

Department Administrative Order No. _____
Series of 2023

SUBJECT: REVISED RULES AND REGULATIONS IMPLEMENTING ACT NO. 3883 AS AMENDED, OTHERWISE KNOWN AS AN ACT TO REGULATE THE USE IN BUSINESS TRANSACTIONS OF NAMES OTHER THAN TRUE NAMES

Pursuant to Title X, Book IV of the Administrative Code of 1987 and to more effectively implement the provisions of Act No. 3883, as amended, otherwise known as an Act to Regulate the Use in Business Transactions of Names other than True Names, the following amendments to Department Administrative Order (DAO) No. 18-07, Series of 2018, including its Annexes, implementing the same Act, are hereby promulgated:

Section 1. Rule I Subsections 4.10 to 4.18 contents are hereby redesignated as Subsections 4.11 to 4.19. Further the new Subsections 4.10 and 4.19 are hereby amended to read as follows:

“Section 4. Definition of Terms – For purposes of these Rules, the term:

X X X

4.10 Confusingly similar refers to the Business Name that has the same spelling or has a slight variation on the spelling but similar in sounding and/or meaning and has the same line of business as likely to cause confusion or mistake in the minds of the public and prejudice the interest of the owner of the registered BN or firm.

X X X

“4.19 True Name refers to a natural person's full name as appearing in his/her identification documents, or his/her family name together with:

4.18.1 The person's given name/s

4.18.2 The initial/s of the person's given name/s

4.18.3 Combination of a person's given name/s and the initial/s of his/her middle name”

Section 2. Rule II Subsection 2.1.3 is hereby amended to read as follows:

“2.1.3 Submission of Authorization Letter upon filling of the application if filed by a representative and presentation of the authorized representative’s valid ID as listed in Annex A of these Rules;

In cases wherein, the BN applicant was not able to sign the DTI-prescribed application form, an Attorney-in-fact may sign the said document provided that the application is

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accompanied by an original Special Power of Attorney (SPA) to be submitted. The SPA shall include the authority to sign any pertinent documents relative to Business Name Registration.

Section 3. Rule II Subsection 2.2.1 b is hereby amended to read as follows:

“b. Submission of the following:

b.1 A clear certified copy of the Alien Certificate of Registration or photocopy of the Alien Certificate of Registration Identity Card (ACR I-Card) provided that the original is presented at the time of the application; and

b.2 A clear certified copy of the Certificate of Registration for Sole Proprietorship/Certificate of Authority to engage in business in the Philippines issued by the concerned DTI Office per Republic Act No. 7042 (Foreign Investment Act) as amended by Republic Act No. 8179, Republic Act No. 8762 (Retail Trade Liberalization Law) or such other applicable laws, as the case may be.

In the absence of a clear certified copy, the applicant shall submit a duplicate copy of the original document provided that the original document is presented at the time of the application.

Section 4. Rule II Subsection 2.2.1 last paragraph is hereby deleted.

Section 5. Rule II Subsection 2.3 last paragraph is hereby amended as follows:

“Online application filed by non-Philippine national or refugee/stateless persons shall be acted upon compliance with the supporting documentary requirements enumerated under Section 2.2.1 for non-Philippine national and 2.2.2 for refugee/stateless person of this Rule at any DTI Office. The online application can be filed through the designated email address of the DTI Regional/Provincial Office/Negosyo Center or other prescribed platform.

Section 6. Rule III Subsection 2.6 is hereby amended to read as follows:

“**2.6** he/she understand that a post-evaluation may be conducted after the registration process and understands that any negative findings may be ground for the cancellation of the BN registration from the records of DTI upon failure to comply with the post-evaluation recommendations without prejudice to the filing of criminal, civil, and/or administrative action as applicable;”

Section 7. Rule III Subsection 2.9 will be added and read as follows:

“**2.9** he/she agrees and consents to receive email verification and notices relative to BN registration. Failure to acknowledge/read the communication does not exempt the BN owner from complying with the provisions of these Rules.”

Section 8. Rule IV Subsection 3.10 is hereby amended to read as follows:

“3.10 Those true names of other persons;”

Section 9. Rule IV Section 4 is hereby amended to read as follows:

“Section 4. Request for Reconsideration – In case of denial of the new application, the applicant may request for reconsideration before any DTI Office within (10) working days from receipt of denial. The application shall be acted upon the complete presentation/submission of the following requirements:

- 4.1 Presentation of one (1) valid government-issued ID of the BN applicant as listed in Annex A of these Rules;
- 4.2 Submission of letter request citing therein the reason;
- 4.3 Submission of copy of other government agencies’ permit/s and registration/s;
- 4.4 Submission of one (1) duly accomplished DTI-prescribed application form.

In case of automatically canceled Business Name Registration under Rule IX Section 1.3.1, the request for reconsideration as new application shall be filed within one (1) year after the cancellation. Request for reconsideration filed after the given period shall no longer be accepted.

The Resolution on the Request for Reconsideration shall be issued by the concerned DTI Office in concurrence with the DTI-CB within seven (7) working days from receipt thereof. The Resolution shall be final and not appealable as the decision rendered is already equivalent to the decision of the Secretary under Rule XIII Section 1.2.7 of these Rules.”

Section 10. Rule VIII Subsection 6.2 last paragraph is hereby amended to read as follows:

“Once change is effected a corresponding document shall be issued bearing the updated information.”

Section 11. Rule X Subsection 1.2 is hereby amended to read as follows:

“1.2 Failure to secure Certificate of Registration from the Bureau of Internal Revenue (BIR) within a period of one (1) month from registration of the BN;”

Section 12. Rule XI Section 1 is hereby amended to read as follows:

“Section 1. Right of Access to Information by the Public – The public’s right of access to information is recognized, subject to limitations provided by applicable laws, rules and regulations, and payment of applicable fees. Such information deemed available to the public shall, upon request, be disclosed in the form of a Certification or Business Name Listing.”

Section 13. Rule XII Section 2 is hereby amended to read as follows:

“Section 2. Requests for Information Appearing on the Certificate of Business Name Registration – Requests for any of the following information even without notice to the owner, may be granted:

- 2.1 Approved Business Name;
- 2.2 Territorial Scope;
- 2.3 Name of the BN Owner;
- 2.4 Validity Period;
- 2.5 BN Number.”

Section 14. Rule XI Section 3 content is hereby redesignated to Section 4. Further the new Section 3 is hereby amended to read as follows:

“Section 3. Request for Information through Business Name Listing – Requests for BN listing bearing the following information even without notice to the owners, may be granted:

- 3.1 Approved Business Name;
- 3.2 Territorial Scope;
- 3.3 Name of the BN Owner;
- 3.4 Validity Period.”

Section 15. Rule XII Section 1 is hereby amended to read as follows:

“Section 1. Request for Certification related to the Certificate of BN Registration – Pursuant to Rule XI of these Rules, the DTI may issue certifications relative to the Certificate of Business Name Registration upon request from the other government agencies or transacting public.

The transacting public may directly file the request through the web-enabled BN registration system and pay the prescribed fee as indicated in Annex E.

For request from other government agency, the concerned DTI Office shall prepare the applicable certification duly signed by the Regional/Provincial Director or authorized personnel.”

Section 16. Rule XII Sections 2 to 4 are hereby redesignated to Sections 3 to 5. Further the new Section 2 is hereby amended to read as follows:

“Section 2. Request for BN Listing – Upon request of third-party client or firm, the DTI may issue BN listing upon submission of the accomplished DTI’s prescribed form, presentation of a valid ID as indicated in Annex A, and payment of fee prescribed in Annex E.

Section 17. Rule XII Section 3 last paragraph is hereby deleted.

Section 18. Rule XIII Subsection 1.1 is hereby amended to read as follows:

“1.1.6 The Director/Assistant Director/Supervising Head/Division Chief of the BNRD shall exercise the delegated authority of the Secretary under the BN Law to:

- 1.1.6(a) Review and process Request for Reconsideration in coordination with the concerned DTI Office; and
- 1.1.6(b) Receive and process request for certification from government offices and agencies, government-owned or controlled corporations and other government instrumentalities and to appear/testify in any judicial or quasi-judicial body as may be required.”

Section 19. Annex A – List of Government Issued IDs is hereby amended by adding below Identification Document:

“16) Philippine Identification (PhilID)”

Section 20. Annex B – Business Name Registration Sole Proprietorship Application Form is hereby amended as follows:

- 1) The term used under Letter C Owner’s Information #9 will be changed from GENDER to SEX.
- 2) Letter E Proposed Business Name will have separate fields for the Dominant portion and Descriptor.
- 3) The term used under Letter G Philippine Standard Industrial Classification (PSIC) #25 PSIC (Indicate Main Product Handled/Service Rendered) will be changed to Business Name Descriptor.
- 4) Letter I Partner Agencies portion will be deleted.
- 5) Letter J Other Details portion will be deleted.
- 6) Inclusion of portion to input the processing time (Start Time) and put instructions.
- 7) Addition of note advising the BN owner to register with the Bureau of Internal Revenue within a month after a successful Business Name Registration.

Section 21. Annex D – Other Business Name (BN)-Related Application Form is hereby amended as follows:

- 1) Inclusion of State Purpose field under Authentication/Certified True Copy (CTC) of BN Certificate of Registration.
- 2) Inclusion of Name, Email address and Residence/Business Address fields for third party requestor of certification.
- 3) Deletion of NOTE.
- 4) Inclusion of Selection Box for Request of BN Listing

Section 22. Separability Clause

The provisions of these Rules are hereby declared separable. In the event any of such provisions are declared invalid by a competent court, the other provisions shall remain in valid and effective.

Section 23. Repealing Clause

Any and all DTI orders, rules and regulations, guidelines and policies pertaining to the registration of BNs that are inconsistent herewith are hereby repealed.

Section 24. Effectivity Clause

This Department Administrative Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in a newspaper of general circulation and the filing of three (3) copies hereof with the Office of the National Administrative Register (ONAR) of the University of the Philippines Law Center pursuant to Memorandum Circular 11 dated 09 October 1992 of the Office of the President.

Issued and signed this _____ day of _____ 2023 in Makati City, Philippines.

APPROVED BY:

ALFREDO E. PASCUAL
Secretary

RECOMMENDED BY:

<name>
Undersecretary, Management Services Group