

In your legal system: (PHILIPPINES)

1. What national laws and regulations govern cross-border trade and foreign investment?

Please indicate as follows, as fully as possible:

Name of laws and regulations and the relevant webpages where these may be found in English (where available):

Name of Laws	Relevant Weblinks (if any)	Relevant Ministry / Agency
Omnibus Investment Code of 1987 with its amendments	http://www.chanrobles.com/default8eono226.htm#.Vgndo8uqpHx http://www.chanrobles.com/republicactno7918.htm#.Vgja6sugpHw http://www.chanrobles.com/republicactno7888.htm#.VgjeNMuqpHw	Board of Investments/Department of Trade and Industry
Ac Act Granting Tax and Duty Exemption and Tax Credit on Capital Equipment	http://www.chanrobles.com/republicactno7369.htm#.VgjecMuqpHw	Board of Investments/Department of Trade and Industry
An Act to promote Foreign Investments , Prescribe the procedures for registering enterprises doing business in the Philippines	http://www.chanrobles.com/default8fia91.htm#FOREIGN%20INVESTMENTS%20ACT%20OF%201991	Board of Investments/Department of Trade and Industry/Securities and Exchange Commission/National Economic Development Authority
An Act Liberalizing the Retail Trade Business	https://www.doe.gov.ph/doe_files/pdf/OCS/P/ra_8762.pdf	Securities and Exchange Commission/Department of Trade and Industry/Department of Energy
Special Economic Zone Act of 1995	http://www.chanrobles.com/specialeconomiczoneact.htm#.VgjpBcuqpHw	Department of Trade and Industry/Philippine Economic Zone Authority
Build Operate and Transfer Law	http://www.chanrobles.com/default7.htm#BUILD-OPERATE-TRANSFER%20LAW	Securities and Exchange Commission/Investment Coordination Committee/National Economic Development Authority
An Act allowing the Long Term Lease of Private Lands by Foreign Investor	http://www.chanrobles.com/republicactno7652.htm#.VjlZJbcrLcs	

2. What free trade agreements has your country entered into?

Name of FTA's	Relevant Weblinks
Japan – Philippines Economic Partnership Agreement (JPEPA)	http://www.dti.gov.ph/dti/index.php/resources/trade-agreements
ASEAN Free Trade Agreement (AFTA)	http://www.dti.gov.ph/dti/index.php/resources/trade-agreements
ASEAN – Australia – New Zealand Free Trade Agreement (AANZFTA)	http://www.dti.gov.ph/dti/index.php/resources/trade-agreements
ASEAN – China Free Trade Agreement (ACFTA)	http://www.dti.gov.ph/dti/index.php/resources/trade-agreements
ASEAN – India Free Trade Agreement (AIFTA)	http://www.dti.gov.ph/dti/index.php/resources/trade-agreements
ASEAN – Japan Comprehensive Economic Partnership Agreement (AJCEPA)	http://www.dti.gov.ph/dti/index.php/resources/trade-agreements
ASEAN – Korean Free Trade Agreement (AKFTA)	http://www.dti.gov.ph/dti/index.php/resources/trade-agreements

3. What bilateral or regional investment agreements (other than those of ASEAN as a group) has your country entered into?

Japan – Philippines Economic Partnership Agreement (JPEPA)
<http://www.dti.gov.ph/dti/index.php/resources/trade-agreements>

4. If an investor obtains a money judgement in another ASEAN country, can the judgement be enforced in your country?

Yes

a) What is the relevant law/regulation?

Revised Rules of Court of the Philippines on Section 48 of Rule 39 states that:

Section 48. Effect of foreign judgments or final orders. — The effect of a judgment or final order of a tribunal of a foreign country, having jurisdiction to render the judgment or final order is as follows:

- (a) In case of a judgment or final order upon a specific thing, the judgment or final order, is conclusive upon the title to the thing, and
- (b) In case of a judgment or final order against a person, the judgment or final order is presumptive evidence of a right as between the parties and their successors in interest by a subsequent title.

In either case, the judgment or final order may be repelled by evidence of a want of jurisdiction, want of notice to the party, collusion, fraud, or clear mistake of law or fact. (50a)

http://www.lawphil.net/courts/rules/rc_1-71_civil.html#r39

b) What is the available procedure? (Please indicate the main steps briefly)

1. Before a foreign judgment is given presumptive evidentiary value, the document must first be presented in Philippine court and admitted as evidence.
2. The investor may file a petition for recognition of foreign Judgment on a Regional Trial Court with the final order or judgment from the foreign tribunal.

A writing or document may be proven as a public or official record of a foreign country by either (1) an official publication or (2) a copy thereof attested by the officer having legal custody of the document. If the record is not kept in the Philippines, such copy must be (a) accompanied by a certificate issued by the proper diplomatic or consular officer in the Philippine Foreign Service stationed in the foreign country in which the record is kept and (b) authenticated by the seal of his office.

c) When might your system reject such enforcement nonetheless? (e.g. grounds)

As stated in the last paragraph of Rule 39 Section 48, the judgment or final order may be repelled by evidence of a want of jurisdiction, want of notice to the party, collusion, fraud, or clear mistake of law or fact.

5. Is your country a signatory to the New York Convention on the recognition and enforcement of international arbitration awards?

Yes.

If Yes, what is the domestic implementing legislation for the New York Convention in your Country?

Republic Act No. 9285 “Alternative Dispute Resolution Act of 2004”

<http://oadr.doj.gov.ph/documents/republic-act-no-9285-alternative-dispute-resolution-act-of-2004/>

6. Is your country a party to the ICSID Convention?

Yes, the Philippines is part of the International Centre for Settlement of Investment Disputes.

7. Does your system have an agency or team that is designated to address investor complaints or to assist aggrieved investors? (particularly from ASEAN)

Yes, through judicial remedy. If under an Investment Promotion's agency, assistance may be given by that agency.