



REPUBLIC OF THE PHILIPPINES
TARIFF COMMISSION

TC FORM 5-A

**QUESTIONNAIRE FOR THE CONDUCT OF FORMAL INVESTIGATION ON
GENERAL SAFEGUARD MEASURES PURSUANT TO REPUBLIC ACT NO. 8800
(SAFEGUARD MEASURES ACT)**

For DOMESTIC PRODUCER/PETITIONER

(Submit three hard copies and a soft copy)

Data Privacy Notice and Consent

The collection of personal information, including but not limited to, name, sex, email address, and/or any contact number or relevant information, is in compliance with Republic Act No. 9710 (The Magna Carta of Women), and in accordance with the policies provided for under Republic Act No. 10173 (Data Privacy Act of 2012) and the Privacy Policy of the Tariff Commission (TC).

Information collected shall only be processed in order to facilitate TC response/s to the submitted feedback and shall be kept private and confidential. Access thereto shall only be limited to the respective owners of the information and authorized TC Personnel and shall not be disclosed without prior consent from the data subject, unless required by law or authorized by a lawful order of the court or other government agencies.

The TC, in line with its Privacy Policy, shall protect the collected personal information, and shall only retain the same for as long as necessary in order to fulfill the purpose mentioned above, or as provided for by law.

Finally, filling out this form signifies that you have read and understood this Data Privacy Notice and expressly consent to the processing of any personal information that might be collected for the purpose stated herein.

For more information about the TC Privacy Policy, kindly visit our website at www.tariffcommission.gov.ph.

GENERAL INFORMATION AND INSTRUCTIONS

- A. The domestic producer/petitioner is required to accomplish this Form and (i) submit **three hard copies** to the Tariff Commission (TC) Records Unit and (ii) email **a soft copy** to TC's official email accounts: TC.Assist@mail.tariffcommission.gov.ph and Records@tariffcommission.gov.ph.
- B. The domestic producer/petitioner providing the information must ensure the following:
- The Form is completely and accurately filled up.
 - An explanation/justification is provided when data is lacking.
 - A non-confidential version is attached to this form.
 - Attach supporting documents, as applicable.
- C. Pursuant to Section 1603 (e) of the Customs Modernization and Tariff Act (CMTA), questions on Non-Tariff Measures (NTMs) are incorporated into this Form to provide TC with information on the most common NTM/s applied to certain products as well as the challenges faced by companies in complying with the same. The information gathered will help TC to gain better understanding of the effects of NTMs on international trade and on the price/s and quantity/ies of traded products.
- D. TC shall request additional information, as deemed necessary (e.g., *Excel files of price/financial/economic data*) for the investigation. If required information is not submitted within the deadline/s set, including grants of requests for extensions, the TC shall base its findings on best information available¹.
- E. Formal Investigation on the Original Petition for Safeguard Measures/Monitoring of the Domestic Industry/Reduction/Modification/Termination of Safeguard Action/Extension/Re-Application of Safeguard Duty/Evaluation of Effectiveness of Actions Taken by the Domestic Industry will require payment of a filing fee and other applicable fees/charges. Payment shall be made within five working days from receipt of *Notice of Billing*. Failure to pay the fees within the required period shall cause the suspension of the formal investigation.
- F. Information submitted is subject to verification.
- G. Information deemed confidential should be so marked.
- H. Please use additional sheet/s if necessary.
- I. For queries and concerns, feel free to email us at these email addresses: TC.Assist@mail.tariffcommission.gov.ph and Records@tariffcommission.gov.ph.

¹ Pursuant to Rule 6.5.c of the Implementing Rules and Regulations of RA 8800, "whenever any interested party fails to respond adequately or is unable to produce information requested, refuses access to, or otherwise does not provide any information within the period allowed for the investigation, or otherwise significantly impedes the investigation, the preliminary determination of the conditions required in a safeguard investigation shall proceed on the facts derived from the evidence at hand".

Please check one:

- ☐ Original Petition for Safeguard Measures
- ☐ Monitoring of the Domestic Industry
- ☐ Reduction/Modification/Termination of Safeguard Action
- ☐ Extension/Re-Application of Safeguard Measures
- ☐ Evaluation of Effectiveness of Actions Taken by the Domestic Industry

1. GENERAL INFORMATION

1.1 Name of Domestic Producer/Petitioner (Corporation, Partnership, Association): _____

1.2 Name of Head (Domestic Producer/Petitioner): _____
Note: If Petition is filed by Authorized Representative, provide a copy of a Board Resolution or Secretary's Certificate authorizing the corporate officer or the corporation's representative to file the Petition on behalf of said corporation.

Contact Details:

a.	Main Office Address	
	Contact Person	
	Position	
	Tel. Nos.	
	Email Address	
	Alternate Email Address(es)	
b.	Plant/Factory Address	
	Contact Person	
	Position	
	Tel. Nos.	
	Email Address	
	Alternate Email Address(es)	

1.3 Name of Authorized Representative: _____

Contact Details:

Position	
Tel. Nos.	
Email Address	
Alternate Email Address(es)	

1.4 Information about the company

- a. Company ownership/shareholdings, organizational structure, nature, and functions. Substantiate your submission by providing the following:
- i. Articles of Incorporation and by-laws
 - ii. Department of Trade and Industry (DTI)/Securities and Exchange Commission (SEC)/Cooperative Development Authority (CDA) Certificate of Registration
 - iii. Organizational chart (latest)
 - iv. Annual report, and/or any relevant brochures or pamphlets of your company (latest)

- b. Full description of all the products that your company manufactures and sells in the domestic market including their physical characteristics, material components, production processes, distribution channels, and functions/uses. If the products involve a number of models/types, the details must include all models/types manufactured. Substantiate your submission with product brochures/catalogues, specifications, and flowchart of production processes.
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- 1.5 Provide details on the relationship between your company and other firms, both domestic and foreign, engaged in the production, export and import of subject product(s). Substantiate your submission with documentary evidence.
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- 1.6 Does your company support or oppose the safeguard measure investigation against importations of subject product(s)? Describe/explain your position.
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2. PRODUCT(S) SUBJECT OF INVESTIGATION

- 2.1 Provide details of the following and substantiate your submission with documentary evidence such as product brochures/catalogues, technical specifications, and flowchart of production processes.

Particulars	Imported Product(s)	Domestic Product(s) Produced in the Philippines
a. Subject product		
b. Product description		
c. Model/Type		
d. Tariff classification		
e. Physical characteristics		
f. Material components		
g. Functions/Uses		
h. Production processes		
i. Distribution channels		
j. Name and address of foreign exporter from whom you purchased the product(s)		
k. Is the product you produced and sold in the Philippines a <i>like</i> product or directly competitive with the subject imported product(s)?	☐ Yes ☐ No	
l. Justifications Give details and explain how and why the product that you manufactured is considered a <i>like</i> product or directly competitive with the subject imported product(s).		

3. IMPORTATION OF SUBJECT PRODUCT(S)

3.1 In the case where you also import the subject product(s) under consideration, supply the following information for each subject product (per model/type) during the period of investigation (POI). Substantiate your submission with documentary evidence, e.g., monthly reports and/or breakdown of purchases and sales of subject imported product, copy of import entries, sales invoices.

a. Sales and Inventory of Imported Subject Product(s)

Particulars	POI ¹					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Volume (Unit)						
Unit of Measure						
Beginning Inventory						
Add: Importation						
Total						
Less: Sales of Imports						
Domestic Market						
Export Market ²						
Ending Inventory						
Value (in PHP)						
Beginning Inventory						
Add: Importation						
Total						
Less: Sale of Imports						
Domestic Market						
Export Market ²						
Ending Inventory						

¹ For Formal Investigation on Original Petition for Safeguard Measures, the POI is the last five years preceding the date of application and current year(s) for which data is available. For Investigations on Monitoring of the Domestic Industry, Reduction/Modification/Termination of Safeguard Action, Extension/Re-Application of Safeguard Measures, and Evaluation of Effectiveness of Actions taken by the domestic industry, the POI is the last three years preceding the date of application and current year(s) for which data is available.

² Indicate destination country(ies) in another sheet.

Provide details/explanation on any significant change(s) on the above indicators during the POI.

3.2 Cost to Import and Sell of Imported Subject Product(s)

Particulars	POI ¹					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Total Volume (Unit)						
Unit of Measure						
Cost of Importation (PHP):						
Landed Cost						
Add: Variable Costs						
Handling						
Delivery						
Warehouse						
Others ²						
Total Variable Cost						
Add: Fixed Costs						
Handling						
Delivery						
Warehouse						

Particulars	POI ¹					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Others ²						
Total Fixed Cost						
Total Cost to Import and Sell (PHP)						
Unit Cost to Import and Sell (PHP/Unit)						

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² Identify each expense/cost.

Provide details/explanation on any significant change(s) on the above indicators during the POI.

4. RELEVANT ECONOMIC FACTORS AND INDICES HAVING A BEARING ON THE STATE OF THE COMPANY

4.1 Provide information and/or evidence for each subject product (per model/type) to support claims of injurious effect (actual or potential) in any of the injury factors shown below during the POI. Substantiate your submission with documentary evidence, e.g., monthly reports and/or breakdown of annual production, sales and inventory; audited financial statements including Notes to Financial Statements; and statements/schedules on cost of goods sold.

a. Capacity, Production, Sales, and Inventory of Domestic Product

Particulars	POI ¹					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Volume (Unit)						
Unit of Measure						
Rated Capacity²						
Actual						
Effective						
Beginning Inventory of Finished Goods (BFG)						
Actual Production (AP)						
Total Goods Available for Sale (BFG+AP)						
Less: Sales						
Domestic Market						
Export Market ³						
Ending Inventory						
Value (in PHP)						
Beginning Inventory of Finished Goods (BFG)						
Actual Production (AP)						
Total Goods Available for Sale (BFG+AP)						
Less: Sales						
Domestic Market						

Particulars	POI ¹					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Export Market ³						
Ending Inventory						

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² Show computation to arrive at annual rated capacities in another sheet.

³ Indicate destination country(ies) in another sheet.

Explain how these factors (Capacity, Production, Sales, and Inventory) are indicative of serious injury to the domestic industry. Provide details on any significant changes during the POI.

b. Employment and Compensation

POI ¹	Employment (Number)						Compensation (PHP)		
	Total		Directly involved in production		Indirectly involved in production		Total	Directly involved in production	Indirectly involved in production
	Male	Female	Male	Female	Male	Female			
Year 1									
Year 2									
Year 3									
Year 4									
Year 5									
Current Year									

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State the normal number of shifts per day, number of hours per shift, and number of labor units involved.

Explain how this factor (Employment and Compensation) is indicative of serious injury to the domestic industry. Provide details on any significant changes during the POI.

c. Profitability

Submit the following for the POI:

- Audited financial statements including Notes to Financial Statements
- Statement of cost of goods sold
- Statement of cash flow
- Schedule of depreciation/amortization
- Schedule of long-term liabilities

Particulars	POI ¹					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Sales Volume (Number of Units)						
Unit of Measure						
Sales Revenue (PHP)						
Cost of Sales ²						
Gross Profit						
Operating Expenses ³						
Income (Loss) from Operations						
Other Income (Expenses) - Net						
Income (Loss) Before Income Tax						
Income Tax Expense						
Net Income (Loss) After Tax						

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² Provide details of costs in another sheet.

³ Provide itemized expenses in another sheet.

If your company has multiple products, submit separate statements of income and related statements and schedules of accounts, including a detailed breakdown of each cost component and the basis of allocation made, specific to the subject product(s). Provide the same information for the sale of the subject product(s) in the export market.

Explain how this factor (Profitability) is indicative of serious injury to the domestic industry. Provide details on any significant changes during the POI.

d. Selling Prices and Costs to Produce and Sell (COPS) of Domestic Product

Particulars	POI ¹					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Production Volume (Unit)						
Unit of Measure						
COPS (PHP):						
Direct Raw Materials (Pls. specify)						
Local						
(1)						
(2)						
(3)						
Imported						
(1)						
(2)						
(3)						
Total Direct Raw Materials (DM)						
Direct Labor (DL)						
Manufacturing Overhead:						
Indirect Materials/Supplies						
Indirect Labor						
Fuels:						
Gasoline						

Particulars	POI ¹					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Diesel						
Bunker						
Others (<i>Identify costs separately</i>)						
Total Fuel Cost						
Electricity						
Water						
Packaging						
Depreciation						
Rent						
Others (<i>Identify costs separately</i>)						
Total Manufacturing Overhead (MOH)						
Total Cost of Production (DM+DL+MOH)						
Operating Expenses						
Selling Costs						
General and Administration Costs						
Financial Costs						
Delivery Expenses						
Other Costs ² (Pls. specify)						
(1)						
(2)						
(3)						
Total COPS (PHP)						
Unit COPS (PHP/unit)						
Profit Margin (PHP/unit)						
Selling Price/Unit (PHP/unit)						

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² Identify each cost separately. Please ensure non-operating expenses that relate to the subject product(s) are included.

Explain how these factors (Selling Prices and Costs to Produce and Sell) are indicative of serious injury to the domestic industry. Provide details on any significant changes during the POI.

4.2 Provide information and/or evidence to support claims of an injurious effect (actual or potential) in any of the injury factors shown below during the POI. Explain how these factors are indicative of serious injury to the domestic industry.

a. Productivity:

b. Return on Investments:

c. Cash Flow:

d. Growth:

e. Ability to Raise Capital or Investments:

- 4.3 Provide information and/or evidence to support claims of an injurious effect (actual or potential) caused by factors other than increased imports on the domestic industry during the POI. Explain how these factors are indicative of serious injury to the domestic industry.

- 4.4 Indicate whether your company has experienced any of the following changes in operations during the POI.

Check as many as appropriate:	If checked, please describe. Skip if not applicable.
☐ Plant openings	
☐ Plant closings	
☐ Relocations	
☐ Expansions	
☐ Acquisitions/mergers/buyouts	
☐ Consolidations	
☐ Prolonged shutdowns or production curtailments	
☐ Revised labor agreements	
☐ Technology developments	
☐ Others	

- 4.5 Indicate the **unforeseen developments** that led to the increased imports of the subject product(s) concerned. Unforeseen developments are “events that have occurred and that the negotiators could not reasonably have foreseen when commitments were made”. Provide documentary evidence to support your submission. The unforeseen development must be a development or event that could not have been foreseen at the time of the conclusion of the Uruguay Round in 1994.

5. ADJUSTMENT PLAN¹

Submit list of specific measures that you undertook/intend to undertake as part of your adjustment plan to import competition. For the measures that were undertaken, please substantiate your submission with documentary evidence.

Specific Measures	Period of Implementation	Percentage of Completion	Expenditure (PHP)	Positive Effects	Remarks

¹ Rule 4.1 of the Implementing Rules and Regulations of RA 8800 defines adjustment plan as an action plan which a domestic industry is required to submit, that describes a set of quantified goals, specific plans, and timetables that a concerned industry commits to undertake in order to facilitate positive adjustment of the industry to import competition.

6. NON-TARIFF MEASURES

6.1 List down all known non-tariff measures (NTMs) applied on your importations relating to subject product(s), including raw materials/inputs.

AHTN Code	Name of NTM/s Applied	Objective of NTM (use Code indicated in Table A below)	Implementing Agency(ies)	Procedural Obstacles Encountered, if any (use Code indicated in Table B below)

Table A. Objectives of NTMs

Code	Description
O1	To safeguard public health
O2	To safeguard public morals
O3	To safeguard national security
O4	To safeguard the environment
O5	Others (please specify)

Table B. Procedural Obstacles Encountered

Code	Description
P1	Long processing time/delays
P2	Numerous agencies involved
P3	Numerous signatories and high number of required documents
P4	Unofficial payments
P5	High fees and charges
P6	Lack of facilities (e.g., testing laboratory)
P7	Others (please specify)

6.2 Please provide information on how the identified NTMs affected the quantity and price of the subject product(s), including raw materials/inputs.

CERTIFICATION

I hereby certify that all information contained herein are true and correct to the best of my knowledge. I commit that any additional information required will be submitted within 15 working days upon receipt of notice/request from the Tariff Commission.

(Signature over printed name)
Authorized Representative of (Name of Company)

Date