

**[DTI DEPARTMENT ADMINISTRATIVE ORDER NO.
10-08, September 30, 2010]**

**FURTHER AMENDING THE REVISED IMPLEMENTING RULES AND
REGULATIONS OF ACT NO. 3883, AS AMENDED, OTHERWISE
KNOWN AS THE BUSINESS NAME LAW**

Pursuant to *Title X, Book IV of the Administrative Code of 1987* and to more effectively implement the provisions of *Act No. 3883, as amended*, otherwise known as the Business Name Law, the following further amendments to *Department Administrative Order (DAO) No. 10-01, Series of 2010, as amended by Department Administrative Order No. 10-03, Series of 2010*, implementing the same Act, are hereby promulgated:

SECTION 1. Section 2, Rule I of *DAO No. 10-01 Series of 2010*, as amended is further amended to read as follows:

"Section 2. Statement of Policy

The primary purpose of this Order is to provide protection to the public dealing with business establishments through disclosure of the identity and citizenship of the person owning and operating the business as well as other facts of records in the Department of Trade and Industry.

Secondly, THIS ORDER IS AIMED AT PREVENTING a business establishment from using a name that is identical or confusingly similar to the name of another registered business establishment, *EXCEPT WHEN ALLOWED UNDER THESE RULES.*"

SECTION 2. Section 3, Rule I of *DAO No. 10-01 Series of 2010*, as amended is hereby amended to read as follows:

"Section 3. Coverage

These rules shall apply only to natural persons doing business or proposing to do business in the Philippines using a Business Name as defined in this Order."

SECTION 3. Subsection 4.7, Rule I of *DAO No. 10-01 Series of 2010*, as amended, is hereby deleted and Subsections 4.8 to to 4.13 are redesignated as Subsections 4.7 to 4.12 accordingly. Further, the new Subsections 4 and 4.9 are hereby amended to read as follows:

"Section 4. Definition of Terms

As used in this Order,

x x x

4.4 *Business Name* (BN) shall refer to ANY name that is different from THE TRUE NAME OF AN INDIVIDUAL WHICH IS USED OR SIGNED in connection with her/his business on any written or printed receipts, including receipts for business taxes, duties and fees and withdrawal or delivery receipts; any written or printed evidence of any agreement or business transaction; and any sign or billboard conspicuously exhibited in plain view in, or at the place of her/his business or elsewhere, announcing her/his business.

x x x

4.9 FIELD OFFICE SHALL REFER TO THE DTI OFFICE THAT PROCESSES BUSINESS NAME REGISTRATION.

x x x."

SECTION 4. Section 5 Rule II of *DAO No. 10-01 Series of 2010* as amended is further amended to read as follows:

"Section 5. Qualifications of an Applicant

A person who is at least eighteen (18) years old, doing business or proposing to do business in the Philippines under a BN as defined in this Order and who is not disqualified by any existing law or regulation to engage in business IS QUALIFIED TO APPLY FOR A BN REGISTRATION."

SECTION 5. Section 6 Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 6. Registration Requirements

Applicants shall comply with the following requirements:

6.1 SUBMISSION OF DULY ACCOMPLISHED APPLICATION FORM SIMILAR TO ANNEX "A" HEREOF, AND

6.2 PAYMENT OF THE PRESCRIBED FEE AND DOCUMENTARY STAMP TAX;

6.3 PRESENTATION OF ORIGINAL COPY OF ANY OF THE FOLLOWING IDENTIFICATION DOCUMENTS (ID), TO WIT:

6.3.1 PASSPORT

6.3.2 VALID DRIVER'S LICENSE

6.3.3 PROFESSIONAL REGULATION COMMISSION (PRC) ID

6.3.4 NATIONAL BUREAU OF INVESTIGATION (NBI) CLEARANCE

6.3.5 POLICE CLEARANCE

6.3.6 POSTAL ID

6.3.7 VOTER'S ID

6.3.8 GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) UNIFIED MULTI-PURPOSE ID

6.3.9 SOCIAL SECURITY SYSTEM (SSS) ID

6.3.10 TAX IDENTIFICATION NUMBER (TIN) ID

6.3.11 OVERSEAS WORKERS WELFARE ADMINISTRATION (OWWA) ID

- 6.3.12 SEAMAN'S BOOK
- 6.3.13 GOVERNMENT OFFICE AND GOCC ID, ARMED FORCES OF THE PHILIPPINES (AFP ID), HOME DEVELOPMENT MUTUAL FUND (HDMF ID), PHILPOST ID, PHILHEALTH ID
- 6.3.14 INTEGRATED BAR OF THE PHILIPPINES (IBP) ID
- 6.3.15 SENIOR CITIZEN CARD
- 6.3.16 PERSON WITH DISABILITY CARD

PROVIDED HOWEVER THAT FOREIGN APPLICANTS SHALL BE REQUIRED TO PRESENT IN LIEU OF THE FOREGOING IDS THE ORIGINAL AND A CLEAR CERTIFIED COPY OF THE CERTIFICATE OF AUTHORITY TO ENGAGE IN BUSINESS IN THE PHILIPPINES PER REPUBLIC ACT NO. 7042 AS AMENDED (FOREIGN INVESTMENT ACT), REPUBLIC ACT NO. 8762 (RETAIL TRADE LIBERALIZATION LAW) OR OTHER SIMILAR LAWS, IF APPLICABLE."

SECTION 6. Section 7 Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby deleted. Sections 8 to 20 is hereby redesignated as Sections 7 to 19 accordingly.

SECTION 7. The new Section 7, Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 7. Application Form, Contents

The application form shall contain the following information as required AND specified by the Bureau.

- 7.1. Proposed BN and two alternative BNs, in the order of preference;
- 7.2. Full name of the applicant;
- 7.3. Complete residential address of the Applicant;
- 7.4. CITIZENSHIP of the APPLICANT;
- 7.5. DATE OF BIRTH OF THE APPLICANT;
- 7.6. Tax Identification No. of the Applicant;
- 7.7. BUSINESS LOCATION, I.E. BARANGAY, CITY/MUNICIPALITY, AND/OR REGION WHERE THE BUSINESS IS LOCATED, EXCEPT WHEN REGISTRATION IS NATIONAL IN SCOPE; and
- 7.8. Undertaking."

SECTION 8. The new Section 8, Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 8. Signatories

Any of the following can be a signatory to an application for BN registration:

- 8.1 The applicant herself/himself;
- 8.2 Any of the heirs of the deceased registrant authorized by the court or court-appointed executor, or appointed by or among the heirs by virtue of an Extrajudicial Settlement.

SECTION 9. The new Section 9, Rule II of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 9. Fees

9.1 The Department shall collect A REGISTRATION FEE FOR EVERY APPLICATION FOR REGISTRATION OF BN WHETHER ORIGINAL OR RENEWAL.

9.2 It shall also collect charges for certification, change in business information, cancellation, directory, statistical data, and listings generated to cover administrative, research, and other miscellaneous expenses AS PROVIDED FOR UNDER THE EXISTING GUIDELINES.

9.3 Payment of such fees and charges may be made through non-traditional mode of payment, with DTI-accredited bank or with the DTI Field Office.

9.4 There shall be no refund of fees legally collected."

SECTION 10. The new Section 10, Rule II of DAO No. 10-01 Series of 2010 as amended is hereby amended to read as follows:

"Section 10. Undertaking

The applicant shall affix her/his signature in the Undertaking contained in the application form ATTESTING that said applicant —

10.1 Declares that all information supplied in the application filed are true and correct to the best of her/his belief and knowledge;

10.2 Declares that any false or misleading information supplied, or production of materially false or misleading document to support the application shall be a ground for the appropriate criminal, civil and/or administrative action against the registrant;

10.3 Shall voluntarily cancel or change her/his registered BN UPON CONCLUSIVE DETERMINATION THAT a prior registrant and lawful user of an identical or confusingly similar BN EXISTS BASED ON SECTION 30.2. HEREOF;

10.4 IS FULLY AWARE OF AND shall comply with the provision of Act No. 3883, as amended, and its implementing rules and regulations and other related laws and rules; AND

10.5 DECLARES FULL RESPONSIBILITY TO ENSURE THAT HER/HIS PROPOSED BNS ARE REGISTRABLE UNDER THIS ORDER."

SECTION 11. The new Section 11, Rule III of DAO No. 10-01 Series of 2010 as amended is hereby amended to read as follows:

"Section 11. Filing of Application

Lodgment of a duly accomplished BN application form and acceptance thereof by the DTI Field Office or by the online BN registration system constitutes the filing of the application for BN registration.

SECTION 12. The new Section 13, Rule III of DAO No. 10-01 Series of 2010 as amended is hereby amended to read as follows:

"Section 13. Period to File

13.1 Original Application

The original application must be filed AT ANYTIME before the commencement of the applicant's business operation.

13.2 Renewal Application

13.2.1 Applications for renewal shall be filed WITHIN SIX (6) MONTHS IMMEDIATELY FOLLOWING the expiration of the registration. If the renewal APPLICATION is FILED WITHIN the last three (3) months thereof, a surcharge of Fifty Percent (50%) of the registration fee shall be imposed.

xxx."

SECTION 13. The new Section 14, Rule III of *DAO No. 10-01 Series of 2010* as amended is hereby amended to read as follows:

"Section 14. Procedure

14.1 *Over-The-Counter Application*

14.1.1 An application for BN registration may be filed with ANY Field Office by submitting TWO (2) COPIES OF DULY ACCOMPLISHED APPLICATION FORM SIMILAR TO ANNEX "A" HEREOF signed by the proper signatory as provided for in Section 9 of this Order and upon payment of the prescribed fee/s, and submission of supporting documents, when necessary.

14.1.2 The Field Office after having been satisfied with the applicant's compliance with the REQUIREMENTS of Act No. 3883 as amended, and these rules, shall approve the application and issue the corresponding Certificate of BN registration.

14.2 *Online Application*

14.2.1 An online application for BN registration shall be LODGED by accessing the BN Registration System website and filling up the web-based application form thereat WHICH IS SIMILAR TO ANNEX "A" HEREOF.

14.2.2 AN ONLINE APPLICANT MAY PAY USING ANY VALID LEGAL MODE OF PAYMENT INCLUDING BUT NOT LIMITED TO NON-TRADITIONAL MODE AS DEFINED IN THIS ORDER, PAYMENT WITH ANY BANK WHICH THE DEPARTMENT HAS A MERCHANT ACCOUNT FOR BN REGISTRATION AND OVER-THE-COUNTER PAYMENT IN ANY FIELD OFFICE.

14.2.3 AN ONLINE APPLICANT MAY CHOOSE TO AVAIL OF AN END-TO-END SOLUTION, I.E., SAID APPLICANT CAN FILE AND PAY ONLINE, AND DOWNLOAD AND PRINT THE CERTIFICATE WITHOUT PERSONALLY GOING TO DTI, EXCEPT TO SUBMIT THE REQUIRED ID WITHIN TEN (10) WORKING DAYS FROM THE TIME THE ONLINE TRANSACTION WAS COMPLETED.