



Telcos seek EO for permanent expedited tower permit process

THE telecommunications industry and the Anti-Red Tape Authority (ARTA) are asking President Ferdinand R. Marcos, Jr. to issue an executive order (EO) to make permanent the expedited permit process for the construction of towers and other internet infrastructure.

ARTA and the telcos, represented by the Private Sector Advisory Council (PSAC) Digital Infrastructure Sector, noted that a joint memorandum circular issued in 2020 “streamlined guidelines for the issuance of permits, licenses, and certificates for the construction of shared passive telecommunications tower infrastructure.”

The memorandum circular, which was revised in 2021, also “streamlined guidelines for the issuance of permits and clearances for the erection of poles, construction of underground fiber ducts, and installation of aerial and underground cable and facilities,” ARTA and PSAC Digital Infrastructure Sector said in a joint statement on Wednesday.

They said that such issuances, which will expire next year, have resulted in more permits issued to telcos in a shorter period of time, expediting the construction of their projects.

“Comparing the pre-reform and post-reform periods, there

were only 7,902 permits approved from July 2019 to June 2020, while 36,264 permits were approved from July 2020 to June 2021,” they said.

“In just one year of implementation, the ARTA telco initiative increased approved telco permits by 358.92%,” ARTA and the PSAC Digital Infrastructure Sector added.

Documentary requirements were also reduced to 35 from 86, while the turnaround time fell to 16 working days from 241.

According to Globe Telecom, Inc., it was able to ramp up its builds, securing nearly 12,000 permits for the construction of new facilities over the last three

years with the help of the streamlined permitting process.

“From 2020 to the third quarter of 2022, Globe built 3,600 new sites and connected 1.4 million fiber-to-the-home lines. In all, it served a cumulative 124.5 million wireless and fixed line subscribers in 2020 and 2021,” the company said.

“In comparison, before the streamlined permitting process, Globe was able to build just 500 towers in 2018 and 1,100 in 2019,” it added.

The Office of the President had yet to reply to a request for comment at the deadline. — **Arjay L. Balinbin**

DENR plans to update small-scale mining rules

THE Department of Environment and Natural Resources (DENR) said it hopes to remove “outdated” rules for small-scale miners after announcing a review of a 1991 law governing that segment of the industry.

“We will be undertaking a comprehensive review of the existing legal framework (for) mining — this will be the first area that the department will be reviewing. We are undertaking review of certain laws, they are somewhat outdated as you know,” Environment Secretary Ma. Antonia Yulo-Loyzaga said in a briefing on Wednesday.

Ms. Yulo-Loyzaga said the department is looking in particular to update Republic Act 7076 or the People’s Small-Scale Mining Act of 1991.

“We are looking very closely in this Small-Scale Mining Act and what needs to be done to update it. We’re hoping that some of the large companies can help us with the social protection and environmental protection side for the small-scale miners,” she said.

Ms. Yulo-Loyzaga said the DENR is looking to “revitalize” the mining sector as minerals will be critical for the economic recovery, adding that “responsible mining” must be viewed in the

context of “what mining can deliver to a country’s development.”

She said that the department hopes to announce the priority areas for review, which will take place over the next six months.

Ms. Yulo-Loyzaga said that to date there are 53 “Minahang Bayan” areas open to small-scale miners, mostly in the Cordillera and Davao regions.

“These are where we need to concentrate because as you know there are needs as far as the Minahang Bayan process is concerned, especially in the protection of our small-scale miners. There’s also an aspect to environmental protection because as you know small-scale miners are only allowed to use certain artisanal tools,” she said.

Minahang Bayan areas are designed to regulate the small-scale mining industry by defining the areas they are allowed to operate observing DENR guidelines.

“At this point, for this very, very much needed is collaboration and close cooperation with the local government,” Ms. Yulo-Loyzaga said.

She said that the DENR is looking at expanding discussions with the Department of the Interior and Local Government and local chief executives regarding the operation of Minahang Bayan areas. — **Ashley Erika O. Jose**

Export development plan expected early next year

THE Philippine Export Development Plan (PEDP) is expected to be released by early next year following completion of a review by the government, the association of exporters said.

Sergio R. Ortiz-Luis, Jr., Philippine Exporters Confederation, Inc. (Philexport) president, told reporters on the sidelines of the National Export Congress 2022 in Pasay City on Wednesday that the PEDP 2023-2028 is still being reviewed by the Department of Trade and Industry (DTI).

In November, Philexport said in a statement that the PEDP 2023-2028 was targeted to be launched by Dec. 7 at the National Export Congress 2022.

“There were changes, and there is a new (Trade) Secretary. Even the people reviewing the plan were changed,” Mr. Ortiz-Luis said.

“Once the DTI’s review is done, it will be approved by the Export Development Council (EDC) for release. We expect the release of the PEDP by early next year,” he added.

Trade Secretary Alfredo E. Pascual chairs the EDC.

The 2018-2022 PEDP set an export target of \$122.3 billion-\$130.8 billion by 2022.

According to Mr. Ortiz-Luis, the export industry is hoping to hit exports of \$120 billion to \$130 billion for both goods and services in the next two years.

“We are eyeing \$120 to \$130 billion. That was the original target from two years ago. It was not met. What we had was \$87 billion (export level) last year. Hopefully, we can meet \$100 billion this year. We faced delays due to the effects of the coronavirus disease 2019 (COVID-19) pandemic in shipping and the supply chain,” Mr. Ortiz-Luis said.

Cielito F. Habito, Brain Trust, Inc. chair and PEDP planning facilitation team leader, said in his presentation that the industry can generate \$240.5 billion worth of export earnings by 2028 if the PEDP 2023-2028 is implemented.

“We are seeing that it is possible, if we all do things together

and do it right, to get \$240.5 billion in export earnings by 2028. It is possible if we do things right,” Mr. Habito said.

Mr. Habito, a former socio-economic planning secretary, said various steps must be undertaken to hit the target, like intensifying trade promotion, marketing, and design innovation; pursuing active membership in regional and bilateral preferential trade arrangements; pursuing export market diversification; attracting and retaining domestic and foreign investment; and supporting export infrastructure requirements in terms of power, water and irrigation, transport and logistics, and telecommunications.

Mr. Habito also recommended more export financing, the consolidation of small producers, and a skills-matching program for exporters’ human resource needs, among others.

“We need to attract those big-ticket, global firms. We need to ensure steady and reliable supply of these raw materials for

manufacturing. We need to have clustering and cooperation. Responsible mining and processing of minerals to complete our value chains is also important,” Mr. Habito said.

“We’d like to think that PEDP will be aggressive, inclusive, innovative, integrative, and regenerative. With the whole nation rallying behind the PEDP, we can make it happen,” he added.

Mr. Pascual added: “Both public and private sectors are called on to work together to unlock the country’s unrealized export potential of \$49 billion a year. We need to push this potential and achieve sustainable and inclusive industrialization.”

“In 2020 and 2021, over 3,000 exporters managed to grow despite the global trade slump. Of this number, 403 exporters in 2020 managed to increase their export sales by more than \$1 million compared to their previous year; this number almost doubled to 742 in 2021,” he added. — **Revin Mikhael D. Ochave**

Philippines signs deal to prepare agencies to tap climate financing

THE Department of Finance (DoF) said it has signed an agreement with the Global Green Growth Institute (GGGI) to prepare government financial institutions and agencies to tap the Green Climate Fund (GCF) for project financing.

“This program will bolster the country’s capacity in planning, accessing, delivering and monitoring climate finance through this new global financial mechanism for climate adaptation and mitigation,” Finance Secretary Benjamin E. Diokno said in a statement on Wednesday.

The agreement is known as the GCF Readiness Program, which is set to launch next year.

The program includes training on GCF for National Government agencies and government financial institutions such as the Development Bank of the Philippines (DBP) and the Land Bank of the Philippines (LANDBANK).

The agreement includes technical assistance in developing a project pipeline for the GCF, the DoF added.

GGGI Philippines Country Representative Juhern Kim said the agreement

will allow the Philippines to gain better access to international climate finance.

“GGGI Philippines will help the country translate adaptation and mitigation opportunities into well-crafted project proposals that will unlock doors of international climate finance,” Mr. Kim added.

The GCF has nearly \$11 billion in approved climate funding.

The DoF and GGGI are also planning to launch another GCF readiness project that aims to develop projects in collaboration with the DBP and the LANDBANK.

“Investing in climate adaptation and mitigation activities is essential in alleviating poverty, reducing inequality, and promoting a low carbon and green economy,” Mr. Diokno said.

“Navigating new climate finance processes can be challenging, particularly for organizations with limited experience in international funding models. This readiness project will play an instrumental role in terms of providing technical assistance, project development, capacity building, and institutional strengthening,” he added. — **Luisa Maria Jacinta C. Jocson**

OPINION

‘Mine’ it right: Revisiting guidelines for online businesses

If there are any silver linings from the COVID-19 pandemic, one would probably be the public’s increased enthusiasm for making use of technology in their daily lives. For the retail industry, we have seen the transition of consumers from shopping in physical stores to checking-out or “mine-ing” in online shops. Even now that the COVID restrictions have been relaxed, many still seek the convenience and advantages of purchasing online.

To protect the rights and interests of consumers online, several government agencies, particularly the Departments of Trade and Industry (DTI), Agriculture (DA), Health (DoH), Environment and Natural Resources (DENR), as well as the Intellectual Property Office of the Philippines (IPOPHL) and the National Privacy Commission (NPC), issued Joint Administrative Order (JAO) No. 22-01. This JAO is also known as the Guidelines for Online Businesses Reiterating the Laws and Regulations Applicable to Online Businesses and Consumers.

JAO No. 22-01 reminds online businesses of their responsibilities to build trust in e-commerce and to always protect and uphold the interest of consumers by complying with all Philippine laws, rules, and regulations. It also indicates the liabilities of online businesses, e-commerce platforms and e-marketplaces, as well as responsibilities of government agencies and remedies available to consumers.

As we are nearing the holiday season, when consumers tend to do more online shopping in preparation for the festivities, let us revisit some of the key points of JAO No. 22-01, which addresses the usual concerns in online transactions:

• **Applicable laws** — The laws applicable to physical or offline businesses are, as far as practicable, equally applicable to online businesses.

• **Product information** — Online businesses must provide easily accessible, complete, and correct information about their goods and services, and adhere to fair advertising and marketing practices. This includes information about the products’ quality, style, shape, size, color, condition (new, unused, repackaged, second-hand), quantity or availability, truthful price advantage (discounts), authorized trademark, authenticity, etc.

• **Price transparency** — Online businesses must ensure transparency and openness regarding prices, including any additional costs, such as customs duties, currency conversion, shipping, delivery, taxes, service/processing fees, and convenience fees.

• **Price tag placement** — product listings by e-retailers or merchants on marketplaces/platforms must contain the price(s) of the products/services in pesos and must display payment policies, delivery options, returns, refunds and exchange policy, and other charges, if applicable. The total price must be clear, updated and accurate to avoid

misleading online consumers. The “DM is key” practice, requiring the customer to direct-message before a price is given, is considered a violation of the Price Tag Law.

• **Data Privacy** — Personal information collected by online sellers, merchants or e-retailers may be obtained and retained only for legitimate purposes. All personal information must be secured with reasonable and appropriate security measures to guard against use for purposes other than what the consumer has consented to.

• **Defective products and services** — Under Republic Act No. 7934 or the Consumer Act of the Philippines, online sellers, like other tradesmen, bear the liability of the manufacturer, producer, and any importer of the defective products when (a) it is not possible to identify or there is no clear identification of the manufacturer, builder, producer or importer of the product supplied; or (b) the online sellers do not adequately preserve perishable goods.

• **Regulated or prohibited products** — For regulated goods, online businesses must exhibit the corresponding license or permit number as prescribed by the applicable government agencies. On the other hand, online sellers may in no case be allowed to sell or distribute goods and services specifically prohibited by law.

• **Review and cancellation options** — Online businesses must offer options to allow consumers to review their transactions prior to final purchase and to cancel or withdraw from confirmed transactions in appropriate circum-

stances. I would like to emphasize the words “in appropriate circumstances” as *bogus buyers* (buyers who don’t pay for their purchases) and *joy reservers* (buyers who keep on reserving items but will not actually buy it) are also not tolerated by the law. Under the JAO, fraudulent acts both by online businesses and consumers are to be dealt with in accordance with existing penal/special laws.

• **Non-proliferation of fake online reviews** — online businesses may neither restrict the ability of consumers to make critical or negative reviews of goods or services, nor spread wrong information about competitors.

• **Consumer complaints** — DTI implements a “No Wrong Door Policy,” which means that any consumer complaint filed with the DTI, whether the subject matter falls under its jurisdiction, is to be accepted for appropriate assistance, subject to the limitations imposed by law. Online consumers may file complaints with the DTI via walk-in, consumer care hotlines, and written complaints. However, the consumer may opt to seek resolution with the online business first before resorting to intervention by the DTI or any other regulatory agency.

• **Electronic messages as court evidence** — Communications of online sellers, merchants, e-retailers, and consumers, whether done via social media, e-commerce platforms, or any other form of electronic communications using an electronic device, qualify as electronic data messages. Screenshots of such electronic communications may

be used as evidence to prove a fact or establish a right in administrative or judicial proceedings, subject to rules issued by the Supreme Court.

While the government extends efforts to regulate online businesses, we as consumers must also do our part and exercise caution with our online transactions. As an avid online shopper even before the pandemic, let me share some personal protocols before I purchase from any online shop for the first time: (1) do some background checks about the online shop before confirming a transaction; (2) choose cash on delivery mode of payment, if applicable, otherwise, use regulated payment channels; (3) never share or input on apps/websites any bank or financial information unless you have fully established the authenticity of the shop and the security of the payment gateway used; and (4) opt for trusted delivery channels rather than meetups.

Well then, are we now set to make some “bad decisions”? I mean, happy shopping!

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