

ADVISORY NO. 21-18
Series of 2021

**ON THE SUSPENSION OF THE REGLEMENTARY PERIODS TO
COMMENCE APPEALS AND FILE PLEADINGS ON
THE CONSUMER ACT AND TRADE AND INDUSTRY LAWS DURING ECQ**

Relative to IATF Resolution Nos. 130-A, 131, and 131-E, Series of 2021, declaring Enhanced Community Quarantine (ECQ) in National Capital Region and other jurisdictions, please be advised that the reglementary period for the commencement of appeals, filing of pleadings, and all other ancillary papers involving violations of the Consumer Act and other Trade and Industry Laws before this Office shall be suspended for the duration of the ECQ.

Deadlines originally falling within the duration of the ECQ shall be moved fifteen (15) calendar days after the lifting thereof.

The provisions under Memorandum Circular No. 20-20, Series of 2020¹ (Annex "A") shall be enforced, as applicable.

Be guided accordingly.

09 August 2021.



RAMON M. LOPEZ
Secretary

¹ Prescribing the Guidelines on the Interruption of the Periods Related to Filing of Appeals before the Office of the Secretary and Suspension of Rendition of Judgments and Other Actions

REGISTERED PHOTOGRAPH



ANGELICA M. BEL P. ISNANI
Head, Records Section
Department of Trade & Industry

MEMORANDUM CIRCULAR NO. 20 - 20
Series of 2020

SUBJECT : PRESCRIBING THE GUIDELINES ON THE INTERRUPTION OF THE PERIODS RELATED TO FILING OF APPEALS BEFORE THE OFFICE OF THE SECRETARY AND SUSPENSION OF RENDITION OF JUDGMENTS AND OTHER ACTIONS.

DATE : 27 April 2020

WHEREAS, Republic Act No. 7394 or the Consumer Act of the Philippines provides that decisions by the Adjudication Officer may be further appealed to the Office of the Secretary;

WHEREAS, Department Administrative Order No. 7, Series of 2006 was issued to prescribe the rules and regulations on Consumer Act cases appealed before the Office of the Secretary;

WHEREAS, the President declared a State of Calamity throughout the Philippines for a period of six (6) months through Proclamation No. 929 (s. 2020) and imposed an Enhanced Community Quarantine (ECQ) throughout Luzon due to COVID-19 starting 17 March 2020 until 30 April 2020;

WHEREAS, Local Government Units (LGUs), within and outside Luzon, have imposed their respective community quarantines ("local community quarantine");

WHEREAS, as adopted and approved by the President, the Inter-Agency Task Force for the Management of Infectious Diseases (IATF) Resolution No. 28 dated 23 April 2020 placed selected areas in Luzon¹, Visayas² and Mindanao³ under ECQ until 15 May 2020, while others are placed under General Community Quarantine (GCQ) until 15 May 2020, subject to modification, extension, or lifting thereof, as may be determined by the IATF;

WHEREAS, Republic Act No. 11469 or the "Bayanihan Heal as One Act" allows the movement of statutory deadlines and timelines for the filing and submission of any document, to ease the burden on individuals after the ECQ;

WHEREAS, Administrative Order No. 30, Series of 2020 was issued by the Office of the President directing all heads of departments, agencies, offices and instrumentalities of the government, among others, to immediately formulate and issue rules or guidelines on the interruption of reglementary periods for the commencement of action and claims, filing of pleadings, appearances, motions, notices, and all other papers, and the rendition of judgments, resolutions, and orders for the duration of the community quarantine;

WHEREAS, the DTI recognizes that there is a need to interrupt the period for filing pleadings and rendering judgments for appeals filed before the Office of the Secretary, since mobility has been heavily restricted through the country due to the implementation of the ECQ,

¹NCR, Pangasinan, Benguet, Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac, Zambales, Batangas, Laguna, Cavite, Rizal, Quezon, Mindoro Island, Albay, and Catanduanes

²Antique, Iloilo, Cebu, Cebu City, Aklan, and Capiz

³Davao Del Norte, Davao City, and Davao De Oro

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ANGELICA ISABEL P. ISNANI

Head, Records Section

Department of Trade & Industry

OFFICE OF THE SECRETARY

CERTIFIED TRUE PHOTOCOPY

ANGELICA ISABEL P. ISNANI

Head, Records Section
Department of Trade & Industry

ECQ, thus preventing litigants and/or their counsels to commence an appeal and/or comply with the filing of pleadings within the periods prescribed by the Rules;

NOW THEREFORE, the following guidelines are hereby promulgated to govern appeals and other filing of pleadings involving violations of the Consumer Act and other Trade and Industry Laws before the Office of the Secretary for the duration of the ECQ;

SECTION 1. Coverage. These guidelines shall apply to all appeals and other ancillary pleadings filed before the Office of the Secretary relative to cases involving violations of the Consumer Act and other Trade and Industry Laws during the ECQ.

For purposes of these Guidelines, the ECQ is deemed to include the GCQ and local community quarantines declared in accordance with IATF Guidelines.

SECTION 2. Interruption of the Period to File Pleadings and Other Papers. The reglementary period for the commencement of appeals, filing of pleadings and all other papers shall be interrupted for the duration of the ECQ.

Parties are given fifteen (15) calendar days from the lifting of the ECQ to file their respective appeals, pleadings and other papers.

SECTION 3. Suspension of Rendition of Judgments and Other Actions. Likewise, the rendition of judgments, resolutions, and orders shall be suspended during the duration of the ECQ.

Any and all motions, notices, pleadings and other appeals-related filings received within the ECQ shall be given due course upon resumption of regular business operations.

SECTION 4. Exceptions. The foregoing provisions shall not be applicable to urgent cases which are necessary to enable the government to act expeditiously on matters affecting the current public health emergency.

SECTION 5. Separability Clause. If for any reason, any section, provision, or part of this Memorandum Circular, or the application of such section, provision, or part to any person, group, or circumstances is declared invalid or unconstitutional, the remainder of this Memorandum Circular shall not be affected by such declarations.

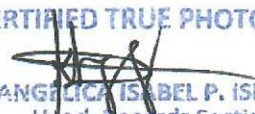
SECTION 6. Effectivity. Given the presence of a public health emergency, this Memorandum Circular shall take effect immediately upon its filing with the University of the Philippines Law Center.

Signed, this 27th day of April 2020 in Makati City.

APPROVED:


RAMON M. LOPEZ
Secretary

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ANGELICA ISABEL P. ISNANI
Head, Records Section
Department of Trade & Industry

CERTIFIED TRUE PHOTOCOPY


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Head, Records Section