

No disruption seen to SpaceX investment after administration steps down, DTI says

SPACE EXPLORATION Technologies Corp.'s (SpaceX) decision to invest in the Philippines will not be affected by the upcoming change in government, according to the Department of Trade and Industry (DTI), which noted that the entry of Elon Musk-controlled company is governed by an executive order (EO) liberalizing the industry.

"Satellite services have been opened up by EO 127. Before this EO was issued, there was a franchise requirement for satellite services. But now, (the industry) has also

been liberalized. There is no need for a franchise anymore," Trade Secretary Ramon M. Lopez said in a television interview on Thursday.

EO 127 was signed by President Rodrigo R. Duterte on March 10, 2021.

"The change in administration will not affect the (entry) of SpaceX," Mr. Lopez said.

The Philippine general election will take place on May 9.

Mr. Lopez said SpaceX has yet to disclose its intended pricing for its satellite internet

services, though he expects its price structure to be competitive.

"SpaceX will benefit areas that are not reached by existing telecommunication providers. The company will just install a dish and the service will be available," Mr. Lopez said.

The DTI has said that SpaceX is hoping to install the first of three planned gateways before the end of President Rodrigo R. Duterte's term on June 30.

SpaceX provides internet service through low earth orbit satellite constellation Starlink. — **Revin Mikhael D. Ochave**

TUCP petitions for P420 hike in Ilocos region minimum wage

THE Trade Union Congress of the Philippines (TUCP) said on Thursday that it filed a petition seeking a P420 increase in the minimum wage for Ilocos Region, in line with other petitions it filed with other boards.

In a statement, the TUCP said the current P340 minimum wage in the Ilocos Region is "far below the needed daily income for a family of five to survive in the face of rising prices of basic goods and services."

"The regional wage board must set the new daily minimum wage in Region 1 at P760 so that our minimum wage earners and their

families can survive and live decently," it said.

The TUCP said that take-home pay in the region for minimum wage earners gives them "only P12.44" to spend per meal per person.

"Minimum wage earners and their families are already suffering from hunger and malnutrition," it said.

The TUCP said the administration must not pass the responsibility of issuing a new wage order to the next government.

"Please do not pass the buck to the next administration," it said. "Cut down the bureaucratic procedures and endless hearings

and just issue a wage order that will save our minimum wage earners and their families from continuing hunger and malnutrition."

Meanwhile, the TUCP said the Department of Labor and Employment's (DoLE) proposal to provide a P5,000 to P8,000 wage subsidy for three months or until the time a wage order is given is an attempt by the agency "to raise false hopes instead of fast-tracking the grant of wage increases to help our minimum wage earners."

"DoLE is just playing our poor workers and their families." — **Kyle Aristophere T. Atienza**

JOB VACANCY	
Company Name and Address	British Council Services (Philippines) Incorporated / The Curve, 32nd Street corner 3rd Avenue, Bonifacio Global City, Fort Bonifacio, Taguig City
Contact details of the company	PHSEC.Communication1@britishcouncil.org
Available Job Vacancy/Position	Cluster Exams Lead
Job Descriptions	<ul style="list-style-type: none"> Act as figurehead for operation and manage relationships with external stakeholders Ensure right capability in place through leadership development, succession planning and career coaching Act as a key member of the Country Leadership Team Assess size and shape of market and agree 1-3 year commercial strategy (channel/audience/geography) based on market and customer intelligence Build professional and personal networks with relevant stakeholders as well as the key buyers across the region Ensure the continuous improvement in the quality of service and product delivery Lead and embed change, ensure capability and effective performance in place to deliver business goals
Basic Qualifications for the Position	<ul style="list-style-type: none"> Experienced in managing a large-scale commercial business across multiple centers/geographies Has extensive team management experience some of which should be in challenging contexts Expert in testing and assessment sector and the positioning of British Council products and services Skilled in commercial decision-making and resource allocation for business benefit at center and country level Has extensive and detailed knowledge of examinations operations across a range of product areas and the ability to lead teams focused on operational excellence and service delivery in large scale B2C markets Has proven track record in developing and implementing integrated business development strategies and the ability to establish and maintain networks of B2B clients across a range of target segments for British Council testing and assessment products
Salary Range	450,000 - 500,000

Canada-ASEAN trade deal touted as gateway to North American markets

THE proposed Association of Southeast Asian Nations (ASEAN)-Canada free trade agreement (ACANFTA) holds the potential to broaden Philippine goods' access to North American markets, the Department of Trade and Industry (DTI) said.

Trade Assistant Secretary Allan B. Gepty said at a Tariff Commission virtual public consultation for the ACANFTA on Thursday that the Philippines lacks its own bilateral access to North America.

"Unlike other ASEAN member states who have existing FTAs with North American countries either bilaterally or through the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), the Philippines has none that accords us with preferential treatment. Through ACANFTA, the Philippines will not only access Canadian markets, but also indirectly access lucrative markets of other countries in North America," Mr. Gepty said.

Mr. Gepty said ACANFTA holds the potential to grow Philippine service exports to Canada, which is a net importer of services from the Philippines.

He said participation in the trade deal will open doors to products like desiccated coconut and processed food, while allowing the Philippines improved access to the fertilizer raw material potassium chloride, of which Canada is a major producer.

"I would say that... if you want to venture into the production of fertilizer, then Canada can be a good source of raw materials. We hope that we can encourage more investment in the production of fertilizer in the country to support our farmers," Mr. Gepty said.

According to the DTI, Canada is the 18th largest trading partner of the Philippines, with two-way shipments valued at \$918.7 million, equivalent to 0.59% of the Philippines' overall trade.

Philippine exports to Canada in 2020 amounted to \$390.4 million, while imports were valued at \$528.3 million.

In November, trade ministers of the ASEAN and Canada launched ACANFTA negotiations. — **Revin Mikhael D. Ochave**

BIR amends rules for issuing GOCC tax clearances

THE Bureau of Internal Revenue (BIR) said it amended the rules governing the issuance of tax clearance certificates as they relate to determining interim performance-based bonuses in government-owned or -controlled corporations (GOCCs).

In Revenue Memorandum Circular (RMC) No. 67 issued on May 4, the BIR amended sections of RMC 32-2021, to insert provisions on large taxpayers, the verification of outstanding tax liabilities, and adjusting requirements.

Under the amended No. 3 section of General Policies, the tax compliance verification sheet for GOCCs (TCVS-GOCC), formerly only requested by the Accounts Receivable Monitoring Division (ARMD) of "the concerned Revenue District Office (RDO)," will now be requested of specific offices.

For regular large taxpayers, the TCVS-GOCC will be requested by the ARMD of the Large Taxpayers Assistance Division and the Large Taxpayers Document Processing and Quality Assurance Division (LTDPPQAD).

For excise large taxpayers, the document will be requested of the Excise Large Taxpayers and Regulatory Division, as well as the LTDPPQAD.

For large taxpayers registered under RDO No. 123 (Cebu) and RDO No. 127 (Davao), the requests will be made by their respective Large Taxpayers Divisions.

Additionally, the amended section No. 6 now states that applicants with outstanding accounts receivable/delinquent accounts but whose tax liabilities involved are the "subject of a pending application," will be issued a Tax Clearance Certificate for GOCCs (TCC-GOCC) regardless.

However, the applicant must later issue an Affidavit of Undertaking and must fully pay the settlement or abatement of penalties, the BIR said.

A certificate of Outstanding Tax Liability/ies will now also be requested by the ARMD from the office for non-large taxpayers, and from the Large Taxpayers Collection Enforcement Division.

Meanwhile, alongside an accomplished and notarized application form for a TCC-GOCC, proof of payment of documentary stamp tax worth P30 is only required if it was paid electronically. — **Tobias Jared Tomas**

No intent to squeeze out PUV operators in PSA amendments — Poe

By Arjay L. Balinbin
Senior Reporter

AMENDMENTS to the Public Service Act (PSA) were not specifically designed to force small-scale transport operators out of the industry, the author of the amendments said.

Senator Mary Grace Natividad S. Poe-Llamanzares, primary author and sponsor of the measure, said that "framers of the new Public Service Act... did not, in any way, intend to exclude natural persons from operating or managing" PUVs.

In a statement issued to *BusinessWorld*, Ms. Poe cited legal interpretations that took into account "The spirit rather than the letter of the law."

"A statute must be read according to its spirit or intent, for what is within the spirit is within the statute although it is not within its letter, and that which is within the letter but not within the spirit is not within the statute," she said.

Ms. Poe was queried about her views on the amendments in the wake of a newspaper column raising the possibility that operator licensing for public utility vehicles such as jeepneys, UV Express, mini buses, taxis, and tricycles could be closed to individuals.

In an April 26 *BusinessWorld* column, Mervin Kenneth C. Ignacio, an associate of the Corporate & Special Projects Department of the Angara Abello Concepcion Regala & Cruz Law Offices, said that the amended PSA, or Republic Act No. 11659, which opened some public services to full foreign ownership, also removed any reference to individuals being granted operating licenses.

He noted that under the amended Section 16 of the PSA, "individuals may no longer be granted a franchise for the operation, maintenance, or control" of Public Utility Vehicles (PUVs).

The old provision recognized "citizens of the Philippines" as eligible to hold operating permits for public services, including public utilities.

"A lot of (the) individual franchise holders are either the drivers themselves or operators of only a small number of vehicles. Further, with respect to public utility tricycles, unless they are operated by cooperatives, they are most likely operated by individuals," Mr. Ignacio said.

He asked whether Congress intended to corporatize the operation, maintenance, and control of all PUVs.

In her statement, Ms. Poe said: "Even from a cursory reading of the law's provisions, it is evident that certificates can be granted to natural persons, not only juridical persons. For one, measures were taken to protect the local *tsuper* and *manongs*, specifically by including PUVs under public utility," she added.

Under the amended PSA, a service classified as a public utility remains subject to the 60-40 ownership restriction in favor of Filipino nationals.

"Further, the intent to not conflate the liberalization aspect with the franchise requirement is very clear from both the deliberations and the resulting statute," Ms. Poe said.

"Congress took pains to expressly legislate under RA 11659, Section 4, amending Section 13 of the old PSA that 'all public services, including those classified as public utilities, shall continue to be regulated and supervised by the relevant administrative agencies under existing laws,'" she added.

She said the PSA and its amendments "never excluded natural persons from the franchise requirement."

Citing Section 13 of the original PSA, which the amendments do not repeal, she noted that the term "public service" covers "every person that now or hereafter may own, operate, manage, or control..."

"Section 13(c) states that 'person' includes '... every individual, ... and

whatever other persons or entities that may own or possess or operate public services," Ms. Poe said.

"That natural persons may still be granted franchises is evident in the criteria laid down by Congress under Sec. 13 (e) (1). The person or juridical entity regularly supplies and transmits and distributes to the public through a network a commodity or service of public consequence."

"When read in conjunction with the amended Section 16(a), the proviso restricting grant of franchises and certificates to operate, manage, or control a public service to corporations organized in the Philippines should be read as a restriction upon grants to juridical persons, and not upon grants to natural persons."

Asked to comment, Terry L. Ridon, convener of infrastructure and investment think tank InfraWatchPH, said: "This is cute table-top legal analysis from big law firms, but certainly, the legislature did not intend to cover jeepneys, mini-buses and tricycles within the ambit of amendments of the Public Service Act."

He said that Congress did not concern itself with putting small transport operators out of work especially during a pandemic.

"Although proponents of jeepney modernization may use this as a basis to remove individual operators from its franchise list, we are looking forward that the executive's implementing rules will make clarifications on this specific matter," he added.

Transport expert Rene S. Santiago said in a phone message: "I do not think that exclusion of natural persons was intentional, on the part of the authors of the bill."

"SMEs (small- and medium-sized enterprises) are the dominant organization form for jeepneys and buses. Notwithstanding the order of DoTr (Department of Transportation) and LTRFB (Land Transportation Franchising and Regulatory Board), under the PUVM (Public Utility Vehicle Modernization Program), to vanish individual ownership," he added.

"The IRR (implementing rules and regulations), which has not been issued yet, should address the transition and possible confusion or ambiguity."

At the same time, he noted that the revised Corporation Code now allows for one-person corporations.

Ms. Poe said: "We must always be guided by the intent of Sec. 16(a) which was to ensure that regulatory bodies would be better able to exercise jurisdiction over foreign-owned public services. This is not an issue with Filipino individuals."

"As a final note, we must also remember that the issue of PUV fleet consolidation or corporatization is entirely separate from the PSA Amendments. This is a PUV Modernization issue for which the Senate Committee on Public Services continues to consult all stakeholders for a winning middle ground."

She added that the PSA amendments "must be read as a whole and not piecemeal lest we run the risk of conjuring from thin air the problems that the PSA amendments sought to resolve in the first place."

"The Philippine Senate and Congress passed the new Public Service Act in order to energize our industries. As such, the law should be read and interpreted to fulfill that mandate."

Mar S. Valbuena, president of the transport group Samahang Manibela Mananakay at Nagkaisang Terminal ng Transportasyon, said in a phone interview that all stakeholders should be consulted before drafting the IRR to clarify these matters.

"Dapat magkaroon ng public consultation, wala munang IRR. Dapat i-clarify. Bago pa magkaroon nyan, 'yung mga stakeholders sana ay na-consult na. 'Yun ang makakabuti, kasi hindi naman sila ang nasa ground," he said.

"Nagkakaroon lang ng consultations kapag nagra-rally na kami or nagreklamo na kami."

Social enterprises team up to pay tribute to Moms and cover full spectrum of love

It is that time of the year again when we celebrate the efforts of the very person whose unconditional, unbeatable love binds our families together: our super moms.

To elevate the usual gift options for Mother's Day, leading farm-to-table platform Mayani.ph collaborates with premium bean-to-bar chocolate maker Auro Chocolate and key social enterprises GAAN and Agrabah by curating special potted flowers and plants collection with names symbolizing the different kinds of motherly love.

Every gift is composed of farm fresh flowers elegantly nestled and arranged in terracotta bowls from GAAN's artisan pottery community in Pampanga. All are paired with a limited edition Mayani and Auro co-branded Heritage Collection Chocolate Set: 5 chocolate bars from roasted white to premium dark.

"We wanted to come up with customized gifts that not only transcend the conventional considerations for Mother's Day, but also hone in on our enduring model of creating impact for different stakeholders through partnerships: the cut-flower farmers, cacao growers, and artisan pot makers," says Lance Villanueva, the Co-Founder & Chief of Fulfillment of Mayani.

Known for its thrust of providing a broader and more stable market for smallholder farmers and fisherfolks, Mayani also works strategically with the likes of the Department of Trade & Industry in expanding its impact footprint across more regions in the Philippines.

Prim Paypon, the Co-Founder and Curator of GAAN, elaborates on the underlying thought and curation process for the collection. "For Mother's Day, we thought of celebrating our mother's unwavering love and remarkable labor to their children from birth to adulthood. We want to celebrate the loving labor of their hands, from guiding their children to take their first step to creating wonderful meals on their family's table," he explains.



Because a mother's love is unique, nurturing, and all-encompassing, Bride and Breakfast Founder Janna Simpao on a heartwarming moment with her daughter.



Caption: Atty. Miscen Desiderio-Dime (Managing Director for Legal Services, Ethics, Compliance, and Regulatory Operations of a large international BPO) gets home and receives a warm hug from her youngest daughter

"For this campaign, we named each flower arrangement from how we recall and cherish our own memories with our life's first greatest woman," Paypon adds.

The curated bundles are available for pre-order at www.mayani.ph/MOM until May 5. Deliveries within Metro Manila will happen on the morning of May 8. Special promos are also available when paid via GrabPay and various credit card partners.