Amendments | RA 9400 | 20-Mar-07 |
| 2b | Amnesty for Businesses in Special Economic Zones and Freeports | RA 9399 | 20-Mar-07 |
| 3 | Biofuels Act | RA 9367 | 12-Jan-07 |
| 4 | Expanded Value Added Tax | RA 9337 | 24-May-05 |
| 5 | Lateral Attrition Act | RA 9335 | 25-Jan-05 |
| 6 | Special Purpose Vehicle Act extension | RA 9343 | 25-Jul-05 |
| 14th Congress (2007-2010) | | | |
| 1 | Anti-Camcording Act | RA 10088 | 13-May-10 |
| 2 | Bureau of Food and Drugs Act Amendments | RA 9711 | 18-Aug-09 |
| 3 | Civil Aviation Authority of the Philippines Act | RA 9497 | 4-Mar-08 |
| 4 | Cooperatives Code | RA 9520 | 17-Feb-09 |
| 5 | Credit Information System Act | RA 9510 | 31-Oct-08 |

| | Law Title | Law No. | Date Enacted |
|---------------------------|--|----------|--------------|
| 6 | Customs Brokers Act Amendments | RA 9853 | 15-Dec-09 |
| 7 | Documentary Stamp Tax Exemption (PSE) | RA 9648 | 30-Jun-09 |
| 8 | Financial Rehabilitation and Insolvency Act | RA 10124 | 18-Jul-10 |
| 9 | Individual Income Taxes Rate Exemption | RA 9504 | 17-Jun-08 |
| 10 | JPEPA Ratification | | 8-Oct-08 |
| 11 | Magna Carta for MSMEs Act Amendments | RA 9501 | 23-May-08 |
| 12 | National Grid Corporation Franchise | RA 9511 | 1-Dec-08 |
| 13 | National Tourism Policy Act | RA 9593 | 12-May-09 |
| 14 | Personal Equity Retirement Account (PERA) Act | RA 9505 | 22-Aug-08 |
| 15 | Philippine Deposit Insurance Corp. Amendments | RA 9576 | 29-Apr-09 |
| 16 | Pre-need Code | RA 9829 | 3-Dec-09 |
| 17 | Real Estate Investment Trust (REIT) Act | RA 9856 | 17-Dec-09 |
| 18 | Renewable Energy Act | RA 9513 | 16-Dec-08 |
| 19 | Residential Free Patent Act | RA 10023 | 9-Mar-10 |
| 20 | Revised Kyoto Convention (RKC) Ratification | | 1-Feb-10 |
| 21 | Tax Information Exchange Act | RA 10021 | 8-Mar-10 |
| 22 | Tax on Life Insurance Premiums | RA 10001 | 23-Feb-10 |
| 15th Congress (2010-2013) | | | |
| 1 | Agricultural and Fisheries Mechanization Law | RA 10601 | 5-Jun-13 |
| 2 | Anti-Enforced or Involuntary Disappearance Act | RA 10353 | 21-Dec-12 |
| 3 | Anti-Money Laundering Act amendments | RA 10167 | 18-Jun-12 |
| 4 | Anti-Money Laundering Act amendments | RA 10365 | 15-Feb-13 |
| 5 | Common Carriers Tax/ Gross Philippine Billings Tax | RA 10378 | 7-Mar-13 |
| 6 | Conciliation-Mediation for Dispute Settlement | RA 10396 | 16-Mar-13 |
| 7 | Cybercrime Prevention Act | RA 10175 | 9-Sep-12 |
| 8 | Data Privacy Act | RA 10173 | 15-Aug-12 |
| 9 | Domestic Workers Act | RA 10361 | 18-Jan-13 |
| 10 | Early Years Act of 2013 | RA 10410 | 26-Mar-13 |

| | Law Title | Law No. | Date Enacted |
|---------------------------|--|----------|--------------|
| 11 | Enhanced Basic Education Act of 2013 | RA 10533 | 15-May-13 |
| 12 | Excise Tax on Alcohol, Cigarettes, and Tobacco | RA 10351 | 20-Dec-12 |
| 13 | Expanded Anti-trafficking in Persons Act | RA 10364 | 6-Feb-13 |
| 14 | Extending Implementation of the Lifeline Rate | RA 10150 | 20-Jun-11 |
| 15 | Fast-Tracked S&T Scholarship Act of 2013 | RA 10612 | 23-Aug-13 |
| 16 | Firearms and Ammunition Regulation Act | RA 10591 | 29-May-13 |
| 17 | Food Safety | RA 10611 | 23-Aug-13 |
| 18 | GOCC Governance Act | RA 10149 | 6-Jun-11 |
| 19 | Intellectual Property Code amendments | RA 10372 | 28-Feb-13 |
| 20 | Insurance Code Amendments | RA 10607 | 15-Aug-13 |
| 21 | Kindergarten Education Act | RA 10157 | 20-Jan-12 |
| 22 | National Health Insurance Act of 2013 | RA 10606 | 19-Jun-13 |
| 23 | People Survival Fund | RA 10174 | 16-Aug-12 |
| 24 | Philippine Design Competitiveness Act | RA 10557 | 15-May-13 |
| 25 | Philippine Statistical Act | RA 10625 | 12-Sep-13 |
| 26 | Regulating Profession - Environmental Planning | RA 10587 | 27-May-13 |
| 27 | Repeal of Nightwork Prohibition for Women | RA 10151 | 21-Jun-11 |
| 28 | Responsible Parenthood and Reproductive Health Act | RA 10354 | 21-Dec-12 |
| 29 | Revised AFP Modernization Act amendments | RA 10349 | 11-Dec-12 |
| 30 | Rural Bank Act amendments | RA 10574 | 24-May-13 |
| 31 | Rural Farm Schools Act | RA 10618 | 3-Sep-13 |
| 32 | Strengthening Tripartism | RA 10395 | 14-Mar-13 |
| 33 | Terrorism Financing Prevention and Suppression Act | RA 10168 | 18-Jun-12 |
| 16th Congress (2013-2016) | | | |
| 1 | Agricultural Land Reform Code amendments | RA 10878 | 17-Jul-16 |
| 2 | Anti Large-Scale Agricultural Smuggling | RA 10845 | 23-May-16 |
| 3 | Creating the Department of Information and Communications Technology | RA 10844 | 23-May-16 |
| 4 | Credit Surety Fund Cooperative Act | RA 10744 | 6-Feb-16 |

| | Law Title | Law No. | Date Enacted |
|----|--|----------|--------------|
| 5 | Customs Modernization and Tariffs Act | RA 10863 | 30-May-16 |
| 6 | Extending the life of the Agricultural Competitiveness Enhancement Fund | RA 10848 | 23-May-16 |
| 7 | Foreign Banks Liberalization Act amendments | RA 10641 | 18-Jul-14 |
| 8 | Foreign Investment Liberalization Act | RA 10881 | 17-Jul-16 |
| 9 | Forestry Profession Act amendments | RA 10690 | 23-Oct-15 |
| 10 | Ladderized Education Act | RA 10647 | 21-Nov-14 |
| 11 | Liberalizing Cabotage | RA 10668 | 21-Jul-15 |
| 10 | Jobstart Philippines Act | RA 10869 | 29-Jun-16 |
| 12 | Microfinance NGOs Act | RA 10693 | 3-Nov-15 |
| 13 | MSME Development | RA 10644 | 18-Jul-14 |
| 14 | National Bureau of Investigation Modernization | RA 10867 | 23-Jun-16 |
| 15 | Open Distance Learning Act | RA 10650 | 9-Dec-14 |
| 16 | Open High School System | RA 10665 | 9-Jul-15 |
| 17 | Pharmacy Profession Act amendments | RA 10918 | 21-Jul-16 |
| 18 | Philippine Competition Act | RA 10667 | 21-Jul-15 |
| 19 | Philippine Credit Card Industry Regulation Law | RA 10870 | 17-Jul-16 |
| 20 | Philippine Green Jobs Act | RA 10771 | 29-Apr-16 |
| 21 | Philippine Lemon Law | RA 10642 | 15-Jul-14 |
| 22 | Prohibiting the Proliferation of Weapons of Mass Destruction | RA 10697 | 13-Nov-15 |
| 23 | Public Employment Service Office Act amendments | RA 10691 | 26-Oct-15 |
| 24 | Right-of-Way Act amendments | RA 10752 | 9-Mar-16 |
| 25 | Scholarship for top ten public high school students of graduating class | RA 10648 | 27-Nov-14 |
| 26 | Special Program for Employment of Students | RA 10917 | 21-Jul-16 |
| 27 | Strengthening the Sandiganbayan | RA 10660 | 16-Apr-15 |
| 28 | Tax Incentives Management and Transparency Act | RA 10708 | 8-Dec-15 |
| 29 | Unified Student Financial Assistance System for Tertiary Education (UNIFAST) Act | RA 10687 | 15-Oct-15 |
| 30 | Youth Entrepreneurship and Financial Literacy Act | RA 10679 | 27-Aug-15 |

| | Law Title | Law No. | Date Enacted |
|------------------------------|--|----------|--------------|
| 17th Congress (2016-present) | | | |
| 1 | Abolishing the Road Board | RA 11239 | 20-Mar-19 |
| 2 | Agricultural Free Patent Reform | RA 11231 | 22-Feb-19 |
| 3 | Anti-money Laundering Act amendments | RA 10927 | 14-Jul-17 |
| 4 | Balik Scientist Program | RA 11035 | 15-Jun-18 |
| 5 | Bangsamoro Organic Law | RA 11054 | 27-Jul-18 |
| 6 | Comprehensive Tax Reform (Package 1) | RA 10963 | 19-Dec-17 |
| 7 | Department of Human Settlements and Urban Development Creation | RA 11201 | 14-Feb-19 |
| 8 | Ease of Doing Business/ Expanded Anti-red Tape Act | RA 11032 | 28-May-18 |
| 9 | Energy Virtual One-Stop Shop | RA 11234 | 8-Mar-19 |
| 10 | Excise Tax on Tobacco | RA 11346 | 25-Jul-19 |
| 11 | Extending Driver's License Validity | RA 10930 | 2-Aug-17 |
| 12 | Extending Passport Validity | RA 10928 | 2-Aug-17 |
| 13 | Free Wi-Fi in Public Places | RA 10929 | 2-Aug-17 |
| 14 | Indexation of the Revised Penal Code | RA 10951 | 30-Aug-17 |
| 15 | Instituting a Philippine Labor Force Competencies Program and Free Access to Technical-Vocational Education and Training | RA 11230 | 22-Feb-19 |
| 16 | Innovative Start Up Act | RA 1137 | 26-Apr-19 |
| 17 | Institutionalizing Pantawid Pampamilya Program (4Ps) | RA 11310 | 17-Apr-19 |

| | Law Title | Law No. | Date Enacted |
|----|---|----------|--------------|
| 18 | Mobile Number Portability | RA 11202 | 8-Feb-19 |
| 19 | National ID System | RA 11055 | 31-Jul-18 |
| 20 | National Integrated Protected Areas System Act amendments | RA 11038 | 22-Jun-18 |
| 21 | New Central Bank Act amendments | RA 11211 | 14-Feb-19 |
| 22 | Occupational Health and Safety Act | RA 11058 | 17-Aug-18 |
| 23 | Personal Property Security Act | RA 11057 | 17-Aug-18 |
| 24 | Philippine Innovation Act | RA 11293 | 17-Apr-19 |
| 25 | Philippine Qualifications Framework | RA 10968 | 16-Jan-18 |
| 26 | Regulating the Practice of Food Technology | RA 11052 | 4-Jul-18 |
| 27 | Regulating the Practice of Criminology | RA 11131 | 15-Nov-18 |
| 28 | Regulation of Payment Systems | RA 11157 | 15-Nov-18 |
| 29 | Revised Agricultural Tarriffication Act | RA 11203 | 14-Feb-19 |
| 30 | Revised Corporation Act | RA 11232 | 20-Feb-19 |
| 31 | Social Security System Charter amendments | RA 11119 | 7-Feb-19 |
| 32 | Tax Amnesty Act | RA 11213 | 14-Feb-19 |
| 33 | Telecommuting Act | RA 11165 | 20-Dec-18 |
| 34 | Transnational Higher Education Act | RA 11448 | 28-Aug-19 |
| 35 | Universal Access to Quality Tertiary Education | RA 10931 | 3-Aug-17 |
| 36 | Universal Healthcare Act amendments | RA 11223 | 20-Feb-19 |

Annex 2. Philippine Business Groups-Joint Foreign Chambers 24 Priority Bills for the 19th Congress

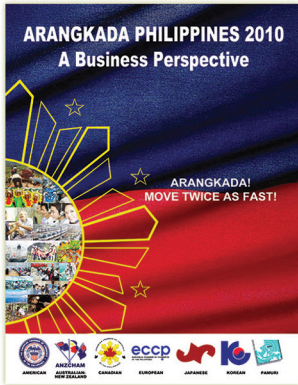
List sent to President Marcos on July 21, 2022

| Rank | Priority Bill | House | | | | Senate | | | |
|------|---|------------|------------------------|-------------------------|-------------------------|------------|------------------------|-------------------------|-------------------------|
| | | Bill Filed | Committee Report Filed | Approved on 2nd Reading | Approved on 3rd Reading | Bill Filed | Committee Report Filed | Approved on 2nd Reading | Approved on 3rd Reading |
| 1 | Liberalization of Foreign Equity Restrictions in the Constitution | | | | | | | | |
| 2 | Open Access in Data Transmission | | | | | | | | |
| 3 | Ease of Paying Taxes | | 08/30/22 | 09/19/22 | 09/26/22 | | | | |
| 4 | Promotion of Digital Payments | | | | | | | | |
| 5 | CREATE and PEZA Act Amendments for Hybrid/Flexible Work Schedules | | | | | | | | |
| 6 | Freedom of Information | | | | | | | | |
| 7 | Property Valuation and Assessment Reform | | | | | | | | |
| 8 | Passive Income and Financial Intermediary Taxation Act | | 09/01/22 | | | | | | |
| 9 | Build-Operate-Transfer Law Amendments/ PPP Act | | | | | | | | |
| 10 | Secrecy of Bank Deposits Law Amendments | | | | | | | | |
| 11 | National Unemployment Insurance | | | | | | | | |
| 12 | Department of Disaster Resilience Creation | | | | | | | | |
| 13 | E-Commerce Act Amendments | | | | | | | | |
| 14 | Pandemic Protection Act | | | | | | | | |
| 15 | Holiday Rationalization Act | | | | | | | | |
| 16 | Philippine Airports Authority | | | | | | | | |
| 17 | Philippine Ports Authority (PPA) Charter Amendments | | | | | | | | |
| 18 | Intellectual Property Code Amendments | | | | | | | | |
| 19 | Philippine Pension System Portability and Strengthening | | | | | | | | |
| 20 | Apprenticeship Program Reform | | | | | | | | |
| 21 | Agricultural Lands Ownership Easing | | | | | | | | |
| 22 | Commonwealth Act 138 (Flag Act) Repeal | | | | | | | | |
| 23 | International Maritime Trade Competitiveness Act | | | | | | | | |
| 24 | Satellite-based Technologies Promotion Act | | | | | | | | |

As of October 19, 2022



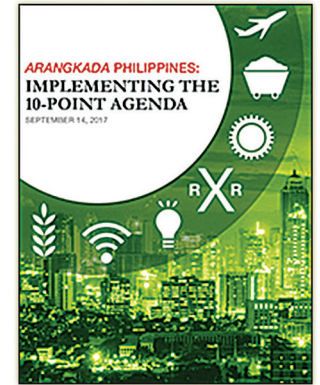
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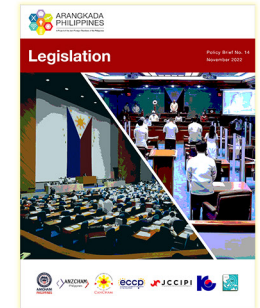
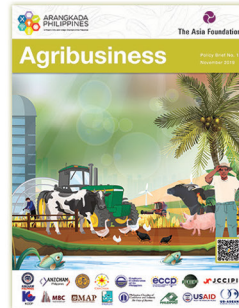
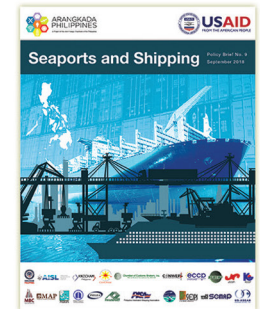
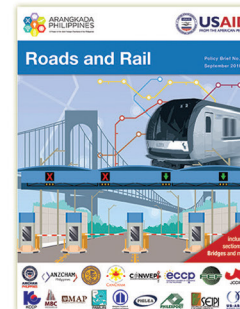
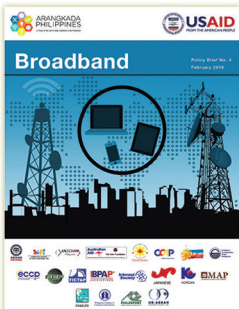
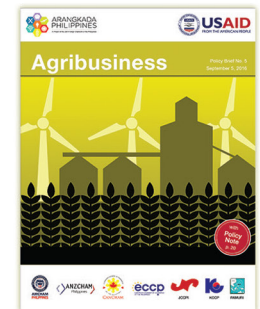
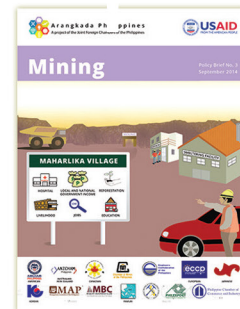


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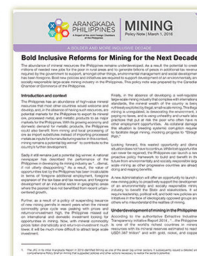


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Implementing the 10-Point Agenda

POLICY BRIEFS



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