



REPUBLIC OF THE PHILIPPINES
TARIFF COMMISSION

TC FORM 5-C

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

For PHILIPPINE IMPORTER

(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 importer 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 importer 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. Information submitted is subject to verification.
- F. Information deemed confidential should be so marked.
- G. Please use additional sheet/s if necessary.
- H. 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
☐ Reduction/Modification/Termination of Safeguard Action
☐ Extension/Re-Application of Safeguard Measures

1. GENERAL INFORMATION

1.1 Name of Philippine Importer (Corporation, Partnership, Association): _____

1.2 Name of Head (Philippine Importer): _____
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.	Warehouse 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:
- Articles of Incorporation and by-laws
 - Department of Trade and Industry (DTI)/Securities and Exchange Commission (SEC)/Cooperative Development Authority (CDA) Certificate of Registration
 - Organizational chart (latest)
 - Annual report, and/or any relevant brochures or pamphlets of your company (latest)

- 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.

- 1.6 Does your company support or oppose the safeguard measure investigation against importations of subject product(s)? Describe/explain your position.

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	Subject 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 imported product a <i>like product</i> or directly competitive of those product(s) produced by the Philippine industry?	☐ Yes ☐ No	
l. Justifications Give any difference between the product you imported into the Philippines and those product(s) produced by the Philippine industry.		

3. IMPORTATION OF SUBJECT PRODUCT(S)

- 3.1 Supply the information shown below for subject imported product(s) (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.

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 Goods Available for Sale						
Less: Sales of Imports						
Domestic Market						
Export Market ²						
Ending Inventory						
Value (in PHP)						
Beginning Inventory						
Add: Importation						
Total Goods Available for Sale						
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 Reduction/Modification/Termination of Safeguard Action and Extension/Re-Application of Safeguard Measures 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 Selling Prices and Cost to Import and Sell of Subject Product(s)

Provide the details of your selling costs per unit for the subject imported product(s), e.g., overseas costs; costs incurred from the port to the store/warehouse; selling, administrative and general expenses, during the POI. Attach copies of representative invoices as evidence to support such costs.

Particulars	POI					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Importation Volume (Unit) [A]						
Unit of Measure						
Cost of Importation (PHP):						
Landed Cost (LC) (PHP) (Provide computation of LC and factors considered in the computation in a separate sheet)						
Other Costs Incurred (PHP) (e.g., delivery/handling costs, insurance, and other related expenses)						
(1)						
(2)						
(3)						
Total Cost to Import (PHP) [B]						
Unit Cost to Import (PHP/Unit) [C = B/A]						

Particulars	POI					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Profit Margin (PHP/Unit) [D]						
Selling Price/Unit (PHP/Unit) [E = C + D]						

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

4. PROFITABILITY

- 4.1 Submit the following for the last two years and the current year:
- 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					
	Year 1	Year 2	Year 3	Year 4	Year 5	Current Year
Sales Volume (Number of Units)						
Unit of Measure						
Sales Revenue						
Cost of Sales						
Gross Profit						
Operating Expenses:						
Variable						
Fixed						
Income (Loss) from Operation						
Income (Loss) Before Income Tax						
Net Income (Loss) After Tax						

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).

- 4.2 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	

5. DISCUSSION ON THE PHILIPPINE MARKET/SERIOUS INJURY

- 5.1 Provide comments on the Philippine market, market trends in general, and other factors affecting the Philippine industry.

- 5.2 Provide comments on each specific claim made by the domestic producer/petitioner(s) regarding serious injury.

- 5.3 Provide details of any factors you consider to be the cause of the serious injury claimed by the domestic producer/petitioner(s).

- 5.4 Provide comments on any other issues you consider relevant which you believe will assist in your rebuttal on the allegations made by the domestic producer/petitioner(s) that has claimed to be seriously injured because of the increased volume of imports. Any rebuttal should be supported by documentary evidence.

6. NON-TARIFF MEASURES

- 6.1 List down all known non-tariff measures (NTMs) applied on your importations relating to subject product(s).

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).

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