

2019-08-003



Republic of the Philippines
Department of Finance
BUREAU OF CUSTOMS
1099 Manila



BOC-01-01431

MASTER COPY

MEMORANDUM

To : ALL DISTRICT COLLECTORS
ALL DEPUTY COLLECTORS FOR
ASSESSMENT
ALL CHIEF, FORMAL ENTRY DIVISION
ALL ACCREDITED CARGO SURVEYING
COMPANIES (ACSC)
ALL OTHERS CONCERNED

From : ATTY. EDWARD JAMES A. DY BUCO
Deputy Commissioner, AOCG

Subject : IMPLEMENTATION OF DAO 19-05

Date : 05 August 2019

You are hereby instructed to monitor the importation of glass products covered by DTI DAO 19-05, copy of which is hereto attached for ready reference. Per DTI Memorandum Circular No. 19-03, the process and requirements prescribed in DAO 19-05 shall be effective on 09 August 2019.

For strict compliance.



3. Distribution of glass products covered under DAO 19-05:2019 sourced from local manufacturers/producers without a valid PS License/Mark shall be allowed until 08 August 2019. However, all local manufacturers shall be required to secure Certificate of Exemption from the BPS subject to compliance with the following requirements:
 - a. Submission of accomplished PCIMS registration form (one time only unless there are changes);
 - b. Submission of accomplished Philippine Standard (PS) Certification Mark License application form, together with the required attachments (if available)
4. Starting 09 August 2019, all local/foreign manufacturers and importers of glass products covered by DAO 19-05:2019 shall be subject to the process and requirements prescribed therein. As such, all imported glass products shall be sourced only from a foreign manufacturing company holding a valid PS License. Likewise, all shipments shall be required to undergo the Statement of Confirmation process as stated in the aforementioned DAO.

In addition, only local manufacturers holding a valid PS License shall be allowed to manufacture and distribute covered glass products.

5. Starting 09 May 2020, all glass products covered by DAO 19-05:2019 that shall be distributed in the local market shall bear a valid PS Mark. Compliance therewith shall be verified through the conduct of market monitoring and enforcement activities. All non-compliant product shall be subject to the appropriate legal actions.
6. To facilitate faster turn-around time in processing SOC application, Humidity Test shall be excluded from the Critical Test requirement.
7. For the Radiation Test, conduct of the same shall be required only during surveillance audits. This requirement shall be waived during initial and re-certification audits but the manufacturer should submit copy of a third party test report showing conformance to the Radiation Test requirement.

This Memorandum Circular shall be effective immediately after its publication in the Official Gazette and DTI website, a copy of which shall be submitted to the UP Office of National Administrative Register.

For the information and guidance of those concerned.

Done in the City of Makati this 7th day of May in the year 2019.

Recommended by:

ENGR. JAMES E. EMPEÑO
 Director, Bureau of Philippine Standards

ATTY. RUTH B. CASTELO
 Undersecretary, Consumer Protection Group

Approved by:

RAMON M. LOPEZ
 Secretary

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DEPARTMENT ADMINISTRATIVE ORDER NO. 19-05
Series of 2019

SUBJECT: THE NEW TECHNICAL REGULATIONS CONCERNING THE MANDATORY PRODUCT CERTIFICATION OF FLAT GLASS, HEAT-STRENGTHENED AND FULLY TEMPERED FLAT GLASS, LAMINATED GLASS AND LAMINATED SAFETY GLASS IN BUILDING AND BENT GLASS

WHEREAS, the Department of Trade and Industry (DTI) is the primary coordinative, promotive, facilitative and regulatory arm of government in the area of trade, industry and investments.

WHEREAS, the Bureau of Philippine Standards (BPS) [formerly known as Bureau of Product Standards] is mandated to establish standards for all products of the Philippines and to ensure the manufacture, production, and distribution of quality products for the products for the protection of the consumer

WHEREAS, the same mandate is reiterated in RA 7394 or the Consumer Act of the Philippines declared that it is the duty of the State to develop and provide safety and quality standards for consumer products, including performance or use-oriented standards, codes of practice and methods of tests;

WHEREAS, to implement the above-cited laws and by virtue of the rule-making power of the DTI Secretary under Executive Order (EO) 292 or the Administrative Code of 1987, Department Administrative Order (DAO) No. 4, the Rules and Regulations Concerning the Philippine Standard (PS) Quality and/or Safety Certification Mark scheme of the BPS, and DAO No. 5, entitled the New Rules and Regulations Concerning the Issuance of the Import Commodity Clearance Under the Product Certification Scheme of the BPS were issued in 2008;

WHEREAS, consistent with the above-cited mandates, laws and policies, Philippine National Standard (PNS) 193:2005 (Flat glass – Specification) has been declared mandatory standard in order to inspect, sample, test and certify that the product is compliant with the requirements thereof;

WHEREAS, under Section 9, Article XVI of the 1987 Constitution provides that the State shall protect consumers from trade malpractices and from substandard or hazardous products." Thus, the continuous updating of all existing standards and policies and procedures regarding the mandatory implementation.

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Head, Records Section
Department of Trade & Industry

NOW, THEREFORE, pursuant to Section 9, Article XVI of the 1987 Philippine Constitution; RA 4109; R.A. 7394; E.O.101, Series of 1967; EO 913, Series of 1983; and EO 292, Series of 1987, Sec 10 (4), Chapter 3, Title X, Book IV, the following technical regulations governing the BPS Mandatory Product Certification Schemes for glass products are hereby prescribed and promulgated for the compliance, information and guidance of all concerned.

Rule 1. OBJECTIVE

This DAO aims to strictly ensure that glass products meet the specified safety and/or quality requirement/s as required under Philippine National Standards.

Rule 2. SCOPE

This DAO prescribes the Technical Regulations for Mandatory PS Licensing Scheme for glass products covered by the particular PNS and its future amendments, whether locally manufactured or imported, as follows:

- 2.1 All flat glass products covered by PNS 193;
- 2.2 All heat-strengthened and fully tempered flat glass products covered by PNS ASTM C1048;
- 2.3 All laminated glass and laminated safety glass products covered by PNS 12543-2;
- 2.4 All laminated glass and laminated safety glass products covered by PNS 12543-3;
- 2.5 All bent glass products covered by PNS ASTM C1464.

Rule 3. DEFINITION OF TERMS

For purposes of this Order, the following definitions shall apply:

- 3.1 **Audit** - a systematic, independent and documented process for obtaining audit evidence, and evaluating it objectively to determine the extent to which the audit criteria are fulfilled. ¹
- 3.2 **Audit criteria** – set of policies, procedures or requirements used as a reference against which audit evidence is compared. ²
- 3.3 **Attestation** – issuance of a statement of conformity based on a decision following review of an audit report, that fulfillment of specified requirements has been demonstrated. ³
- 3.4 **Accredited Conformity Assessment Body (CAB)** – inspection body, testing laboratory or certification body accredited under PNS ISO/IEC 17020, PNS ISO/IEC

¹ ISO 19011:2011

² Ibid.

³ ISO/IEC 17000

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17021, PNS ISO/IEC 17025 or PNS ISO/IEC 17065, respectively, in its relevant updated version/edition by the Philippine Accreditation Bureau (PAB) or by an accreditation body that is a signatory to regional/international agreements entered into by the Government of the Republic of the Philippines through DTI [(i.e. Asia-Pacific Laboratory Accreditation Cooperation (APLAC), International Laboratory Accreditation Cooperation (ILAC), International Accreditation Forum (IAF)]

- 3.5 **BPS** – Bureau of Philippine Standards of the DTI.
- 3.6 **BPS Recognized Conformity Assessment Body (CAB)** – the CAB (inspection body, testing laboratory, or certification body) duly recognized by BPS to have the scope and competence to conduct activities relevant to the requirements set forth by BPS, to include but not limited to, CABs accredited by the PAB, CABs recognized by BPS under the Association of South East Asian Nations Mutual Recognition Arrangement (ASEAN MRA), Asia-Pacific Economic Cooperation (APEC) MRA and other regional and bilateral MRAs entered into by the Government of the Philippines through the DTI. BPS shall issue Recognition Certificate upon completion of all requirements for application for recognition.
- 3.7 **Certification Body** – third party conformity assessment body operating a certification scheme.
- 3.8 **Certificate of Conditional Release** – a document issued to an importer allowing the temporary release of goods from Custom’s custody, upon compliance with the BOC and BPS requirements, while awaiting BPS decision on the issuance of SOC.
- 3.9 **Confirmation** – an action, declaration, document, or statement that corroborates, ratifies, verifies, gives formal approval, or assures the validity of something.⁴
- 3.10 **Conformity Assessment Body (CAB)** – a third party inspection body, testing laboratory and certification body operating within its scope of competence.
- 3.11 **Conformity** – fulfillment of a requirement.⁵
- 3.12 **Critical Testing** – verification testing of glass product’s conformance to specific requirements only.
- 3.13 **DTI** – Department of Trade and Industry
- 3.14 **Determination** – include assessment activities such as testing, measuring, inspection, design appraisal, assessment of services, and auditing to provide information regarding the product requirements as input to the review and attestation functions.
- 3.15 **Evaluation** – systematic examination of the extent to which a product, process, or service fulfills specified requirements.⁶
- 3.16 **International Standard** – a standard developed under the WTO principles for international standards development such as those developed by international bodies like the International Organization for Standardization (ISO), International

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⁴ Webster’s New World Law Dictionary
⁵ ISO/IEC 17000
⁶ Ibid.

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Electrotechnical Commission (IEC), International Telecommunication Union (ITU) and those developed by foreign standards bodies under these principles.

- 3.17 **Inspection** – examination of a product, process, service, or installation or their design and determination of its conformity with specific requirements, or, on the basis of professional judgment, with general requirements.⁷ This includes inventory and sampling.
- 3.18 **Inspection body** – a body that performs inspection.⁸
- 3.19 **ISO/IEC 9000** - Quality Management System - Fundamentals and Vocabulary
- 3.20 **ISO/IEC 9001** – Quality Management Systems – Requirements
- 3.21 **ISO/IEC 17020** – Conformity assessment – Requirements for the operation of various types of bodies performing inspection.
- 3.22 **ISO/IEC 17021** – Conformity assessment – Requirements for bodies providing audits and certification of management systems.
- 3.23 **ISO/IEC 17025** – General requirements for the competence of testing and calibration laboratories.
- 3.24 **ISO/IEC 17065** – Conformity assessment – Requirements for bodies certifying products, processes and services.
- 3.25 **ISO 19011** - Guidelines for Auditing.
- 3.26 **Lot No./Batch No.** – an identification number permanently marked on the tags per crate or per sheet, whichever is applicable. This is used to identify production batch of any other product for quality control purposes.
- 3.27 **PAB** – Philippine Accreditation Bureau of the DTI.
- 3.28 **Philippine National Standards (PNS)** – Standards promulgated by the BPS.
- 3.29 **Product Certification** – the provision of impartial third-party attestation that fulfillment of specified requirements have been demonstrated.⁹
- 3.30 **PS License** – authority given by BPS to a local/foreign manufacturer, authorizing the use of the PS Certification Mark on its product.
- 3.31 **Review** – verification of the suitability, adequacy and effectiveness of selection and determination activities, and the results of these activities, with regard to fulfillment of specified requirements.¹⁰
- 3.32 **Sampling** – a method of getting a representative sample of a product shipment according to a specified procedure.

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⁷ ISO/IEC 17020

⁸ Ibid.

⁹ ISO/IEC 17065

¹⁰ ISO/IEC 17000

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- 3.33 Standard - a document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which **compliance is not mandatory**
- 3.34 **Statement of Confirmation (SOC)** – a document stating that the imported glass product was sourced from a glass manufacturer with a valid PS License and that the imported glass product from said glass manufacturer complies with specified requirements after undergoing inspection and verification and should contain the batch number and manufacturing date of the imported glass.
- 3.35 **Surveillance** – a systematic iteration of conformity assessment activities as a basis for maintaining the validity of the statement of conformity.¹¹
- 3.36 **Technical Regulation** - a document which lays down product characteristics for their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory.
- 3.37 **Test Report** – a document that presents test results and other information relevant to a test.
- 3.38 **Testing Laboratory** – a laboratory which measures, examines, or determines the characteristics of performance of material or products. It may also be a laboratory that calibrates inspection, measuring and test equipment.
- 3.39 **Third Party** – a body that is independent of the organization that provides the product/service and is not the user of the product/service (testing, inspection, and sampling).¹³
- 3.40 **Trade name** – any registered name or designation identifying or distinguishing an enterprise
- 3.41 **Verification** – confirmation, through the provision of objective evidence, that specified requirements have been fulfilled.¹⁴ This may include product testing.
- 3.42 **Warehouse** – secured premises built purposely for storage of products and to preserve the quality and integrity of the same.

Rule 4. THE PHILIPPINE STANDARD (PS) QUALITY MARK

For safety, traceability and accountability purposes, only glass products sourced from glass manufacturing plant(s) holding a valid PS Quality and/or Safety Certification Mark License(s) shall be permitted to be distributed, sold and used in the Philippines.

- 4.1. **The PS Quality Mark Licensing Scheme** – the PS Quality and/or Safety Mark Licensing Scheme (PS Licensing Scheme for brevity) shall be available to both local and foreign manufacturers selling or distributing glass products in the Philippine market. The License to use the PS Certification Mark shall be granted to

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¹¹ ISO/IEC 17000

¹³ Ibid.

¹⁴ ISO/IEC 9000

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a company found to be compliant with the requirements. To ensure compliance of the certified products, regular surveillance activities as per existing DTI rules shall be conducted as follows, as may be applicable:

- 4.1.1 Local companies holding a valid PS license;
 - 4.1.1.1 Annual system and product audit at the factory; and
 - 4.1.1.2 Random product audit at the warehouse/market.
- 4.1.2 Foreign companies holding a valid PS license;
 - 4.1.2.1 Annual system and product audit at the factory; and
 - 4.1.2.2 Regular product audit per shipment.

Rule 5. DOCUMENTARY REQUIREMENTS AND PROCEDURES FOR THE PS LICENSING SCHEME

5.1 Application for PS Licensing Scheme shall be supported by the following:

- 5.1.1 Duly accomplished application form, subscribed and sworn to by the applicant, or his duly authorized management representative. In case of an overseas applicant, the application form shall be duly authenticated by the Philippine Consulate in the country where the manufacturing plant to be audited is located. The requirement of authentication may be waived subject to reciprocity arrangements between the Philippines and the exporting country;
- 5.1.2 For a sole proprietorship: latest Income Tax Return or latest audited financial statement, permit issued by the local government unit having jurisdiction over it, and certification of an accountant on the net worth of the business, submitted once unless an amendment has been made within the current year; or
 For a corporation or partnership: Latest SEC Registration and Articles of Incorporation/Partnership and By-Laws.
- 5.1.3 Quality Management System (QMS) Manual covering the product being applied for PS License, including the product/s' production process; and
- 5.1.4 Oath of undertaking to abide by the Terms and Conditions of the License, respectively signed by the manufacturer/ local office or agent/ importer.

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5.2 PS License Application Process

- 5.2.1 Processing of applications under this scheme replaces the PS Scheme under DAO 4:2008, subject to the requirements and transitory provision stated herein.
- 5.2.2 Each PS License application shall be factory, plant or site-specific and importer, local office or agent-specific. For foreign manufacturers, only one

local importer per license shall be allowed. However, a specific factory or plant may apply for multiple licenses. As such, a separate PS License application shall be filed by importer, local office or agent.

5.2.3 Conduct of Factory and Product Audit

5.2.3.1 Upon submission and confirmation of the completeness and compliance of the documentary requirements, an assessment of the Quality Management System's conformity to PNS ISO 9001 and product specifications' conformity to specific applicable version of PNS shall be conducted;

5.2.3.2 Audit shall be undertaken by either the BPS, DTI Regional/Provincial Office, or BPS-recognized auditing bodies based on established audit procedure. Only recognized auditing bodies in the BPS official list may be designated as auditors; and

5.2.3.3 During the audit, samples shall be drawn for all types/sizes of the product to be certified for the purpose of in-plant and independent testing. Independent testing shall be conducted only by BPS-recognized testing laboratory.

5.2.4 If the applicant is a foreign-based manufacturer, the application shall, for purposes of accountability, be made and filed by its local branch or representative office or representative agency who must be duly registered in accordance with Philippine laws;

5.2.5 The PS License shall only be issued upon satisfactory evaluation of the factory audit and determination of product conformance to specific PNS and updated version of the product thereof based on pertinent test reports;

5.2.6 If the evaluation of the factory audit report showed unsatisfactory results, the PS License shall not be issued. Only after the re-assessment and subsequent product compliance shall the BPS issue the PS License;

5.2.7 The PS License shall be effective from the date of issuance and with full force and effect for a period of three (3) years, subject to the surveillance audits prescribed herein. PS License can be suspended, withdrawn or cancelled at any time for cause and after due process;

5.2.8 For renewals, the PS License holder must, through written notice, coordinate with BPS or the DTI Regional/Provincial Office for a schedule of the re-certification audit at least six (6) months before the expiration date. Otherwise, the PS License shall be considered expired immediately after the end period of its validity.

5.2.9 In case of changes materially affecting the PS License and/or license holder's ability to comply with BPS product certification requirements, the license holder shall inform BPS in writing at least fifteen (15) calendar days prior to the date the changes will take effect. The notice must include a request for re-certification audit. The validity of the PS License shall be deemed suspended from the date of changes taking effect as indicated in the notice until the release of re-certification audit results. Thereafter, the existing PS License shall be considered expired.

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5.2.9.1 Changes may include, but shall not be limited to, change in management or business name; transfer of plant site; modification of product design and/or specifications.

Rule 6. FILING / PROCESSING OF APPLICATION FOR STATEMENT OF CONFIRMATION OF IMPORTED GLASS PRODUCTS

6.1 To ensure that the imported glass was sourced from a PS Licensed manufacturer and consistently conforms to the requirements of the Standards, the importer shall apply for Statement of Confirmation (SOC) on a per product, per Bill of Lading basis. The duly accomplished and subscribed application form shall be supported by the following:

6.1.1 For sole proprietorship registered with DTI, the application shall be accomplished and signed by the owner and filed by the owner or by a duly authorized representative by virtue of a notarized Special Power of Attorney (SPA); or

For Corporation/Partnership registered with SEC, the application shall be accomplished and signed, and filed by any officer or organic employee, duly authorized by virtue of a notarized board/partnership resolution or Secretary's Certificate;

6.1.2 Packing List;

6.1.3 Commercial Invoice;

6.1.4 Bill of Lading;

6.1.5 Load Port Survey Report;

6.1.6 Summary of the production batch/lot and the corresponding manufacturing dates duly certified by the manufacturer's Quality Management Representative or Quality Manager;

6.1.7 Production records reflecting the shipped production batch/lot verifiable during surveillance audits duly certified by the manufacturer's Quality Management Representative or Quality Manager;

6.1.8 DTI Business Registration Certificate for sole proprietorship or Latest SEC Registration Certificate and Articles of Incorporation/Partnership for corporation/partnership;

6.1.9 Latest Audited Financial Statement (AFS) or any other valid financial report/certificate;

6.1.10 List of distributors/retailers with their complete addresses and contact details;

6.1.11 Proof of ownership or contract of lease of warehouse;

6.1.12 Import Entry (may be submitted later prior to release of the certificate);

6.1.13 Surety Bond;

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6.2 The application for Statement of Confirmation (SOC) shall be processed as follows:

6.2.1 **Application for Statement of Confirmation with Pre-shipment Inspection and Testing**

6.2.1.1 The applicant shall submit the duly accomplished and subscribed application form and requirements to the BPS or to the nearest DTI regional/provincial office. The application shall be filed together with the request to utilize the services of the BPS-recognized inspection body and testing laboratory.

6.2.1.2 Upon receipt of the complete application and request, the BPS shall issue the written authority to conduct inspection and verification to the identified BPS-recognized inspection body and testing laboratory, copy furnished the applicant;

6.2.1.3 Product inspection shall be conducted by the BPS or the identified BPS-recognized inspection body at the declared warehouse in accordance with the applicable provisions hereof. As part of the regular product surveillance activities, product samples shall likewise be drawn. The original inspection report shall be sent directly to the BPS by the BPS-recognized Inspection Body within two (2) working days from the date of inspection.

6.2.1.4 Product testing shall be conducted by the identified BPS-recognized testing laboratory in accordance with the applicable provisions hereof. The BPS-recognized testing laboratory is required to submit directly to the BPS the original test reports.

6.2.1.5 Upon receipt of compliant pre-shipment test results, Certificate of Conditional Release shall be issued. Upon arrival of shipment at the port of entry, the following shall apply:

6.2.1.5.1 The importer shall notify in writing the BPS or the DTI regional/provincial office that the shipment is ready for inspection and sampling.

6.2.1.5.2 Product inspection and sampling shall be conducted within sixteen (16) working hours from receipt of the written notice at the port of entry, vessel, or the importer's warehouse, whichever is applicable, as far as it is consistent with the Tariffs and Customs Code and applicable issuances by the Bureau of Customs.

6.2.1.5.3 If inspection shows that the product shipped is consistent with the importation documents as well as with the pre-shipment inspection report submitted (e.g. quantity, markings, license number), SOC shall be issued by the BPS within sixteen (16) working hours from BPS' receipt of the inspection report. Otherwise, full product testing shall be conducted as specified in Rule 8.2 stated herein.

6.2.1.5.4 The samples drawn shall be submitted to the BPS-recognized testing laboratory within twenty-four (24) working

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hours from the date of inspection and sampling for the conduct of Critical Test.

6.2.1.5.5 After the release of the SOC and pending the results of the Critical Test, product distribution, retail or use may commence.

6.2.1.5.6 If the result of the Critical Test shows conformance, the importer shall be informed accordingly. Otherwise, a notice of non-conformance informing the importer that full re-test shall be conducted and the applicable provisions hereof shall apply.

6.2.1.6 If the result of pre-shipment test showed non-compliance, Certificate of Conditional Release shall nevertheless be issued, subject to the following upon arrival of shipment at the port of entry:

6.2.1.6.1 The shipment shall be transferred only to a Customs Bonded warehouse. The importer shall notify in writing the BPS/DTI regional/provincial office that the shipment is ready for inspection and sampling.

6.2.1.6.2 Product inspection and sampling shall be conducted within (16) working hours from receipt of the written notice either at the port of entry, vessel, or at the Customs Bonded warehouse, whichever is applicable.

6.2.1.6.3 If inspection shows that the product shipped is consistent with the importation documents as well as with the pre-shipment inspection report submitted (e.g. quantity, markings, license number), the importer shall be informed accordingly. Otherwise, a Show Cause Order shall be issued.

6.2.1.6.4 The samples drawn shall be submitted to the BPS-recognized testing laboratories within sixteen (16) working hours from the date of inspection and sampling for the conduct of full product testing.

6.2.1.6.5 If the result of full product testing shows conformance, the SOC shall be issued. Otherwise, the application shall be denied and exportation or destruction of the non-conforming product shall be undertaken within ninety (90) days upon receipt of the notice of denial. Exportation or destruction shall be at the cost of the importer. In addition, the PS License may be suspended, revoked or cancelled, subject to due process.

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6.2.2 Application for Statement of Confirmation without Pre-shipment Inspection and Testing

6.2.2.1 The applicant shall submit the duly accomplished and subscribed application form and requirements to the BPS or to the nearest DTI regional/provincial office.

6.2.2.2 Upon receipt of the application and complete requirements, a Certificate of Conditional Release shall be issued, subject to the conditions stated therein. Upon arrival of shipment at the port of entry, the following shall apply:

6.2.2.2.1 The importer shall notify in writing the BPS/DTI regional/provincial office that the shipment has been transferred and/or is ready for inspection. The shipment shall be transferred only to the warehouse address indicated in the application and shall not be used or offered for sale/retail.

6.2.2.2.2 Product inspection and drawing of samples shall be conducted within sixteen (16) working hours from receipt of the notice at the port of entry, vessel, or the importer's warehouse, whichever is applicable, as far as it is consistent with the Tariffs and Customs Code and applicable issuances by the Bureau of Customs

6.2.2.2.3 If inspection shows that the product shipped is consistent with the importation documents (e.g. quantity, markings, license number), products samples shall be drawn in accordance with the prescribed sampling size herein for full verification testing. Otherwise, a Show Cause Order shall be issued and the provisions under Rule 13 shall apply.

6.2.2.2.4 The drawn samples shall be submitted by the applicant to the BPS-recognized testing laboratory within twenty-four (24) working hours from the date of inspection and sampling for the conduct of full testing.

6.2.2.2.5 If the result of the full verification test shows conformance, the SOC shall be issued. Otherwise, a re-testing may be conducted, or the application will be denied and exportation or destruction of the non-conforming product shall be undertaken within ninety (90) days, at the cost and option of the importer whether to export or destroy the non-conforming product. In addition, the PS License may be suspended, revoked or cancelled, subject to due process.

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Rule 7. INSPECTION AND SAMPLING

7.1. Inspection and sampling shall be conducted by the BPS, DTI RO/PO or the BPS-recognized Inspection Body within the prescribed time and in accordance with existing BPS Inspection and Sampling Procedure.

7.2. If inspection and sampling cannot be conducted within the prescribed period, the concerned DTI RO/PO or the BPS-recognized Inspection Body shall inform the BPS in writing of the reason/s thereof within sixteen (16) working hours upon receipt of the notice to conduct inspection. Under justifiable reasons, inspection and sampling may be re-scheduled, otherwise, appropriate action shall be undertaken.

7.3. Sampling Size

To determine the specific number of samples for flat glass, heat-strengthened and fully tempered flat glass, glass in building – laminated glass and laminated safety glass – Part 2 & 3 and bent glass, the table¹⁶ below shall apply:

Volume/Quantity	Sample	Sample Size	Acceptance Quality Limit (AQL)	
			ACCEPT ¹⁷	REJECT ¹⁸
			No. of failed/defective samples	
Up to 20,000 Kgs	1 st set	5	0	2
	2 nd set	5	1	2
Up to 40,000 Kgs	1 st set	8	0	2
	2 nd set	8	1	2
Up to 70,000 Kgs	1 st set	13	0	3
	2 nd set	13	3	4
Up to 150,000 Kgs	1 st set	20	1	3
	2 nd set	20	4	5
Up to 200,000 Kgs	1 st set	32	2	5
	2 nd set	32	6	7

Notes:

- For shipments more than 200,000 Kgs, the sample size and AQL of the 200,000 Kgs shall apply plus the sample size and AQL of the excess volume/quantity.
- The accept/reject level for the second set row is cumulative of the first and second sets of samples tested.

TABLE 1 – ACCEPTANCE QUALITY LIMIT

7.3.1 Sampling lots shall be randomly selected. Likewise, two (2) sets of samples shall be drawn from the selected lots. The lot size of the particular shipment or production shall be equal to one thousand two hundred fifty (1, 250) kilograms or a fraction thereof or per crate, if applicable.

¹⁶ Sample Size Code Letters and Table 3-A – Double Sampling Plans for Normal Inspections of PNS ISO 2859-1:2012 were used as reference.

¹⁷ ACCEPT : If the number of failed samples is equal to or less than the number indicated

¹⁸ REJECT : If the number of failed samples is equal to or more than the number indicated

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7.4. Sampling Procedure

- 7.4.1 The BPS, DTI Regional Office/Provincial Office (ROs/POs), BPS-recognized auditing/inspection body and the PS applicant/license holder and SOC applicant authorized representative shall ensure that the drawn samples shall be traceable to the particular lot where it was drawn.
- 7.4.2 The BPS, DTI ROs/POs, BPS-recognized auditing/inspection body shall facilitate the preparation of glass products for every sample drawn properly labeled as first set and second set as follows:
 - 7.4.2.1 For flat glass:
Two (2) sets of twenty-four inches by thirty-six inches (24" x 36");
 - 7.4.2.2 For other glass products:
Two (2) sets of the actual size as manufactured, as shipped or as ordered by the end-user.
- 7.4.3 For PS initial, surveillance or recertification audits, additional sets of samples shall be randomly drawn for in-plant/factory testing purposes.
- 7.4.4 Test samples drawn shall be packed/sealed and signed in the presence of authorized representatives from BPS, DTI ROs/POs or BPS-recognized auditing/inspection body who shall ensure that the Request for Test form is properly filled-up and signed by the manufacturer or importer. The auditor/inspector and the manufacturer/importer shall ensure that the samples are traceable to the particular batch/lot where it was drawn.
- 7.4.5 The auditor or the inspector shall ensure that the request for test form together with the two (2) sets of samples are directly submitted to the BPS-recognized testing laboratory within three (3) days from the date of audit/inspection and furnish BPS with a copy thereof within three (3) days from submission. For foreign-based PS License Holders/Applicants, the auditor or inspector shall ensure that the samples drawn shall be shipped to the BPS-recognized testing laboratory within three (3) days from the date of audit or inspection.
- 7.4.6 The BPS-recognized testing laboratory shall document properly the receipt of the product samples to include but not limited to taking pictures of the following:
 - 7.4.6.1 Request for Test;
 - 7.4.6.2 Packaging of the samples as submitted and received.

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Rule 8. PRODUCT TESTING

- 8.1. Product testing shall be conducted by a BPS-recognized testing laboratory.
- 8.2. Full product testing shall be conducted as follows:
 - 8.2.1 For Flat Glass
 - 8.2.1.1 Dimensional Measurement
 - 8.2.1.2 Distortion

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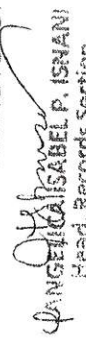
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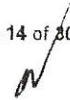



- 8.2.1.3 Blemish
- 8.2.1.4 Transmittance
- 8.2.2 For Heat-Strengthened and Fully Tempered Flat Glass
 - 8.2.2.1 Dimensional Measurement
 - 8.2.2.2 Distortion
 - 8.2.2.3 Blemish
 - 8.2.2.4 Strength Requirements
- 8.2.3 For Laminated Glass and Laminated Safety Glass – Part 2
 - 8.2.3.1 Impact Resistance
 - 8.2.3.2 High Temperature Test
 - 8.2.3.3 Humidity Test
 - 8.2.3.4 Radiation Test
 - 8.2.3.5 Dimension and Edge Finishing
 - 8.2.3.6 Acoustic Properties Test
 - 8.2.3.7 Appearance
- 8.2.4 For Laminated Glass and Laminated Safety Glass-Part 3
 - 8.2.4.1 High Temperature Test
 - 8.2.4.2 Humidity Test
 - 8.2.4.3 Radiation Test
 - 8.2.4.4 Dimension and Edge Finishing
 - 8.2.4.5 Acoustic Properties Test
 - 8.2.4.6 Appearance
- 8.2.5 For Bent Glass
 - 8.2.5.1 Impact Test
 - 8.2.5.2 Thickness Tolerances
 - 8.2.5.3 Dimensional Tolerances
 - 8.2.5.4 Blemishes
- 8.3. Critical test shall be limited to the following parameters:
 - 8.3.1 For Flat Glass
 - 8.3.1.1 Thickness (for type I or transparent and type II or patterned and wired)
 - 8.3.1.2 Distortion (for type I or transparent only)
 - 8.3.2 For Heat-Strengthened and Fully Tempered Flat Glass
 - 8.3.2.1 Dimension Requirements
 - 8.3.2.2 Strength Requirements
 - 8.3.3 For Laminated Glass and Laminated Safety Glass- Part 2
 - 8.3.3.1 Impact Resistance
 - 8.3.3.2 High Temperature Test
 - 8.3.3.3 Humidity Test
 - 8.3.3.4 Dimension and Edge Finishing
 - 8.3.4 For Laminated Glass and Laminated Safety Glass – Part 3
 - 8.3.4.1 High Temperature Test
 - 8.3.4.2 Humidity Test
 - 8.3.4.3 Dimension and Edge Finishing



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- 8.3.5 For Bent Glass
 - 8.3.5.1 Impact Test
 - 8.3.5.2 Thickness Tolerances
 - 8.3.5.3 Dimensional Tolerances

- 8.4. To verify conformance to the aforementioned testing requirements, the test methods prescribed by the particular PNS shall be used. Considering the regular updating of standards, the latest edition of the PNS shall be used as reference. It is understood that future amendments of the PNS used in this Order shall be effective one (1) year after its promulgation to provide ample time to all stakeholders to adjust and conform to the new requirements, if any.
- 8.5. For initial, surveillance or recertification audits, samples drawn shall be tested in-plant. The manufacturer shall have testing capability to conduct the critical testing of glass products. Only after the result of in-plant tests showed conformance to the requirements of the standards shall the auditor prepare the Request for Test of the first and second sets of samples for testing by the BPS-recognized testing laboratory.
- 8.6. The first set of samples shall be tested by the BPS-recognized testing laboratory while the second set of samples shall be kept by the testing laboratory for re-testing or future reference. Retesting shall be conducted when the AQL prescribed acceptance number of the first set is not met.
- 8.7. Tested samples shall be retrieved by the manufacturer/importer upon receipt of notice of retrieval from the testing laboratory. Otherwise, the tested samples upon notice shall be disposed of accordingly.
- 8.8. The manufacturer/importer shall have one (1) month from the receipt of the notice of disposal of test samples to arrange for the pick up of samples from the concerned testing laboratory. After said period, the testing laboratory shall, with due notice to BPS and the manufacturer/importer, dispose the samples in a manner deemed appropriate in accordance with existing accounting and auditing rules.
- 8.9. Unused samples shall be retrieved by the manufacturer/importer within fifteen (15) days from receipt of notice of retrieval from the testing laboratory, copy BPS. Otherwise, they shall upon notice be disposed of in accordance with existing and applicable rules.
- 8.10. The original test reports shall be sent directly to the BPS by the BPS-recognized testing laboratory together with the pictures of samples as received, pictures of samples showing the required markings, and copy of the Request for Test.

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The BPS reserves the right to be present at any point of the certification process.

Rule 9. EVALUATION OF RESULTS

Results of tests shall be evaluated based on the requirements of the standards and the Acceptance Quality Limit prescribed in Table 1 above.

- 9.1. If the number of failed samples from the first set is equal or less than the AQL

prescribed acceptance number, the PS license or SOC certificate shall be issued.

- 9.2. If the number of failed samples from the first set is equal or more than the AQL prescribed rejection number, the PS/SOC application shall be denied.
- 9.3. If the number of failed samples from the first set is more than the AQL prescribed acceptance number but less than the prescribed rejection number, the applicant may undertake any of the following options:

9.3.1. **For factory audits:**

- 9.3.1.1. Applicant requests for testing of the second set of samples or undertake corrective measures. If corrective measure was undertaken, another product audit shall be conducted.

Only after re-assessment and subsequent product compliance shall the manufacturer be allowed by BPS to use the Product Certification Mark.

9.3.2. **For statement of confirmation:**

- 9.3.2.1. Applicant requests for testing of the second set of samples at its own expense;
- 9.3.2.2. Applicant exports the shipment back to the country of origin, at its own expense, subject to inventory and inspection by an authorized DTI/BPS representative prior to the exportation. Export documents (i.e. Bill of Lading and Import Entry or any other document that will serve as proof that the non-compliant products arrived at the country of origin) shall be submitted by the importer to the BPS; or
- 9.3.2.3. Applicant destroys the non-conforming products in accordance with existing rules and regulations, at its own expense, and to be witnessed by a duly authorized DTI/BPS representative. Inspection and inventory shall be conducted by the DTI/BPS representative prior to the actual destruction.

9.3.3. **For rejected shipment, lot or batch:**

- 9.3.3.1. Notwithstanding the acceptance of the shipment/batch, any nonconforming lots found during inspection and/or testing, whether forming part of the sample or not, shall be rejected.
- 9.3.3.2. The importer or manufacturer at its own expense either export to the country of origin or destroy the nonconforming product in the presence of DTI authorized representative and other relevant government agencies/authorities in accordance with existing rules and regulations.

- 9.4. If the cumulative test results of the first and second sets of samples show conformance, PS license or SOC certificate shall be issued. Otherwise, the application shall be denied and/or the PS license shall be suspended. Only after the re-assessment and subsequent product compliance shall the BPS lift the suspension of the PS License

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*df***Rule 10. MARKING REQUIREMENTS**

For traceability and verification purposes, the required markings for imported or manufactured glass products shall be available at all times for verification by the BPS and DTI RO's/PO's, their authorized representatives, and by the duly authorized enforcement teams either at the manufacturer's/importer's warehouse or traders'/distributors'/retailers' warehouse, if applicable.

The required markings shall be as follows:

10.1 On glass sheet

- 10.1.1 Tradename or trademark
- 10.1.2 Thickness in mm
- 10.1.3 Type (e.g. transparent, patterned, wired)
- 10.1.4 Class (e.g. clear, tinted), if applicable
- 10.1.5 PS License No. or SOC Number

10.2 On crate or package

- 10.2.1 Correct and registered trade name or brand name
- 10.2.2 Duly registered trademark
- 10.2.3 Duly registered Business Name and address of importer and manufacturer (if imported) or duly registered Business Name and address of manufacturer (if locally manufactured);
- 10.2.4 Country of Origin
- 10.2.5 Thickness in mm
- 10.2.6 Type (e.g. transparent, patterned, wired, heat-strengthened, tempered, laminated, bent)
- 10.2.7 Class (e.g. clear, tinted)
- 10.2.8 No. of sheets/pieces
- 10.2.9 Lot/Batch Number
- 10.2.10 PS License No. or SOC Number

In the absence of any of the required markings or submission of incomplete markings, the application for PS License or SOC shall not be processed until such time that the required markings are submitted or corrected.

Rule 11. RECOGNITION OF CONFORMITY ASSESSMENT BODY

- 11.1. Only recognized Conformity Assessment Bodies (CABs) shall be allowed to participate in this mandatory product certification scheme.
- 11.2. Any CAB that intends to be recognized shall accomplish the BPS Recognition Application Form together with the following:
 - 11.2.1. Certificate of Accreditation from an Accreditation Body signatory to the ILAC/APLAC, to include the Scope of Accreditation;
 - 11.2.2. Certified True Copy of the Articles of Incorporation. For foreign CAB, all incorporation documents shall be authenticated by the Philippine Consulate Office. The authentication requirement may be waived subject to reciprocity agreement;

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- 11.2.3. List of authorized signatories indicating their company position and the corresponding specimen signature;
- 11.2.4. An undertaking to abide by the terms and conditions of the recognition.
- 11.3. For foreign CABs, the application shall be submitted by the local office/representative agency to ensure accountability. Applications of foreign CABs with no local office/representative agency shall be denied.
- 11.4. The requirement on local office/representative agency may be waived subject to the provisions of any Mutual Recognition Agreement entered into by the Philippine Government through the Department of Trade and Industry.
- 11.5. The BPS may, at any time, conduct full verification of the competence of the CAB to perform the conformity assessment activities under the BPS Product Certification Schemes.

Rule 12. TERMS AND CONDITIONS OF THE PS LICENSE

The PS License holders and importers shall abide by the following terms and conditions:

- 12.1. Consistently abide by R.A. No. 4109, E.O. No. 133: 1987, E.O. No. 913: 1983 and R.A. No. 7394 and their implementing rules and regulations, and orders which the BPS issues in pursuance with its authority under the law.
- 12.2. Ensure that the certified product conforms at all times to a specific standard as amended/updated and its implementing rules and regulations.
- 12.3. Warrant that it has the authority to use the brand name, trade name and trademarks indicated in the application form.
- 12.4. Be held liable for any damages that its product might cause to their consumers.
- 12.5. The Product Certification Mark shall not be affixed on any products not covered by the license or certificate issued by BPS.
- 12.6. Establish and maintain systems of product recall and of addressing complaints filed by its clients or customers concerning its certified products, and shall maintain records thereof.
- 12.7. Give duly-authorized representatives of the BPS or DTI Regional/Provincial Offices or, in the case of foreign companies, by BPS or BPS-recognized CABs, full access to the premises where the certified product is manufactured/assembled/stored; to relevant equipment, records, personnel and subcontractors for purposes of investigating complaints or evaluating consistency of compliance with the requirements of this technical regulation;
- 12.8. Maintain a record of all complaints made known to it, relating to compliance with certification requirements and make these records available to the certification body when requested; take appropriate action with respect to such complaints and any deficiencies found affecting such product's conformance to the requirements for certification; and, document the action taken, subject to verification by the certification body.

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- 12.9. Submit itself to surveillance activities to ensure consistent compliance with the BPS requirements of the Product Certification Scheme.
- 12.10. In case of subcontracts, shall assume full responsibility for its sub-assemblies', semi-finished and finished products' conformance to the specific requirements.
- 12.11. Inform BPS in writing of any changes that will materially affect its PS License and its ability to comply with BPS product certification requirements at least fifteen (15) calendar days prior to the date the change will be made, such as, but not limited to change in management, business name, addition of brand name, modification of product's designs and specifications and/or transfer of plant site.
 - 12.11.1 If the change involves addition of brand name and modification in the product's design or specifications, BPS shall facilitate the conduct of appropriate product certification activity;
 - 12.11.2 In case of transfer of plant site, BPS, DTI ROs/POs, or BPS-recognized auditing bodies shall conduct factory and product audit at the new site.
- 12.12. Pay the applicable fees and other charges as billed or stipulated by BPS, its duly recognized inspection and/or certification bodies.
- 12.13. Any incorrect references to the certification scheme; misleading use of PS licenses, Statement of Confirmation, marks or any other mechanisms indicating that a product is certified found in documentation or publicity materials or any breach hereof, shall be a ground for the issuance of Show Cause Order.
- 12.14. Traders or retailers in possession of covered products whose PS Licenses have expired or have been suspended, recalled, withdrawn, revoked or cancelled shall be notified in writing of such suspension, recall, withdrawal, revocation or cancellation.
- 12.15. Upon suspension, recall, withdrawal, cancellation or revocation of the PS License, the holder shall discontinue the manufacture and/or use of covered products including advertising materials relevant thereto and shall take action as may be required by the BPS.
- 12.16. The PS License and Statement of Confirmation are non-transferable.

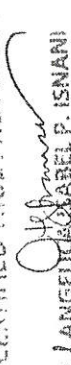
Any infractions of the foregoing shall be a ground for the suspension, withdrawal or cancellation of the license and/or certificate.

Rule 13. REQUIREMENTS IN CASE OF NON-CONFORMANCE

For covered products that do not conform to the requirements of BPS rules and regulations/guidelines, the following provisions, on a per shipment basis, shall apply:

- 13.1. A SHOW CAUSE ORDER shall be issued by BPS or DTI-ROs/POs giving the PS License holder or the importer opportunity to explain why its surety bond shall not be forfeited in favor of DTI and/or why a formal charge shall not be filed. This may include a CEASE AND DESIST ORDER addressed to the owner/manager

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of the individual or company concerned, to refrain from supplying, distributing, selling or displaying for sale the products subject thereof until such time that the Show Cause Order is lifted.

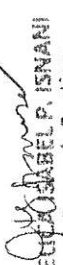
- 13.2. If the explanation to the Show Cause Order is not acceptable, the BPS or DTI-ROs/POs shall direct the manufacturer and/or importer concerned to submit a sworn affidavit undertaking to do the following as directed whichever is applicable:
 - 13.2.1 Permanently cease and desist from supplying, distributing, selling or displaying for sale the non-conforming products subject thereof;
 - 13.2.2 Effect a full product recall to account such products that are already in circulation through publication in a newspaper of national circulation, giving the public a period of thirty (30) days from publication within which to return subject products. The product recall shall specify the basis or ground therefor. The manufacturer/importer/distributor shall keep BPS informed in writing on the progress of the recall. Such publication shall include a NOTICE warning the public that the product subject thereof is not compliant with the safety and/or quality requirement; and
 - 13.2.3 Recognize BPS authority to forfeit the Surety Bond in such amount as prescribed herein.




Rule 14. PROCEDURES AND REQUIREMENTS FOR PRODUCT RECALL

After the product is declared by the BPS to be non-conforming, the BPS shall immediately notify the manufacturer and importer. The manufacturer and/or importer shall within fifteen (15) days from receipt of notice implement product recall in accordance with the following:

- 14.1. The recall order shall be published in a newspaper of general circulation for at least two (2) consecutive Saturdays/Sundays;
- 14.2. The layout, content, font and size of the recall order shall be prescribed by the BPS;
- 14.3. The recall period shall be for a minimum of thirty (30) days from date of the second publication;
- 14.4. Proof of publication of the recall orders shall be submitted to the BPS or the DTI Regional/Provincial Office;
- 14.5. Inventory of the recalled products shall be submitted to BPS or DTI Regional/Provincial Office;
- 14.6. Recalled products shall be condemned, destroyed, or otherwise disposed of in accordance with applicable rules on disposal issued by the DTI, Department of Budget and Management and Commission on Audit.
- 14.7. The manufacturer and/or importer shall compensate parties availing of the recall order.

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Rule 15. FEES, CHARGES, BOND REQUIREMENT AND OTHER EXPENSES

- 15.1. All corresponding fees, charges, costs, and other related expenses shall be for the account of manufacturer/importer.
- 15.2. Fees and charges to be paid by the applicant in accordance with Annex A shall be as follows:
 - 15.2.1. Application Fee;
 - 15.2.2. Audit/inspection fees;
 - 15.2.3. Transportation/travelling expenses, and board and lodging costs of auditor/s and inspector/s during audit/inspection, subject to existing rules and regulations or third-party provision;
 - 15.2.4. Processing Fee of Statement of Confirmation on imported products (non-refundable, payable upon filing of the application on per product, per shipment, per Bill of Lading/Airway Bill basis, assessed by the BPS based on the amount declared in the Invoice);
 - 15.2.5. PS License fee for manufactured products;
- 15.3. For imported glass, a Surety Bond shall be posted on a per shipment basis equivalent to Ten percent (10%) of the declared value or dutiable value of the imported product in Philippine Peso, whichever is higher to guarantee that the applicant shall perform its duties and obligations stated herein.
- 15.4. Any violation of the terms and conditions of the Product Certification Scheme shall, upon notice, result in the *motu proprio* forfeiture of the bond based on the degree of non-conformity or non-compliance stated herein.

Rule 16. SHOW CAUSE ORDER AND BOND FORFEITURE

- 16.1 A Show Cause Order shall be issued against a manufacturer or importer who fails to comply with legal and technical requirements or whose product/s failed to conform to such requirements.
- 16.2 A Cease and Desist Order may be issued simultaneously with the Show Cause Order directing the manufacturer and/or importer to refrain from selling, distributing or disposing the products in any manner.
- 16.3 The surety bond may be forfeited partially or in full, depending on the degree of the non-conformity or non-compliance as follows:
 - 16.3.1 Minor – This level or degree can be the subject of corrective action as allowed under applicable PNS/rules hence, may not be the subject of a Show Cause Order.

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- 16.3.1.1 Inconsistencies in the markings/tags is up to five percent (5%) of the total number of bundles;
- 16.3.1.2 Transfer of products from a declared warehouse to another declared warehouse with prior notice to DTI;
- 16.3.1.3 Up to fifteen (15) days delay in responding to notices/letters;
- 16.3.1.4 Delivery of products covered by a Conditional Release from the Bureau of Customs (BOC) to one of the declared warehouses but not in the warehouse declared in the current application with notice to BPS prior to such delivery;
- 16.3.1.5 Number of missing glass products is not more than one percent (1%) of the total number of bundles'
- 16.3.1.6 Number of missing tags is up to five percent (5%) of the total number of bundles;
- 16.3.1.7 Typographical errors in documents or responses submitted;
- 16.3.1.8 Other circumstances analogous to the above.
- 16.3.2 Significant – This level or degree fell short of being considered justifiable.
 - 16.3.2.1 Inconsistencies in the markings/tags is more than five percent (5%) up to twenty percent (20%) of the total number of bundles;
 - 16.3.2.2 Transfer of products from a declared warehouse to another declared warehouse without prior notice to BPS;
 - 16.3.2.3 More than fifteen (15) up to thirty (30) days delay in responding to notices/letters;
 - 16.3.2.4 Delivery of products covered by a Conditional Release from the BOC to one of the declared warehouses but not in the warehouse declared in the current application without prior notice to BPS;
 - 16.3.2.5 Number of missing glass products is more than one percent (1%) up to two point five percent (2.5%) of the total number of crates;
 - 16.3.2.6 Number of crates without tags is more than five (5) percent up to twenty percent (20%) of the total number of crates;
 - 16.3.2.7 Other circumstances analogous to the above.
- 16.3.3 Major - This level or degree may still be the subject of corrective action but the quantity involved is no longer justifiable hence, shall be the subject of a Show Cause Order.
 - 16.3.3.1 Inconsistencies in the markings/tags is more than twenty percent (20%) but less than fifty percent (50%) of the total number of bundles;

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- 16.3.3.2 Transfer of products from a declared warehouse to another declared warehouse without notice at all;
- 16.3.3.3 More than thirty (30) up to sixty (60) days delay in responding to notices/letters;
- 16.3.3.4 Delivery of products with Certificate of Conditional Release from the BOC to a non-declared warehouse;
- 16.3.3.5 Delivery or transfer of products to a declared but unsecured/uncovered warehouse;
- 16.3.3.6 Release of products covered by a Conditional release whose quality/safety passed the test from the declared warehouse for commercial distribution but was made prior to the resolution of Show Cause Order;
- 16.3.3.7 Number of missing quantity is more than two point five percent (2.5%) up to five percent (5%) of the total number of bundles;
- 16.3.3.8 Number of bundles without tags is more than twenty percent (20%) but less than fifty percent (50%) of the total quantity declared;
- 16.3.3.9 Other circumstances analogous to the above.
- 16.3.4 Critical – Corrective actions or remedial measures shall no longer be accepted for this level or degree of infraction.
 - 16.3.4.1 Inconsistency in the markings/tags is fifty percent (50%) or more of the total number of bundles;
 - 16.3.4.2 Transfer of products from a declared warehouse to a non-declared warehouse, with or without notice to DTI;
 - 16.3.4.3 More than sixty (60) days delay in responding to notices/letters;
 - 16.3.4.4 Delivery of products from the BOC to a declared or undeclared warehouse prior to the release of the Conditional release;
 - 16.3.4.5 Release of products whose quality/safety did not pass the test from the declared warehouse pending resolution of Show Cause Order or prior to the issuance of the required Clearance Certificate/License;
 - 16.3.4.6 Inconsistency in the markings and the quantity of products with deficiency is less than fifty percent (50%) of the total quantity declared but the same has been committed more than once;
 - 16.3.4.7 Number of missing quantity is more than five percent (5%) of the total number of crates;
 - 16.3.4.8 Number of crates without tags is more than fifty percent (50%) of the total quantity declared;

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16.3.4.9 Misrepresentation of material facts in the application or succeeding correspondence/s;

16.3.4.10 Other circumstances analogous to the above.

16.4 Bonds shall be forfeited in accordance with the following:

Degree of Non-conformity or Non-compliance	Amount of Bond to be Forfeited
1. Minor	None
2. Significant	25% of the total bond posted
3. Major	50% of the total bond posted
4. Critical	100% of the total bond posted

16.5 In case of multiple non-conformities or non-compliance, the amount of bond corresponding to the higher degree shall be forfeited.

16.6 Pending resolution of the Show Cause Order involving a particular shipment, applications filed after the issuance of the Show Cause Order by the same importer may be processed, provided, a sworn undertaking to abide by the decision on said SCO shall be submitted prior to the issuance of the necessary Certificate/License for succeeding application/s.

Rule 17. SUSPENSION, WITHDRAWAL, AND CANCELLATION OF PS LICENSE

17.1 A duly issued PS License shall be suspended, recalled, withdrawn, cancelled or revoked based on any of the following grounds:

17.1.1 That the product bearing the PS Mark failed to conform to the requirements of a specific PNS as amended/updated;

17.1.2 That licensee failed to comply with monitoring, surveillance or enforcement notices/directives/orders;

17.1.3 That the licensee failed to comply with the terms and conditions of the license;

17.1.4 That the licensee made false statements or alterations in connection with its application for or re-certification of the license;

17.1.5 That the licensee violated any of the provisions of this Order;

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- 17.1.6 That an Order of Execution vis-a-vis a decision finding the licensee liable for violation of a trade and industry law/s or rules and regulations directing BPS to suspend/cancel or revoke the PS License issued in favor of said licensee;
- 17.2 The license shall be suspended, recalled, withdrawn, cancelled or revoked after the BPS Director has served the license a notice of his intention to do so, stating therein the grounds for the contemplated action, granting the licensee the opportunity to be heard within fifteen (15) days from the date of notice.
- 17.3 If there is a final finding that a product does not conform to the specified technical requirements, the license shall, upon mere notice be immediately suspended, withdrawn, recalled, cancelled or revoked.
- 17.4 Notwithstanding the preceding provisions, the BPS Director may direct that a Formal Charge be filed against the party concerned pursuant to E.O. 913 Series of 1983, DAO No. 7, Series of 2006 and DAO No. 2, Series of 2007.
- 17.5 In cases of suspended, withdrawn or cancelled PS License, the manufacturer shall not be allowed to manufacture or produce in any manner the products covered by the particular PS License. The suspension, withdrawal or cancellation shall take effect immediately upon receipt of the notice until the suspension is lifted or the withdrawn/cancelled PS License is reinstated.

Rule 18. PROHIBITED ACTS

The following acts are hereby declared prohibited, in addition to those listed in DAO No. 2, Series of 2007 and its future amendments, viz:

- 18.1 Use of the Product Certification Mark in any misleading manner;
- 18.2 Manufacture or production of covered products after the license is suspended, withdrawn or cancelled;
- 18.3 Sale, offer for sale using over the counter or on-line mode or any form of advertisement of any glass products not complying with the particular technical regulation or corresponding standards;
- 18.4 Non-compliance, neglect or resistance to effect the product recall as directed by BPS;
- 18.5 Misrepresentations, misleading or unauthorized statements and/or claims made in the application, letters/replies/forms in relation to product certification. Such include unauthorized reproduction of product certification documents, or any part thereof;
- 18.6 Non-compliance or failure to comply with the provisions hereof.

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Rule 19. COMPLAINTS/APEAL HANDLING PROCESS

- 19.1 BPS shall implement a system of handling complaints/appeals related to the product certification process.

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19.2 Remedies for the action or decision of a BPS personnel/chief/director relative to an Application for PS License shall be the following:

19.2.1 In case of denial of the PS License application, the applicant may file a motion for reconsideration with the BPS Director within ten (10) working days from receipt of the letter of denial. No second motion for reconsideration shall be allowed;

19.2.2 In case of suspension, recall, withdrawal, cancellation or revocation of the PS License, a motion for reconsideration may be filed with the BPS Director by the applicant within ten (10) working days from receipt of the notice. No second motion for reconsideration shall be allowed.

19.3 In case the motion for reconsideration is denied, an appeal may be filed with the DTI Secretary within fifteen (15) calendar days from receipt of denial of the motion for consideration. The appeal shall be based solely on grounds of grave abuse of discretion amounting to lack or excess of jurisdiction committed by the official who rendered the decision.

19.4 The filing of a Motion for Reconsideration shall suspend the period to file an appeal.

Rule 20. PENALTIES OR SANCTIONS

The following shall be imposed upon any manufacturer, importer, foreign testing laboratory/facility, or any other person or entity found in violation of any provision hereof after due process, as may be appropriate:

20.1 Administrative fine as per existing DTI Rules and Regulations/Department Administrative Orders and E.O. 913.

20.2 Cancellation or revocation of PS License pursuant to a final and executory decision rendered by an administrative agency or the regular courts.

20.3 Watch-listing and/or blacklisting of importers/manufacturers.

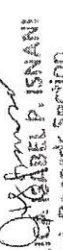
20.4 In any case of failure in product testing for post shipment verification or surveillance:

20.4.1 The manufacturer or importer concerned shall, in addition to the penalties provided herein including but not limited to product recall and/or forfeiture of surety bond, lose the option for pre-shipment testing in all subsequent que or importation which henceforth shall undergo post shipment testing by accredited Philippine testing facilities;

20.4.2 The foreign testing laboratory or facility concerned shall lose the recognition by BPS to conduct pre-shipment testing.

20.5 Any other sanctions or penalties as provided under existing DTI rules and regulations.

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Rule 21. REQUIRED CAPITALIZATION

All glass importers shall be required to have at least Twenty Million Pesos (Php 20,000,000.00) capitalization prior to importation. Proof of the same shall be submitted to BPS and/or DTI RO/PO as follows:

21.1 Duly filed Articles of Incorporation showing minimum paid-up in capitalization for corporations, or business permit and proof showing minimum declared capitalization for single proprietorship;

21.2 Copy of the latest Audited Financial Statement; and

21.3 Other documentary proof showing capitalization.

Rule 22. DISPOSAL OF SAMPLES

22.1 All remaining samples, which were drawn for testing purposes, and complied with the requirements of the standard, shall be claimed by the importer/manufacturer within five (5) days upon receipt of the PS License and Statement of Confirmation. If the importer/manufacturer fails to claim the samples after receipt of PS License and Statement of Confirmation or opted not to retrieve the sample at all, the laboratory shall dispose the samples as it may deem necessary, at the expense of the importer/manufacturer.

22.2 Samples which fail to comply with the specified requirements shall be stored for a maximum of six (6) months in the laboratory to ensure their availability in the event the importer/manufacturer contests the result of the test including those subject of litigation.

Rule 23. ISSUANCE OF GUIDELINES/PROCEDURES

BPS may issue such procedural guidelines as may be necessary in the implementation of this Order.

Rule 24. REPEALING CLAUSE

All provisions of existing Department Administrative Orders, circulars, and guidelines inconsistent with this Administrative Order are hereby repealed subject to the transitory provisions below.

Rule 25. TRANSITORY PROVISIONS

25.1 All manufacturers with existing valid PS License shall comply with the procedures and requirements of this Order on the subsequent surveillance audit immediately upon effectivity hereof. All pending PS applications received prior to the effectivity of this Order shall be processed in accordance with DAO 04:2008 and after the issuance of its PS license, manufacturers shall comply with the procedures and

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requirements of this Order on the subsequent surveillance audit.


25.2 All PS License applications received after the effectivity of this Order shall be subject to the procedures and requirements prescribed herein.

25.3 All glass importations ordered and paid prior to the effectivity of this Order shall be exempted from the PS requirements under Rule 4 herein but all other requirements and procedures prescribed herein shall apply e.g. sampling, testing, surety bond. Proof of payment shall be submitted to the BPS for verification.

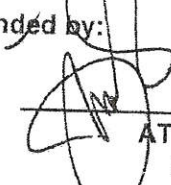
26 EFFECTIVITY

This Order shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register.

Done in the City of Makati this 28th day of March in the year 2019.



ENGR. JAMES E. EMPENO
Director, Bureau of Philippine Standards

Recommended by:


ATTY. RUTH B. CASTELO
Undersecretary, CPG

Approved:


RAMON M. LOPEZ
Secretary



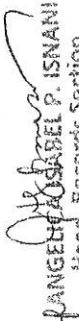
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TABLE 1: SCHEDULE OF FEES AND CHARGES FOR BPS PS LICENSING

PARTICULARS		FEE	PAYABLE TO
1	Application Form	Php300.00	DTI
2	Quality Manual Review	Php5,000.00	
3	Pre-Audit / Audit / Surveillance Audits per Man-Hour (Payable within 15 days after billing) as per size of establishment based on Table 1A		
3.1	Micro	Php100.00 or as charged by Designated Auditing Body	DTI / Designated Auditing Body
3.2	Small	Php300.00 or as charged by Designated Auditing Body	
3.3	Medium	Php400.00 or as charged by Designated Auditing Body	
3.4	Large	Php500.00 or as charged by Designated Auditing Body	
4	Original License Fee* (Payable within 15 days after billing)		
4.1	Micro	Php5,000.00	DTI
4.2	Small	Php7,500.00	
4.3	Medium	Php10,000.00	
4.4	Large	Php12,500.00	
5	Annual License Fee* (Payable within 15 days after billing)		
5.1	Micro	Php2,500.00	DTI
5.2	Small	Php3,750.00	
5.3	Medium	Php5,000.00	
5.4	Large	Php6,250.00	
6	Transportation	As per arrangement (if necessary)	DTI / Designated Auditing Body
7	Hotel Accommodation	As per arrangement (if necessary)	DTI / Designated Auditing Body
8	Testing Fee	As charged by Designated Testing Laboratory	BPS-Recognized Testing Laboratory
9	Freight Charges of Samples	As charged by Freight Forwarder	Freight Forwarder
10	Market Sample	As per Official Receipts / Sales Invoice	Establishment

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TABLE 1A: SIZE OF ESTABLISHMENT


SIZE OF ESTABLISHMENT	ASSETS
Micro	Up to Php3,000,000.00
Small	Php 3,000,001.00 up to Php 15,000,000.00
Medium	Php 15,000,001 up to Php 100,000,000.00
Large	Over Php 100,000,000.00

TABLE 2: SCHEDULE OF FEES AND CHARGES FOR THE STATEMENT OF CONFIRMATION (SOC)

PARTICULARS	FEE	PAYABLE TO
Application Fee	Php 300.00	DTI
Processing Fee (depends on the value of the batch being applied for SOC)		
Invoice/batch value up to Php 500,000.00	Php 5,000.00	DTI
Invoice/batch value from Php 500,001.00 to Php 1,000,000.00	Php 7,500.00	
Invoice/batch value above Php 1,000,000.00	Php 10,000.00	
Inspection Fee	As charged by the DTI / BPS Designated Inspection Body	DTI / Designated Inspection Body
Transportation	As per arrangement (if necessary)	DTI / Designated Inspection Body
Testing Fee	As charged by the BPS-Recognized Testing Laboratory	BPS-Recognized Testing Laboratory
Freight charges of samples	As charged by Freight Forwarder	Freight Forwarder
Market sample	As per Official Receipts/Sales Invoice	Establishment

Notes:

- ❖ Original and Annual License Fees depend on the size of establishment as stipulated on Table 1A herein.
- ❖ The Schedule of Fees and Charges in this DAO were adopted from DAO 4:2008 and DAO 5:2008.

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