

[**PRESIDENTIAL DECREE NO. 1999, November 09, 1985**]

AMENDING SECTION 301 OF PRESIDENTIAL DECREE NO. 1464 OTHERWISE KNOWN AS THE TARIFF AND CUSTOMS CODE OF 1978 AS AMENDED.

WHEREAS, it is the government concern to provide domestic industries government measures against unfair trade practices ;

WHEREAS, the present provision on dumping under Section 301 of the Tariff and Customs Code needs further strengthening and modification to provide domestic industries adequate trade measures to face this eventuality.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree as follows:

SECTION 1. The provisions of Subparagraph b(I) and (3) of Section 301 of the Tariff and Customs Code, as amended, are further amended to read as follows:

"b. The Commission, upon receipt of the advice from the Minister shall conduct an investigation to:

1. Verify if the kind or class of article in question is being imported into, or sold or is likely to be sold in the Philippines at a price less than its fair value;

The fair value of an article shall be its home consumption price, excluding internal excise taxes.

If the fair value of an article cannot be determined, the following rules shall apply:

- i. If the home consumption price is unreliable because of association or a compensatory arrangement between the exporter and the importer or a third party, or if the quantity of like or similar articles sold by the producers for home consumption is negligible in relation to the quantity sold for exportation to countries other than the Philippines as to be an inadequate basis for comparison, then the fair value of the articles shall be based from the export price of like articles sold to countries other than the Philippines, or
- ii. If the country of export is a state-controlled economy, then the fair value of like articles shall be the home consumption price of like articles in a proxy country at the same stage of economic development which is a proven or established competitive producer of the article under consideration.
- iii. In the case where products are not imported directly from the country of origin but are exported to the country of importation from an intermediate country, the fair value shall be the home consumption price in the country of origin or the country of export whichever is higher.
- iv. If the fair value of such or like article cannot be determined in accordance with the preceding paragraphs then, the fair value of the