

**[DTI ADMINISTRATIVE ORDER NO. 10-01, S. OF
2010, February 08, 2010]**

**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 Rules and Regulations are hereby promulgated:

**Rule I
General Provisions**

SECTION 1. Title - These rules shall be referred to as the "Revised Implementing Rules of the Business Name Law of 2010."

SECTION 2. Statement of Policy - The primary purpose of this Order is to provide protection to the public dealing with a business establishment through disclosure of the identity and citizenship of the person owning the business as well as other facts of records in the Department of Trade and Industry.

Secondly, to prevent a business establishment from using a name that is identical or confusingly similar to the name of another registered business establishment.

SECTION 3. Coverage - These rules shall apply to all natural persons doing business or proposing to do business in the Philippines using a Business Name as defined in this Order.

Juridical persons such as a corporation whether stock or non-stock, and a partnership whether general or limited, doing business or proposing to do business using the same name registered with a government agency mandated to register names, are not covered by this Order.

SECTION 4. Definition of Terms - As used in this Order,

4.1 *Act* shall refer to Act 3883, as amended (otherwise known as the Business Name Law).

4.2 *Applicant* shall refer to a natural person, who is filing or has filed an application for Business Name Registration.

4.3 *Bureau* shall refer to the Bureau of Trade Regulation and Consumer Protection (BTRCP).

4.4 *Business Name* (BN) shall refer to any full name of an individual person that is different from her/his own true name, 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.

4.5 *Department* shall refer to the Department of Trade and Industry (DTI).

4.6 *Director* shall refer to the BTRCP Director.

4.7 *Email Notice of Approval* (ENA) shall refer to the automatic system-generated notification sent to the applicant's email address indicated in the application form submitted online. This will only be triggered by the system once the applicant's proposed BN is approved by the DTI-Field Office.

4.8 *Non-Traditional mode of payment* shall refer to payment made online using automated teller machine (ATM), credit cards, debit cards, mobile phone, and other similar and identical payment methods.

4.9 *Online* shall refer to the condition of being connected to the internet either through a computer or mobile phone.

4.10 *Field Office* shall refer to the DTI Provincial or Area office having jurisdiction over the location of the business for which the BN is applied. It may also refer to the proper DTI Regional Office having jurisdiction over the proper DTI provincial office.

4.11 *Registrant* shall refer to a natural person, whose application for registration of her/his BN has been approved by the Department.

4.12 *Transaction Reference Number* (TRN) shall refer to the automatic system generated tracking number provided to the applicant intended for in-tracking the submission of the application requirements and payment of the required fees.

4.13 *True Name* shall refer to a natural person's full name, or her/his family name together with:

4.13.1 The person's given name/s;

4.13.2 The initial/s of the person's given name/s;

4.13.3 Combination of a person's given name/s and the initial/s of her/his middle name;

4.13.4 The name by which the person is commonly known.

Rule II

Application Requirements

SECTION 5. Qualifications of an Applicant -

5.1 A person who is at least twenty one (21) 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 required to

register under the BN Law.

SECTION 6. Registration Requirements - An applicant who is a natural born Filipino citizen shall comply with the following requirements:

6.1 Duly accomplished application form in the prescribed format;

6.2 Payment of the prescribed fee and documentary stamp tax;

6.3 Original and clear copy of any of the following:

6.3.1 Voter's Identification Document (ID);

6.3.2 Postal ID;

6.3.3 Passport;

6.3.4 Driver's License;

6.3.5 Professional Regulations Commission (PRC) ID;

6.3.6 Government Service and Insurance System (GSIS) e-Card;

6.3.7 Social Security System (SSS) Card;

6.3.8 Senior Citizen ID;

6.3.9 Persons with Disability ID;

6.3.10 Government Office and Government Owned and Controlled Corporation-issued ID;

6.3.11 Integrated Bar of the Philippines ID; and

6.3.12 Such other IDs that the Director may deem fit to establish the identity and citizenship of the applicant;

SECTION 7. Additional Documentary Requirements - The following requirements shall be complied with in addition to the requirements specified in Section 6 (1) and (2), namely:

7.1 Original Application

7.1.1 If the applicant has acquired Filipino Citizenship by naturalization, election, or by any other means as provided by law, she/he must present the original copy and submit a clear certified copy of any of the following proofs of her/his Filipino citizenship;

a. Naturalization Certificate or Oath of Allegiance or identification card issued by the Bureau of Immigration and Deportation (BID);

b. Affidavit of Election or valid identification card issued by the BID

7.1.2 An applicant of foreign citizenship must submit a clear certified copy the following:

a. Alien Certificate of Registration, and

b. Certificate of Authority to engage in business in the Philippines per Rep. Act No. 7042 (Foreign Investment Act), Rep. Act No. 8762 (Retail Trade

Liberalization Law) or such other applicable laws, as the case may be.

7.1.3 If an application is filed by an Attorney-in-fact, the original copy of the Special Power of Attorney shall be submitted as part of the supporting documents.

7.2 Renewal Application

7.2.1 All applicable requirements mentioned in Sections 6 and 7.1 hereof.

7.2.2. Proof of valid license/accreditation/authority issued by DTI pursuant, but not limited, to Presidential Decree No. 1572 (on repair service and technicians), Act No. 3893, as amended (on warehouse business), Presidential Decree No. 721 (on fire extinguisher, supplies and equipment business), Rep. Act No. 8749 (on private emission testing centers), Rep. Act No. 4109 (Philippine Standards).

7.3 Submission of such other documents required by subsequent laws and regulations, and those which to the opinion of the Director of are necessary to protect the interest of the government and the public.

SECTION 8. Application Form, Contents - The application form shall contain, among others, the following information in the manner indicated in the form specified by the Bureau.

8.1 Proposed BN and two alternative BNs, in the order of preference;

8.2 Full name of the applicant;

8.3 Applicant's complete residential address, citizenship, sex, civil status, date of Birth;

8.4 Tax Identification No. of the applicant;

8.5 Email address (mandatory for online applicants);

8.6 Complete business address (House/Bldg No., Street, Barangay, Municipality/City and Province) including the unit or room number where applicable. A Post Office box address is not deemed an address under this Order and therefore its use is not allowed for registration purposes.

8.7 Business activities, products and/or services or proper classification under Philippine Standard Industry Classification;

8.8 Number of male and female employees, and those with disability, when applicable; and

8.9 Undertaking

SECTION 9. Signatories - Any of the following can be a signatory to an application for BN registration:

9.1 The applicant herself/himself;

9.2 The applicant's Attorney-in-fact for an application covered by a Special Power of Attorney; or

9.3 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 10. Fees -

10.1 The Department shall collect fees and charges for every BN registered (original and renewal), certification issued, change in business information made cancellation, directory, statistical data, listings, generated to cover administrative, research, and other miscellaneous expenses.

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

10.3 In case the applicant fails to resubmit proposed names or the required documents within the prescribed period as specified in Section 15.2, the corresponding fee or fees paid therefor shall be forfeited.

10.4 There shall be no refund of fees legally collected.

SECTION 11. Undertaking - The applicant shall undertake to execute in writing that she/he:

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

11.2 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;

11.3 Shall voluntarily cancel or change her/his registered BN in the event another person, firm or entity 1 reports to DTI that she/he/it is a prior registrant and lawful user of an identifical or confusingly similar BN;

11.4 Shall comply with the provision of Act No. 3883, as amended, and its implementing rules and regulations and other related laws and rules; and

11.5 Recognizes and accepts the authority and power of the Department or any of its duly designated representatives to check and monitor compliance by the business establishment with the various trade and industry laws and its implementing rules and regulations, and violation/s of the same shall be a ground for cancellation of the BN registration.

**RULE III
REGISTRATION PROCESS**