

POLICY ADVISORY No. 22-01
Series of 2022

RE: EIGHT (8) BASIC CONSUMER RIGHTS

The Department of Trade and Industry – Consumer Protection Group issues this Policy Advisory for the guidance of all concerned:

Having an in-depth knowledge of how the consumer rights and responsibilities started helps us understand the concept and value of consumer protection, both in the exercise of our rights and the fulfilment of our responsibilities as end users.

On 15 March 1962, then United States President John F. Kennedy first outlined a vision of Consumer Rights to underscore the importance of empowering consumers against faulty or defective products, or against misleading or deceptive advertising methods.

Consumer rights gained traction following the successful campaign by Consumers International, a membership organization for consumer groups around the world. As such, the Economic and Social Council of the United Nations (EcoSoc) issued on 26 July 1984 Resolution 1984/63 adopting the United Nations Guidelines for Consumer Protection.

During the 106th United Nations Plenary Meeting on 09 April 1985, the United Nations General Assembly (UNGA) elaborated the guidelines for consumer protection through EcoSoc Resolution 39/248, which was subsequently expanded by the EcoSoc in Resolution 1999/7 to include Sustainable Consumption.

The 1987 Philippine Constitution, which took effect on 11 February 1987, provides that the State shall protect consumers from trade malpractice and from substandard or hazardous products. On the other hand, the local government units (LGUs) were tasked to protect the general welfare of their constituents.

On 13 April 1992, Republic Act No. 7349 or The Consumer Act of the Philippines was enacted which set forth the rights of consumers and responsibilities of merchants in the Philippines.

During the 81st plenary meeting of the UNGA held on 22 December 2015, the General Assembly, through the adoption of the Second Committee, adopted Resolution 70/186 or Draft Resolution II "Consumer Protection", to ensure that the real challenges faced by the consumers as a result of technological advancements were adequately addressed.

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Thus, the Department of Trade and Industry (DTI) recognizes the need to elucidate the legal bases of the Eight (8) Basic Rights of consumers to ensure that consumers are guided properly on which laws to invoke in reference to their rights.

The Eight (8) Basic Consumer Rights and their legal bases are as follows, to wit:

1. **The Right to Basic Needs** – to have access to basic, essential goods and services such as adequate food, clothing, shelter, health care, education, public utilities, water and sanitation.

a. The 1987 Constitution, Article XIII, Section 9 on Urban Land Reform and Housing

b. Republic Act No. 7581, or the Price Act, as amended:

Section 2: Declaration of Basic Policy
Section 5: Illegal Acts of Price Manipulation
Section 6: Automatic Price Control
Section 7: Mandated Price Ceiling

c. Republic Act No. 7160, or the Local Government Code of 1991:

Section 447(5.II–V): Powers, Duties, Functions and Compensation (Municipality)
Section 458(5.II–V): Powers, Duties, Functions and Compensation (City)
Section 456: Powers, Duties, Functions and Compensation (Province)

2. **The Right to Safety** – to be protected against products, production processes and services that are hazardous to health or life.

a. Republic Act No. 7394 or the Consumer Act of the Philippines:

Article 2(a): Declaration of Basic Principles
Title II Chapter I: Consumer Product Quality and Safety
Title II Chapter II: Food, Drugs, Cosmetic and Devices
Title II Chapter III: Hazardous Substance

b. Republic Act No. 10611 or the Food Safety Act of 2013:

Section 5: Food Safety Requirements
Section 6: Food Law Objectives
Section 7: Use of Science-based Risk Analysis
Section 8: Protection of Consumer Interest
Section 9: Setting of Food Safety Standards
Section 12: Application to Trade
Section 13: Principal Responsibility of Food Business Operators
Section 14: Specific Responsibilities of Food Business Operators

c. Republic Act No. 7160 or the Local Government Code of 1991, Section 478 on Qualifications, Power and Duties (Health Officer)

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3. **The Right to Information** – to be given the facts needed to make an informed choice, and to be protected against dishonest or misleading advertising and labelling.

a. Republic Act No. 7394 or the Consumer Act of the Philippines, Title III on Protection Against Deceptive, Unfair and Unconscionable Sales Acts or Practices:

Chapter I: Deceptive, Unfair and Unconscionable Sales Acts or Practices
Chapter II: Regulation of Practices Relative to Weights and Measures
Chapter VI: Advertising and Sales Promotion

b. Republic Act No. 10909 or the No Shortchanging Act of 2016:

Section 2(c): Declaration of Policy
Section 3(i): Definition of Terms
Section 4(c): Regulated Acts

4. **The Right to Choose** – to be able to select from a range of products and services, offered at competitive prices with an assurance of satisfactory quality.

a. Republic Act No. 10667 or the Philippine Competition Act:

Section 2: Declaration of Policy
Section 12(m): Powers and Functions
Section 14: Anti-Competitive Agreements
Section 32: Relationship With Sector Regulators

5. **The Right to Representation** – to have consumer interests represented in the making and execution of government policy, and in the development of products and services.

a. Republic Act No. 7394 or the Consumer Act of the Philippines, Article 156 on Consumer Participation

b. Republic Act No. 7581 or the Price Act, as amended, Section 11 on Price Coordinating Council

6. **The Right to Redress** – to receive a fair settlement of just claims, including compensation for misrepresentation, shoddy goods or unsatisfactory services.

a. Republic Act No. 7394 or the Consumer Act of the Philippines:

Article 2: Declaration of Basic Policy
Article 11: Amendment and Revocation of Declaration of the Injurious, Unsafe or Dangerous Character of a Consumer Product
Article 68: Additional Provisions on Warranties
Article 97: Liability for Defective Products
Article 100: Liability for Product and Service Imperfection

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Article 101: Liability for Product Quality Imperfection

Article 102: Liability for Service Quality Imperfection

Article 106: Prohibition in Contractual Stipulation

Article 122(b): Injunctive Relief

- b. Republic Act No. 8293 or the Intellectual Code of the Philippines, Section 169 on False Designation of Origin; False Description or Representation

7. **The Right to Consumer Education** – to acquire knowledge and skills needed to make informed, confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them.

- a. Republic Act No. 7394 or the Consumer Act of the Philippines, Article 2(c) on the Declaration of Basic Policy

- b. Republic Act No. 3720, as amended, or the Food, Drug, and Cosmetic Act, Section 29 on Publicity

- c. Republic Act No. 9211 or the Tobacco Regulation Act of 2003:

Section 13: Warning on Cigarette Packages

Section 14: Warning in Advertising

Section 34: Information Drive

Section 35: Instruction on the Hazardous Effect of Smoking as Part of School Curricula

8. **The Right to a Healthy Environment** – to live and work in an environment that is non-threatening to the well-being of present and future generations.

- a. The 1987 Constitution, Article II, Section 16 on Balance and Healthful Ecology

- b. Republic Act No. 7394 or the Consumer Act of the Philippines, Article 2(a) on the Declaration of Basic Policy

- c. Republic Act No. 9003, or the Ecological Solid Waste Management Act of 2000, Section 2(a), (d), (f) on the Declaration of Policies.

The laws provided herein for the protection and promotion of Consumer Rights are not exclusive. Other laws, rules and regulations, issuances may also be sources of Consumer Rights.

As far as practicable, the Eight (8) Basic Consumer Rights should be referred to or invoked in all matters related to consumer protection, including but not limited to settlements, decisions, resolutions in mediation or adjudication of consumer complaints.

Issued this 29th day of April 2022, Makati City.

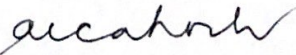
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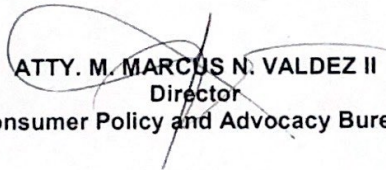
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