

**[BTRCP ADMINISTRATIVE ORDER NO.3 s. 1993,
June 30, 1993]**

AMENDING DEPARTMENT ORDER NO. 124, SERIES OF 1992

SECTION 1. Section 1 of D.O. 124 is hereby amended to read as follows:

"SECTION 1. Designation of Acting Consumer Arbitration Officers of DTI Provincial Offices - (a) Pending the appointment of Consumer Arbitration Officers under Article 160 of the Consumer Act of the Philippines (R.A. 7394), the Provincial Directors and Officers-in-Charge/Caretakers of Provincial Offices are hereby designated as Acting Consumer Arbitration Officers.

(b) Whenever a Provincial Office needs additional Acting Consumer Arbitration Officers, it shall request its Regional Director to designate one or more officers/employees belonging to the requesting Provincial Office or to another Provincial Office as Acting Consumer Arbitration Officers of the requesting Provincial Office. The request should have sufficient justification/s. The Regional Directors are hereby authorized to grant said requests of the Provincial Offices within their respective region.

On a case-to-case basis, the Regional Director may designate the Regional Legal Officers as additional Acting Consumer Arbitration Officers of the Provincial Offices within his jurisdiction."

SECTION 2. Section 2 of D.O. 124 is hereby amended to read as follows:

"SECTION 2. Jurisdiction - The Acting Consumer Arbitration Officers of the DTI Provincial Offices shall have original and exclusive jurisdiction to mediate, hear and decide consumer cases arising from violations of the "trade and industry provisions" of the Consumer Act, which violations were committed within their respective province or any of the essential ingredients of the violations/offenses took place within their respective province.

When the essential ingredients of said violation/offense take place in more than one province, the complainant may file the case with the Provincial Office concerned chosen by him."

SECTION 3. Section 3 is hereby amended to read as follows:

"SECTION 3. Designation of Acting Consumer Arbitration Officers in the National Capital Region - The Legal Officers of the Office of Legal Affairs, in addition to their duties as Hearing Officers under E.O. 913, are hereby designated as Acting Consumer Arbitration Officers whose functions shall be to formally hear and decide consumer cases. The Mediation of said cases shall be conducted by the Acting Consumer

Arbitration Officers of DTI-NCR. The Regional Director of DTI-NCR is hereby authorized to designate the Acting Consumer Arbitration Officers of DTI-NCR.

They shall have original and exclusive jurisdiction to -

- a. mediate, and decide if proper - (as regards Consumer Arbitration Officers of DTI-NCR); and
- b. Hear and decide - (as regards Consumer Arbitration Officers of OLA), consumer cases arising from violations of the "trade and industry provisions" of the Consumer Act, which violations were committed within Metro Manila or any of the essential ingredients of said violations/offenses took place in Metro Manila.

When the essential ingredients of said violation/offense take place in Metro Manila and a province/s, the complainant may file the case with DTI-NCR or the Provincial Office concerned chosen by him.

If the complainant desires that the Mediation of the case shall also be conducted by the Acting Consumer Arbitration Officers of OLA, he shall file the case with OLA and not with DTI-NCR, in which case the OLA Acting Arbitration Officer assigned shall mediate, hear and decide the case."

SECTION 4. The following Section is added in D.O. 124:

"SECTION 3-A. Assignment, transfer, and temporary handling of consumer cases - The Heads of the Provincial Offices, DTI-NCR, and OLA shall assign the consumer cases to the Acting Consumer Arbitration Officers within their respective Offices. When an Acting Consumer Arbitration Officer inhibits himself from handling the case, or is absent, sick, on travel, on leave, resigns, ceases to be an Acting Consumer Arbitration Officer, or for other analogous reasons, the said Head shall transfer the case to another Acting Consumer Arbitration Officer in his Office or direct him to handle said case temporarily, as the case may be, so that no consumer case in his (Head's) Office will be left unattended."

SECTION 5. The following Section is added in D.O. 124:

"SECTION 3-B. Changes in designations - Changes in the designations provided in Sections 1 and 3 hereof may be made by the Secretary of Trade and Industry through a Department Order and same need not be published."

SECTION 6. Section 4 is hereby replaced with the following provisions:

"SECTION 4. DTI's actions on violations of the "trade and industry provisions" of the Consumer Act - (a) The DTI may conduct non-formal investigation, inspection, verification, inquiry, surveillance, buy-bust operation, and the like for the purpose of enforcing/checking compliance with the "trade and industry provisions" of the Consumer Act and to gather prima facie evidence of violations of said provisions with a view to an administrative/criminal prosecution of the violator. These actions may be conducted even without any petition or letter-complaint from a consumer. The conduct of these actions shall be in accordance with DTI guidelines, policies and