

Quisumbing Torres with ECCP and EPBN Gather Top Business Leaders for the 2018 Competition Forum

Manila, Philippines, February 2018 - Quisumbing Torres, along with the European Chamber of Commerce of the Philippines and the EU-Philippines Business Network, brought together the country's top business leaders during the *Competition Forum: Major Developments on the Philippine Competition Law* held last 22 February 2018. EU Ambassador Franz Jessen formally opened the forum following the welcome remarks from ECCP Vice President Martin Ruby.

"The European business community recognizes the importance of a competitive market, which encourages efficiency and innovation. Competition is one of the most important drivers that prompt businesses to provide a broad range of high-quality goods and services, at accessible prices for Filipino consumers. As such, we yearn to see more competition especially in sectors such as telecommunications, infrastructure, and retail, sectors which are highly crucial to the daily lives of all Filipinos and smooth business operations, whether Filipino or European," shared Martin Ruby, ECCP Vice President.

Christina Macasaet-Acaban, Head of QT's Competition Focus Group, and a Partner in the firm's Corporate and Commercial Practice Group, and gave a presentation on the *Guide to Philippines Merger Control* following the recent issuance of the Rules on Merger Procedure.

"The Philippine Competition Act put the Philippines on the map of merger control. Businesses want to understand what this means for their transactions, both inside and outside the Philippines, as it impacts not only the timeline, but also the viability of the deal. The issuance of the Rules on Merger Procedure and the recently decided case on non-notification by the Philippine Competition Commission are clearly directed towards the vigorous implementation and enforcement of the Philippine merger control regime " said Christina, during her presentation on the *Guide to Philippine Merger Control*.

As the two-year transitory period under the Philippine Competition Act (PCA) ends, the Philippine Competition Commission (PCC) will fully implement the PCA including the prohibitions against anti-competitive agreements and abuse of dominance as well as enforce penalties for violations. On her *Enforcement Rules of Procedure* presentation, Mia Carmela Imperial, a member of QT's Competition Focus Group, and a Partner in QT's Dispute Resolution Practice Group, discussed the rules that apply to investigations, hearings and proceeding of the PCC.

"The PCC has original and primary jurisdiction over the enforcement of the Philippine Competition Act, and in the enforcement and regulation of all competition-related issues. To exercise this jurisdiction, the PCC has broad investigation powers. Administrative fines can reach up to PhP 250 million per violation; the PCC can also impose remedies to address behavior, structure and actions. There are, however, non-adversarial remedies available to entities, " explained Mia.

Alain Charles Veloso, a Partner in QT's Corporate & Commercial Practice Group and a member of the Competition Focus Group, hosted the event and moderated the forum's panel discussion. The team was also joined by William Brown, Baker McKenzie Asia Pacific Director of Knowledge Management, Antitrust & Competition and Melissa Healy, Baker McKenzie Singapore Office Competition Law Specialist as panellists.

"One key takeaway from the discussions is that the PCC recognizes that in implementing competition law, it is not starting from scratch; it will be guided by the experience of more advanced and sophisticated regulators in other jurisdictions. At the same time, the PCC is mindful that it cannot transplant foreign guidelines into the Philippines, without considering the developing and dynamic nature of our markets," said Charles.

PCC Chairman Arsenio Balisacan delivered a keynote speech during the event, elaborating on the PCC's role and efforts towards the full enforcement of the law PCA. Among others, Chairman Balisacan highlighted 2017 as the banner year for the PCC's Mergers and Acquisitions Office, with the number of transactions that it has reviewed during this period. He also disclosed that for 2018, the PCC intend to issue additional guidelines on other aspects of the merger control regime, including raising the notification threshold above the current PhP 1 billion requirement.

Other key competition forum speakers and panelists were PCC - Enforcement Office Division Chief James Donato, Pharmaceutical & Healthcare Association of the Philippines President Beaver Tamesis, Ayala Corporation Counsel and Corporate Secretary Solomon Hermosura and Philippine Chamber of Telecommunication Operators Vice President Roy Cecil Ibay.

The Competition Forum: Major Developments on the Philippine Competition Law was held at the New World Hotel Makati, Makati City.

QT Competition Knowledge Training

In line with the Competition Forum, a competition knowledge training was also conducted by William Brown, Baker McKenzie Asia Pacific Director of Knowledge Management, Antitrust & Competition. The session took place at QT's office on 23 February 2018, and was attended by the firm's Corporate & Commercial and Dispute Resolution Practice Group lawyers. Various competition and knowledge management tools that the firm offers its clients, such as the Global Vertical Restraints Portal and Harmony- the Legal Knowhow Portal, were presented during the training.

Also featured during the session was the Baker Mckenzie Global Antitrust Dawn Raid Application that provides a step-by-step practical guidance during civil and criminal antitrust raids. This tool also allows the user to contact a local QT or Baker Mckenzie antitrust specialist in real time.

William Brown boasts of over 30 years of experience in competition law, both in public and private sectors, including serving as Chief Executive of the Jersey Competition Regulatory Authority from 2004 to 2007. Before joining Baker Mckenzie, he was lead in-house adviser on competition law, regulation and public policy for the CK Hutchison Group.



Christina Macasaet-Acaban, a partner in QT's Corporate & Commercial Practice Group and head of the firm's Competition Focus Group, talks about the *Guide to Philippine Merger Control*.



During her *Enforcement Rules of Procedure* session, Mia Carmela Imperial, partner in QT's Dispute Resolution Practice Group discussed the rules that apply to investigations, hearings and proceedings of the PCC.



The Competition Forum: Major Developments on the Philippine Competition Law moderator and panellists from left to right: Alain Charles Veloso, partner in QT's Corporate & Commercial Practice Group, Arsenio Balisacan (Chairman, Philippine Competition Commission), James Donato (Division Chief - Enforcement Office, PCC), William Brown (Director of Knowledge Management, Antitrust & Competition, Baker McKenzie Asia Pacific), Melissa Healy (Competition Law Specialist, Baker McKenzie Singapore Office), Beaver Tamesis (President, Pharmaceutical & Healthcare Association of the Philippines), Roy Cecil Ibay (Vice President, Philippine Chamber of Telecommunication Operators) and Solomon Hermosura (Counsel and Corporate Secretary, Ayala Corporation).



William Brown (Director of Knowledge Management, Antitrust & Competition Baker McKenzie Asia Pacific) during the Competition Knowledge Training held in the QT office. The session tackled various competition and knowledge management tools that the firm offers its clients, such as the Global Vertical Restraints Portal and Harmony - the Legal Knowhow Portal.



Alain Charles Veloso, partner in QT's Corporate & Commercial Practice Group hosted the *Competition Forum: Major Developments on the Philippine Competition Law* and moderated the summit's panel discussion. Held last 22 February 2018, the forum was attended by the country's top business leaders and key decision makers.

For more information



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