DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN

BAGONG PILIPINAS

MEMORANDUM

FOR/TO : **ALL UNDERSECRETARIES**
ALL ASSISTANT SECRETARIES
ALL BUREAU DIRECTORS
ALL HEADS OF ATTACHED AGENCIES

FROM : **THE UNDERSECRETARY**
Legal and Administration *and* Chairperson, DENR Committee on Anti-Red Tape (CART)

SUBJECT : **IMPLEMENTATION OF ARTA MEMORANDUM CIRCULAR NO. 2022-06 OR THE ESTABLISHMENT OF THE NATIONAL POLICY ON REGULATORY MANAGEMENT SYSTEM (NPRMS)**

DATE : APR 12 2024

This pertains to the implementation of Anti-Red Tape Authority (ARTA) Memorandum Circular No. 2022-06 or the establishment of the National Policy on Regulatory Management System (NPRMS) in consonant with Section 5 of Republic Act (RA) No. 11032 or *the Ease of Doing Business and Efficient Government Service Delivery Act of 2018* that directs the conduct of Regulatory Impact Assessment (RIA) in all proposed regulations of all government offices and agencies.

The ARTA - Better Regulations Office (ARTA-BRO) conducted a series of orientations regarding the roll-out and implementation of NPRMS. The CART and Sub-CART representatives from Central Office, Bureaus, and Attached Agencies attended the following activities:

- Online Orientation Meeting on ARTA MC No. 2022-06 dated 08 June 2023, attended by representatives from the Policy and Planning Service-Policy Studies Division (PPS-PSD), FMB, BMB and QMS Core Team.
- Special Orientation Meeting for DENR on ARTA MC No. 2022-06 held on 06 July 2023 at the FMB Conference Room, attended by the ARTA- BRO, Sub-Committee on Anti-Red Tape (Sub-CART) on Policy and Regulation- Regulatory Impact Assessment (RIA), CART Focal from each Bureaus and Attached Agencies, DENR- CART Secretariat, and PPS-PSD.
- Orientation for Accomplishing Annual Regulatory Plan (ARP) dated 23 January 2024, attended by DENR CART Secretariat and Sub-CART RIA representative.

- Special Session re: ARP dated 05 March 2024, attended by Sub-CART RIA representative, BMB, EMB, and LMB CART representatives.

In view of the foregoing activities and for the DENR to comply and streamline the NPRMS, all bureaus, attached agencies, and other offices shall conform to the attached summarized procedures, as shown in **ANNEX A** of this Memorandum, in developing a sound regulatory policy.

In addition, for timely submission of documents and reports, all Offices are obliged to observe the activities and requirements with, the date of submission, where to submit, and the responsible Office and Signatory of document/s as shown in the table below.

Table 1: NPRMS Requirements

Activities	**Date of Submission**	**Responsible Office (Signatory)**	**Where to Submit**
Submission of Annual Regulatory Plan (ARP) of Bureaus and Offices	January 10 of each year	Bureaus and Offices **(Bureau Director or Head of Office)**	Sub-CART RIA (Policy and Planning Service)
Submission of DENR Annual Regulatory Plan (ARP)	On or before 15 January of each year Every March 7 of each year	Sub-CART RIA **(Sub-CART Head)** DENR CART **(Secretary)**	Undersecretary for Policy, Planning and International Affairs and CART Chairperson ARTA
Submission of Regulatory Notification Form (RNF)	Every formulation, amendment, or repeal of regulations	Bureaus and Offices copy furnished Sub-CART RIA **(Bureau Director or Head of Office)**	ARTA
Submission of Preliminary Impact Statement (PIS) and copy of the initial draft of the proposed regulation	Every formulation, amendment or repeal of regulations	Bureaus and Offices copy furnished Sub-CART RIA **(Bureau Director or Head of Office)**	ARTA

Submission of Regulatory Impact Statement (RIS) and copy of RIA documents	Every formulation, amendment or repeal of regulations	Bureaus and Offices / Bureau Director or Head of Office Sub-CART RIA endorsed to the **Secretary** through the Undersecretary for Policy, Planning and International Affairs and CART Chairperson	Sub-CART RIA ARTA

Moreover, please submit the following information to the Sub-CART RIA (Policy and Planning Service- Policy Studies Division) for monitoring purposes.

1. Bureau's Principal and Alternate Focal Person for Sub-CART RIA;
2. Copy of the submitted ARP for the year 2024; and
3. Provide the list of Personnel who have completed training/s on Basic and Advanced RIA.

For questions or clarifications, your designated CART/Sub-CART Focal Persons may coordinate with the Policy Studies Division at 8925-1183 or send your concerns through electronic mail to policy@denr.gov.ph.

We are also attaching to this Memorandum a copy of ARTA MC No. 2022-06 for your reference. You may also download the NPRMS-related documents using the link below.

RIA Manual Download:	https://bit.ly/RIA-Manual-2022
ARTA MC No. 2022-06:	https://arta.gov.ph/nprms/
ARTA Advisory No. 15:	tinyurl.com/ARP-Advisory
ARP Template and Handout Guide:	http://tinyurl.com/ARP2024-Downloadables-GDrive

For compliance of concerned Offices.

ATTY. ERNESTO D. ADOBO, JR., *CESO I*

ANNEX A

PROCESS OF SUBMISSION OF ENR REGULATORY POLICIES

Pursuant to ARTA Memorandum Circular No. 2022-06 or the National Policy on Regulatory Management System (NPRMS) and DENR Administrative Order No. 2021-15 or the Enhanced Policy Development System of the DENR, following are the steps in the submission of ENR Regulatory Policies, for compliance of concerned Offices.

a. Bureaus and Offices shall submit the Annual Regulatory Plan (ARP) to Sub-CART RIA **not later than 10 January of each year**. The ARP shall contain the summary of regulatory actions (drafting new policy/ amendment/ repeal) planned for a specific year. It shall be posted to the Bureaus/ Offices' websites, and contain at a minimum the following information:

    i. Identification and description of/ Updates on expected regulatory actions/ changes (i.e. development of new regulations, review of existing regulations, repeal or amendment of regulations);
    ii. Objective of the regulatory actions/ changes;
    iii. Information on planned consultations;
    iv. Alignment to the current Philippine Development Plan and other national development plans; and
    v. Contact details of the government agency such as e-mail, landline, and/or mobile phone number/s which the public may reach to obtain further information.

    The submission of ARP also includes the completed Regulatory Notification Form (RNF) for each regulatory policy to be developed by Bureaus and Offices.

    The Sub-CART RIA will consolidate and endorse the ARP to the Office of the Secretary through the Offices of the Undersecretary for Policy, Planning, and International Affairs and the Chairperson of CART **on or before 15 January of each year**.

    Submission of the ARP of the Agency to ARTA **shall not be later than 07 March of each year**.

b. In the absence of the proposed regulation in the submitted ARP, the proponent office/agency shall submit the Regulatory Notification Form (RNF) to ARTA. The RNF, together with the transmittal letter duly *signed by the head of the regulating entity or any authorized officer delegated by the head of the regulating entity*, shall be transmitted through email at ria@arta.gov.ph with the subject "RNF Submission- [Agency Name]-[Title of Proposed Regulation], copy furnished the Sub-CART RIA at policy@denr.gov.ph.

c. The proponent Office shall subject the draft regulatory policy to Preliminary Impact Assessment (PIA) and submit the PIS to ARTA. ARTA will assess the PIS, subject to proportionality rules, whether a full RIA will be required in the assessment of a proposed regulation. Otherwise, the regulation will be required to undergo a full RIA by default.

   At the early stages of policy development, the proponent office/agency shall consult with ARTA to gather feedback and recommendations on the impact of a proposed regulation.

   The PIS, a copy of the initial draft of the proposed regulation (if available), and transmittal letter duly signed by the *head of the regulating entity or any authorized officer delegated by the head of the regulating entity,* shall be submitted through email at ria@arta.gov.ph. with the subject "PIS SUBMISSION-[Agency Name] - [Title of Proposed Regulation], copy furnished the Sub-CART RIA at policy@denr.gov.ph.

   In case of disagreement on whether the proposed regulation shall undergo full RIA, the proponent office/agency may promulgate or implement the regulatory proposal, provided, that the regulatory proposal be subjected to a *pilot implementation*.

   Its regulatory impact shall undergo a *post-implementation review* pursuant to the provisions of Section 9 D.2.b. **However, if it is determined based on the result of the PIR that the regulatory proposal has substantial impact as per proportionality rules, the agency shall conduct a full RIA.**

d. Together with the Completed Staff Work and the draft regulatory policy, the proponent office/agency shall submit to the Office of the Undersecretary for Policy, Planning, and International Affairs, a copy of the RNF and PIS received by ARTA. The PTWG Secretariat shall then subject the proposed regulatory policy to initial review;

e. All major regulations shall undergo the same process pursuant to EPDS parallel to the review of ARTA. **A pilot implementation of the policy is required** in order to comply with the requirement of ARTA in case of a returned Regulatory Impact Statement (RIS) as per section 9.3, item iii of ARTA MC No. 2022-06 on the Interim Rule Stage;

f. If the proposed regulation fall under major regulation based on ARTA's assessment of the submitted PIS, ARTA will notify the proponent Office to conduct a full RIA, including the conduct of stakeholders' consultation/s, and the subsequent submission of the RIS.

RIS and the draft regulation shall be available on the proponent's website. Thereafter, the Head of Agency shall submit to ARTA the Final RIS with inputs from the conducted consultation/s. The resulting RIS, and a copy of the draft regulation and transmittal letter duly signed by the head of the regulating entity or any authorized officer delegated by the head of the regulating entity, shall be submitted to ARTA through ria@arta.gov.ph for its review with the subject "RIS SUBMISSION- [Agency Name]-[Title of Proposed Regulation];

g. ARTA shall officially inform the proponent government office or agency if the RIS is approved and endorsed for implementation of the regulatory proposal or return the RIS, together with its findings and recommendations, for adoption or consideration by the proponent government office or agency.

   The RIS acts as a trigger for the proponent government office or agency to re-undergo RIA and revise its respective RIS and re-submit to ARTA. *The returned RIS shall be without prejudice to the discretion of the proponent Office to promulgate or implement the regulatory proposal provided, that the regulatory proposal should be* ***subject to pilot implementation***. Its regulatory impact shall undergo **ex-post review** pursuant to the monitoring and evaluation plan in their submitted RIS.

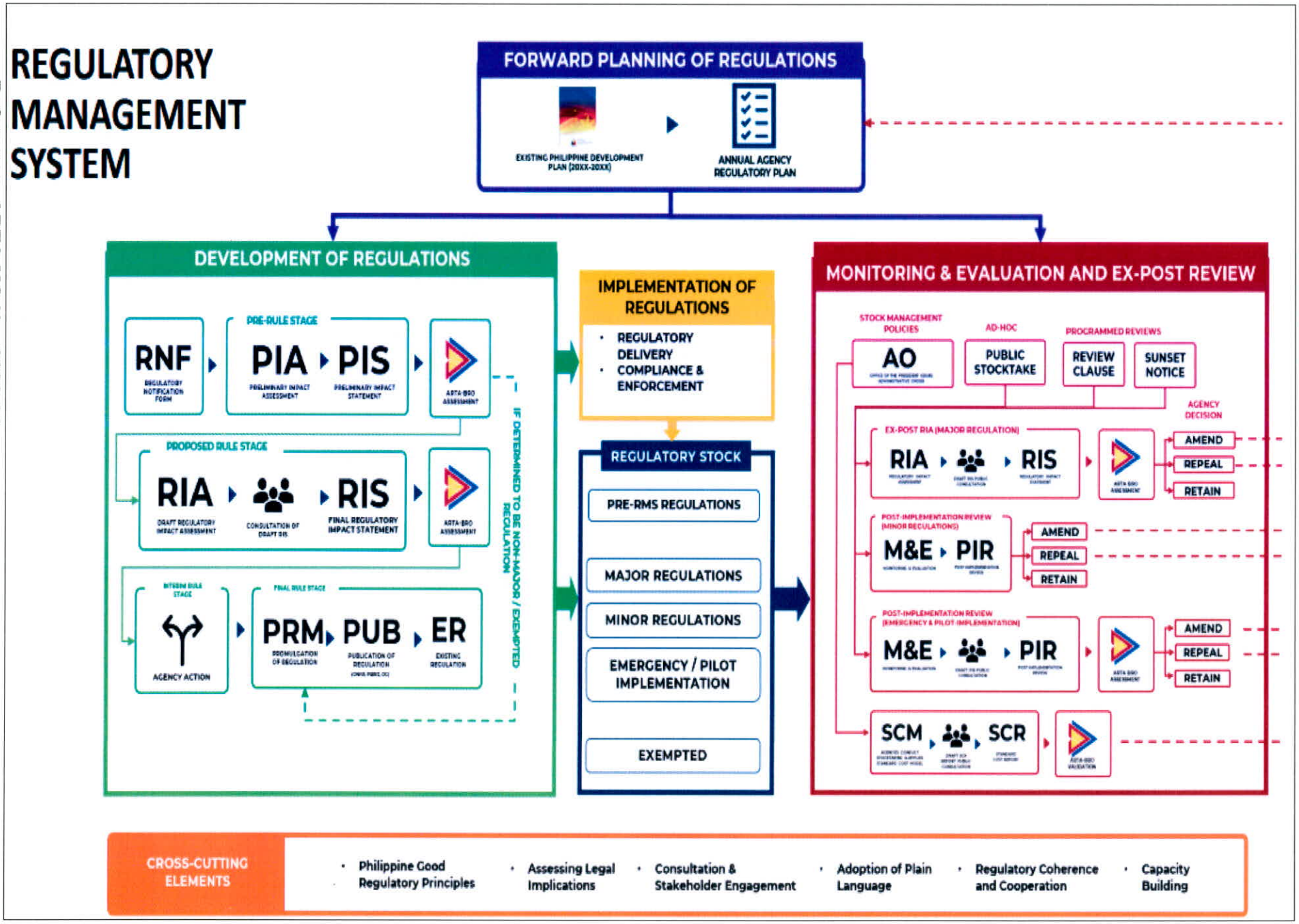
   The Final RIS shall be posted on the website of the government office or agency for the affected parties and general public to access; and

h. Regulations shall generally take effect after 15 days following the completion of their publication in the Official Gazette or in a newspaper of general circulation in the Philippines, unless a different date of effectivity is fixed by law or the regulation. A copy shall be filed with the ONAR with three certified copies for every rule adopted.

i. Moreover, for **emergency regulations** or policies issued by the Agency that do not undergone steps a-g due to exceptional circumstances which require immediate response such as national or regional emergencies, disasters, epidemic, *or other similar situations affecting the communities or environment* shall undergo the Ex-Post Review using the ex-post RIA, post-implementation review, or standard cost model. The details shall form part of the ARP submission

Reference: ARTA MC No. 2022-06

REGULATORY MANAGEMENT SYSTEM



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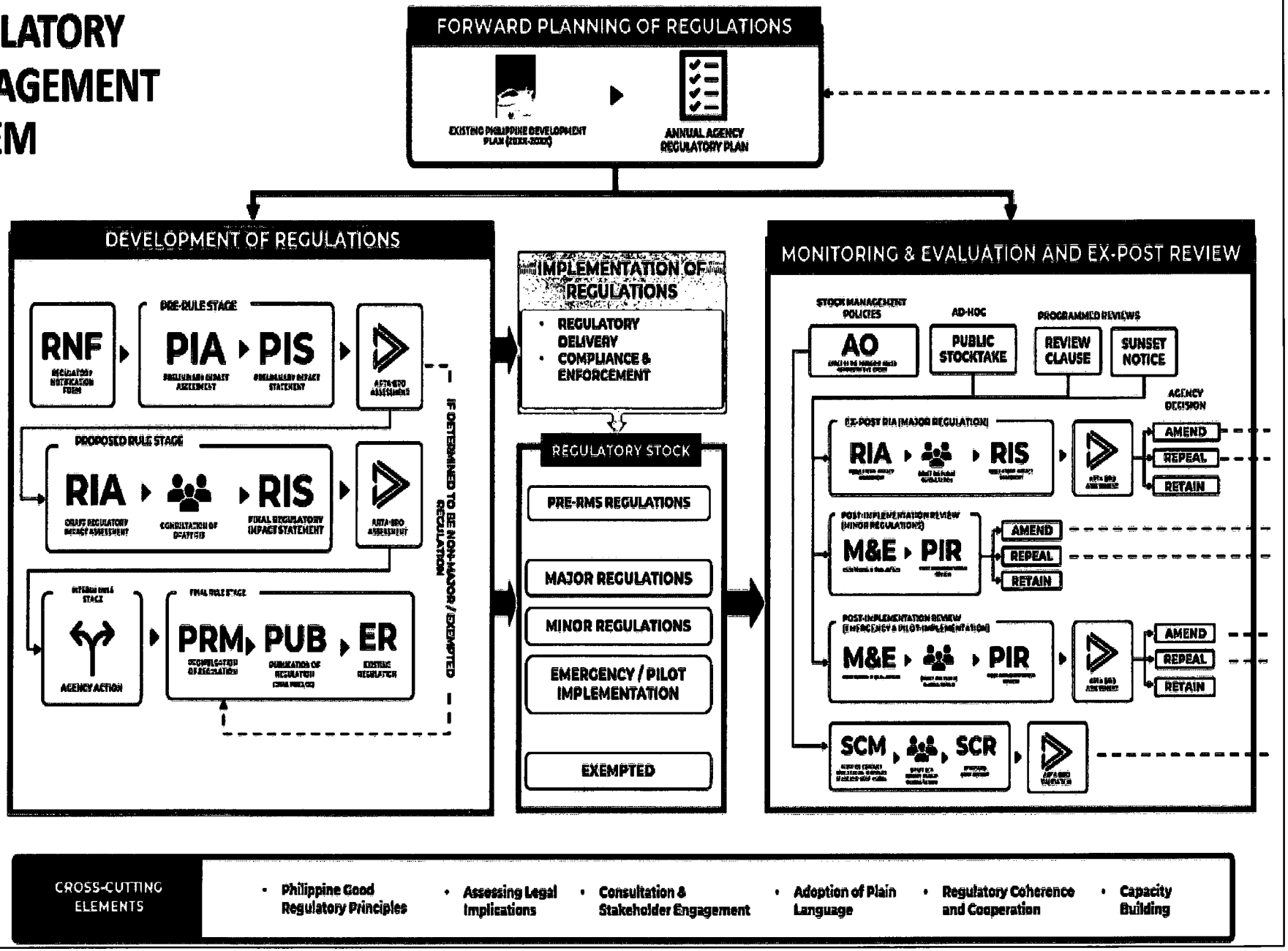
REGULATORY MANAGEMENT SYSTEM



ARTA
ANTI-RED TAPE AUTHORITY
OFFICE OF THE PRESIDENT

UPPAF
USAID GRANTEE
UP Public Administration Research and Extension Services Foundation, Inc.

Regulatory Reform Support Program for National Development (RESPOND)

MEMORANDUM CIRCULAR

ESTABLISHMENT OF THE NATIONAL POLICY ON REGULATORY MANAGEMENT SYSTEM (NPRMS)

arta.gov.ph

ARTA
ANTI-RED TAPE AUTHORITY
OFFICE OF THE PRESIDENT

MEMORANDUM CIRCULAR NO. 2022-06

FOR	:	**ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT, LOCAL GOVERNMENT UNITS, GOVERNMENT-OWNED OR -CONTROLLED CORPORATIONS, AND OTHER GOVERNMENT INSTRUMENTALITIES**
SUBJECT	:	**ESTABLISHING THE NATIONAL POLICY ON REGULATORY MANAGEMENT SYSTEM (NPRMS)**
DATE	:	07 October 2022

SECTION 1. BACKGROUND AND RATIONALE

1.1. The Philippine economy registered rapid and sustained economic growth before the onset of the coronavirus disease 2019 (COVID-19) pandemic in the first quarter of 2020. While the country is still in the process of recovery, the Philippine Gross Domestic Product (GDP) posted a growth of 7.4 percent in the second quarter of 2022 -- the slowest growth in three (3) quarters but the second-fastest so far in Asia for the second quarter. However, deep-seated constraints to growth continue to linger, hampering the Philippines' ability to maximize its economic potential. Regulatory uncertainty and red tape, among others, explain the weakness of the Philippine economy's overall competitiveness, and these problems of regulatory inefficiency and red tape have been exacerbated and magnified due to the COVID-19 pandemic. The pandemic further underscored the reality that regulatory procedures and documentary requirements of most government agencies are not designed to adapt to the "new normal" when dealing with similar contagions since some government regulations are still manually processed, requiring the submission of redundant requirements.

1.2. Stimulating investments and improving the overall business and investment climate, especially as the country recovers from the pandemic, necessitate not only aligning and harmonizing government regulations but also, first and more fundamentally, reducing regulatory burden and improving regulatory quality and coherence. This means not only improving specific regulations in certain sectors but also the overall quality of institutions and processes where regulations are set and implemented.

1.3. Modern societies need effective regulations to support growth, investment, innovation, and market openness. The Philippine Government uses regulations as an instrument to influence or direct cognitive and behavioral changes toward reaching national policy goals. The ultimate objective of regulation is to uphold public interest and the general welfare. However, poor regulatory environments undermine business confidence and competitiveness, erode public trust in government, and permit corruption in public institutions and processes.

The main factors contributing to a poor regulatory environment include the following:

(a) Over-regulation that restrains economic productivity and business creativity to innovate;
(b) Under-regulation that leads to the production of substandard products and services, thereby impairing consumer welfare; and
(c) Poorly designed regulations that allows faulty implementation, compounded by weak institutional capacities that create regulatory burden on the public.

1.4. An efficient and effective nationwide policy on regulatory management system (RMS) is of paramount importance to achieve better quality regulation and reduce regulatory burden and cost, resulting in higher societal welfare, greater efficiency and competitiveness of the national economy in general. The Philippine Development Plan (PDP) 2017-2022 mentions the need to establish a National Regulatory Architecture that will modernize government regulatory processes leading to a more competitive and coherent regulatory environment, with a central body ensuring that there is an evidence-based approach to the formulation and review of rules and regulations. This regulatory framework will create a whole-of-government approach on regulatory reform. The implementation of the National Policy on Regulatory Management System (NPRMS) is one of the initiatives that will be laid out in the

PDP 2023-2028 in support of the Marcos Administration's Eight (8)-Point Socioeconomic Agenda, particularly, on enhancing bureaucratic efficiency and reducing barriers to entry and limits to entrepreneurship for the near- and medium-term, respectively.

1.5. The establishment of an RMS is part of the country's commitment in the Association of Southeast Asian Nations (ASEAN) Work Plan on Good Regulatory Practices (GRP) 2016-2025 endorsed by the ASEAN Economic Community Council Ministers in 2017. The Plan includes strengthening strategic efforts to implement GRP as one of its priority areas.

1.6. Republic Act (RA) No. 11032[1], or the Ease of Doing Business and Efficient Government Service Delivery (EODB-EGSD) Act of 2018, provided for the mandate of the Anti-Red Tape Authority (ARTA) to recommend policies, processes and systems to improve regulatory management. With this, ARTA intends to implement a policy that shall institutionalize a National RMS and provide a common framework for good regulatory practices in the issuance, implementation and review of regulations. The establishment, adoption and institutionalization of the NPRMS builds upon the efforts of the Authority to improve the quality and coherence of government regulations and reduce their burden and costs.

1.7. In view of the foregoing, and pursuant to RA 11032, ARTA issues this Memorandum Circular (MC) on NPRMS for strict observance by all covered government entities as mentioned under Section 5 (Coverage and Applicability) herein.

SECTION 2. LEGAL COMPLIANCE

2.1. RA 11032 designates ARTA under the Office of the President to plan, implement, and oversee a national policy on anti-red tape and ease of doing business while its Implementing Rules and Regulations (IRR) provide that ARTA shall develop, establish and institutionalize a National RMS.

2.2. Section 2 of RA 11032 declares that it is the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in government.

2.3. Section 5 requires all proposed regulations of government agencies under Section 3 of the Act to undergo regulatory impact assessment (RIA) to establish if the proposed regulation does not add undue regulatory burden and cost to these agencies and the applicants or requesting parties: Provided, that when necessary, any proposed regulation may undergo pilot implementation to assess regulatory impact. It also requires ARTA to coordinate with all government offices covered under Section 3 of the Act in the review of existing laws, executive issuances and local ordinances, and recommend the repeal of the same if deemed outdated, redundant, and adds undue regulatory burden to the transacting public.

2.4. Section 6 mandates that all government agencies, including departments, bureaus, offices, instrumentalities, government-owned or -controlled corporations (GOCCs), or local government units (LGUs), shall set up their respective most current and updated service standards to be known as Citizen's Charter in the form of information billboards which shall be posted at the main entrance of offices or at the most conspicuous places, in their respective websites and in the form of published materials written in English, Filipino, or in the local language.

2.5. Section 8 provides that the head of the office or agency shall be primarily responsible for the implementation of RA 11032 and be held accountable to the public in rendering fast, efficient, convenient and reliable service.

2.6. Section 17 (f), (g), (h), (i), (j), and (k) of RA 11032 empower ARTA to:

(f) Recommend policies, processes and systems to improve regulatory management to increase the productivity, efficiency, and effectiveness of business permitting and licensing agencies;
(g) Review proposed major regulations of government agencies, using submitted regulatory impact assessments, subject to proportionality rules;

[1] RA 11032, approved on 28 May 2018, entitled "An Act Promoting Ease of Doing Business and Efficient Delivery of Government Services, Amending for the Purpose RA 9485, Otherwise Known as the Anti-Red Tape Act of 2007, and for Other Purpose", <https://www.officialgazette.gov.ph/2018/05/28/republic-act-no-11032/>.

(h) Conduct regulatory management training programs to capacitate national government agencies (NGAs) and LGUs to comply with sound regulatory management practices;
(i) Prepare, in consultation with the appropriate agencies, regulatory management manuals for all government agencies and/or instrumentalities and LGUs;
(j) Provide technical assistance and advisory opinions in the review of proposed national or local legislation, regulations or procedures; and
(k) Ensure the dissemination of and public access to information on regulatory management system and changes in laws and regulations relevant to the public by establishing the Philippine Business Regulations Information System (PBRIS).

2.7. Section 4, Rule III of the IRR of RA 11032 provides that the Authority shall develop and establish an RMS to improve regulatory management towards the improvement of regulatory quality. The RMS shall be comprised of, but not limited to, a regulatory management framework, institutional arrangements, a regulatory policy cycle, and enforcement & compliance strategies.

ARTA, by itself or in partnership with other institutions, shall provide and conduct training programs that offer tools needed to promote good regulatory governance and to raise awareness on new disciplines and promote a new culture among regulators and regulatees. The Authority, in consultation with appropriate agencies, shall prepare regulatory management manuals for all government agencies and/or instrumentalities and LGUs. The manuals issued by the Authority shall include the proportionality rules and threshold parameters.

2.8. Section 3, Chapter 2, Book 7 of the Administrative Code of 1987 requires the publication and filing with the Office of the National Administrative Register (ONAR) of regulations adopted by government agencies.

2.9. Section 1 of Administrative Order (AO) No. 23 (s. 2020)[2] provides that all NGAs covered by Section 3 of RA 9485, or the "Anti-Red Tape Act of 2007" (as amended), are directed to hasten the reform of their processes in order to eliminate overregulation. They shall retain only such steps, procedures and requirements as may be necessary to fulfill their legal mandates and policy objectives. All processes in excess thereof, including those which are redundant or burdensome to the public, shall be deemed manifestations of overregulation and shall be removed accordingly. Further, it provides that the entirety of an agency's processes for availing its services shall be subject to scrutiny, from the most established and longstanding aspects thereof to the most recent. The imposition of tedious or time-consuming regulations on socially beneficial activities, as to render such activity impossible or extremely difficult to undertake, shall be especially targeted for reform.

2.10. Department of the Interior and Local Government (DILG)-ARTA Joint Memorandum Circular (JMC) No. 2019-01, or the Guidelines on the Regulatory Reform for LGUs pursuant to the EODB-EGSD Act of 2018, enjoins LGUs in the creation of a Regulatory Reform Team (RRT), stocktaking and review of local ordinances, issuances, and resolutions, and application of the regulatory reform framework in the creation of their regulations.

2.11. Bureaucratic Efficiency is one of the priorities of the Eight (8)-Point Socioeconomic Agenda of the Marcos Administration, which directs the bureaucracy to become agile, lean, efficient and responsive. The NPRMS supports this Agenda by ensuring that regulations issued by government are coherent, responsive and fit-for-purpose, and eliminating regulations that are outdated, duplicative and inconsistent.

SECTION 3. POLICY STATEMENT

This National Policy, which adheres to and complements RA 11032 and its IRR, aims to ensure that all proposed and existing regulations are rational, fit-for-purpose, and do not add undue regulatory burden and cost to stakeholders. Further, this aims to guide the covered agencies in the forward planning, development, implementation, monitoring, evaluation, and ex-post review of regulations.

[2] Administrative Order No. 23, s. 2020 approved on 21 February 2020. Retrieved from https://www.officialgazette.gov.ph/downloads/2020/02feb/20200221-AO-23-RRD-1.pdf

SECTION 4. PURPOSE

4.1. This MC on the NPRMS is being issued to provide guidance on the establishment, adoption, and institutionalization of an overarching National Regulatory Architecture with the following components:

(a) a comprehensive national regulatory policy;
(b) an appropriate institutional arrangement to manage regulations;
(c) regulatory making and review process;
(d) public consultation;
(e) capacity-building for covered agencies and office; and
(f) the PBRIS.

4.2. The NPRMS establishes a common framework for good regulatory practices and guides government agencies during the entire regulatory life cycle by providing a comprehensive, organized, and systematized framework in the issuance, implementation and review of regulations and by setting expectations in the behavior of regulators in the country. It provides the institutional arrangements for all government offices and agencies, including LGUs, GOCCs, and other instrumentalities of government towards a whole-of-government approach in the forward planning, development, assessment, implementation, monitoring, evaluation, and ex-post review which could lead to the possible amendment or repeal of regulations, and coordinate all regulatory activities of government to ensure that the regulatory environment in the Philippines best serves the public.

SECTION 5. COVERAGE AND APPLICABILITY

5.1 This MC shall cover all departments, bureaus, and agencies of the National Government, LGUs, GOCCs and other government instrumentalities covered by Section 3 of RA 11032, whether located in the Philippines or abroad, that provide business and non-business-related transactions.

5.2 The imposition of the regulatory process mandate primarily covers policy instruments that are regulatory in nature. There are, however, several instances where government actions are not subject to the process stated in Section 9 of this MC, on the Regulatory Process and the Life Cycle Approach to Regulation. The list of exempted regulations is provided in Annex A.

Agencies may refer to the Screening Tool found in Annex B to help determine if their regulations are covered.

SECTION 6. DEFINITION OF TERMS[3]

6.1. **Agency:** It is any of the various units of the Government, which includes a department, bureau, office, instrumentality, GOCC, LGU, authority or office of the National Government authorized by law or executive order to make rules, issue licenses, and grant rights or privileges; research institutions with respect to licensing functions; government corporations with respect to functions regulating private rights, privileges, occupations or businesses.

6.2. **Benefit-Cost Analysis (BCA):** It is a systematic methodology for calculating and comparing the costs and benefits (and efficiency) of policy options.

6.3. **Compliance Costs:** These are the direct additional costs to businesses for performing the various tasks associated with complying with government regulation. They include the costs of collecting and reporting information to government agencies, equipment purchases and the development of new processes and reporting systems. Regulation often imposes significant other (non-compliance) costs on businesses, such as restricting their activities or increasing the cost or availability of their inputs.

6.4. **Consumer Harm:** This refers to an actual or potential injury or loss to a consumer, whether such injury or loss is economically quantifiable (e.g., overcharge) on non-quantifiable (e.g., discouragement).

[3] Definitions are lifted from the IRR of RA 11032 and the ARTA RIA Manual published in 2021

6.5. **Decision-maker:** This is the person or agency responsible for giving final approval to a proposed regulation. For example, in the case of Administrative or Executive Orders, the decision-maker is the President; for Memorandum Circulars, it is the relevant Department Secretary.

6.6. **Environment:** This refers to the surrounding air, water (both ground and surface), land, fora and fauna, and humans and their interactions.

6.7. **Good Regulatory Practice (GRP):** This comprises policies and practices that aim to ensure that government regulation achieves the twin goals of effectiveness and efficiency, and continues to do so over time. It involves disciplines for developing new regulation and amending existing regulation. These disciplines include strict adherence to RIA. They also include a commitment to objectively review regulation periodically to assess whether it has remained effective and efficient – and reforming it when necessary.

6.8. **Impacts:** These are the effects – both positive (benefits) and negative (costs) – of regulation. They include all economic, social, and environmental impacts, direct and indirect (flow-on) impacts, and one-off and recurring/ongoing impacts.

6.9. **Multi-Criteria Decision Analysis (MCDA):** This is a methodology for appraising and ranking policy options against a given set of objectives or criteria. It evaluates the effectiveness of policy options rather than their efficiency.

6.10. **Net Benefit:** It is a measure of the community-wide benefits minus the community-wide costs of a policy option. It measures the overall impact of a regulatory proposal, taking into account all of the benefits and costs. If the resulting overall impact is positive, it is called net benefit, and if negative, it may be referred to as net cost.

6.11. **Philippine Business Regulations Information System (PBRIS):** is a web-based platform providing real-time access to the regulatory management system and regulations relevant to the public pursuant to Section 17(k) of RA 11032.

6.12. **Preliminary Impact Assessment (PIA):** This is a process that the agencies should first undertake whenever a new regulation or a change to an existing regulation is being considered. The PIA helps in determining whether or not a full RIA will be required. The output of the conduct of PIA is the Preliminary Impact Statement (PIS) to be submitted by the Proponent Agency.

6.13. **Proponent Agency:** It is the Government Department or other government body that is proposing a new regulation or a change to an existing regulation. The Proponent Agency is responsible for ensuring that the PIA and RIA requirements are fulfilled.

6.14. **Regulation:** This refers to any legal instrument that gives effect to a government policy intervention and includes licensing, imposing information obligation, compliance to standards or payment of any form of fee, levy, charge or any other statutory and regulatory requirements necessary to carry out activity or modify behavior.

6.15. **Regulatory Impact Assessment (RIA):** It is a tool to design and evaluate policies, laws, and regulations, that are targeted, proportionate, accountable, transparent and consistent. It involves a systematic process that examines the expected consequences or range of alternative policy options that could be used to address a particular policy problem or issue. The policy options shall include evidence-based information to decision-makers, regulators and stakeholders. The output of the conduct of RIA is the Regulatory Impact Statement (RIS) to be submitted by the Proponent Agency.

6.16. **Regulatory Life Cycle:** This is the process of designing, introducing, reviewing and possibly amending/removing regulation to ensure it remains relevant over time and that no alternative policy option would be more effective and efficient in achieving the objectives the regulation was designed to achieve.

6.17. **Regulatory Management System (RMS):** The set of special measures that apply to the development of new, or the review of existing, regulations. RMS has four (4) main

components: regulatory quality tools, regulatory practices and processes, regulatory institutions, and overarching policy.

6.18. **Regulatory Notification Form (RNF):** A template accomplished and submitted by the Proponent Agency that notifies ARTA of every formulation, amendment or repeal of regulations with corresponding rationale, objectives, and target date of completion.A template accomplished and submitted by the Proponent Agency that notifies ARTA of every formulation, amendment or repeal of regulations with corresponding rationale, objectives, and target date of completion.

6.19. **Regulatory Plan:** This is a document that shall provide details on all regulatory actions that the agency intends to implement within the year. Regulatory actions include proposing new regulations and repeal/amending/consolidating existing regulations.

6.20. **Stakeholders:** These are entities (individuals, households, firms, civil society organizations, communities) who may be directly and significantly affected by proposed regulation and the resulting programs or projects.

6.21. **Whole-of-Government Approach:** It refers to coordinated and collaborative work by government agencies and/or local governments to address a particular problem or problems through a common, integrated solution and implementation in contrast to a silo or single agency approach to solve societal problem.

SECTION 7. ROLES OF THE REGULATORY OVERSIGHT AGENCY AND THE REGULATORY AGENCIES

This MC adheres to and promotes the adoption of the whole-of-government approach to regulation. As such, it lays down the roles of ARTA as the regulatory oversight agency and those of regulatory agencies relative to the implementation of the NPRMS, as follows:

7.1. ANTI-RED TAPE AUTHORITY (ARTA)

The ARTA, pursuant to its mandate and functions as stipulated in RA 11032 and its IRR, shall oversee the implementation of the NPRMS. ARTA is responsible for:

(a) Developing guidelines and conducting its periodic review for the efficient implementation of the NPRMS;
(b) Reviewing the submitted Annual Regulatory Plans;
(c) Receiving and posting the submitted RNFs received from agencies in its website;
(d) Reviewing the submitted PIS and assessing if subject regulation would require the conduct of RIA (subject to Proportionality Rules);
(e) Reviewing the submitted RIS;
(f) Conducting regulatory management training programs to capacitate NGAs and LGUs to comply with sound regulatory management practices;
(g) Preparing, in consultation with the appropriate agencies, regulatory management manuals for all government agencies and/or instrumentalities and LGUs;
(h) Providing technical assistance and advisory opinions in the review of proposed national or local legislation, regulations or procedures; and
(i) Ensuring the dissemination of and public access to information on regulatory management system and changes in laws and regulations relevant to the public by establishing the PBRIS.

7.2. REGULATORY AGENCIES

Government agencies that are responsible for developing, implementing, maintaining and enforcing regulations, are to observe this National Policy and meet the requirements herein. Government agencies are responsible for:

(a) Complying with this Memorandum Circular at all stages of the regulatory life cycle;
(b) Preparing and posting Regulatory Plans (in the agency website and/or at PBRIS once operational) annually;

(c) Reporting publicly on plans, priorities, performance, and regulatory reviews in accordance with ARTA reporting guidelines; and

(d) Promoting, through joint and/or individual policies, guidelines, and issuances, as necessary, the adoption of a whole-of-government approach to developing and enforcing/implementing regulations.

SECTION 8. REGULATORY MANAGEMENT SYSTEM (RMS) ELEMENTS

The RMS[4] is composed of four (4) main elements which are regulatory tools, regulatory processes, institutions and policies. These elements are designed to ensure the relevance, effectiveness, and efficiency of regulations in the achievement of its policy objectives. Regulatory agencies shall observe the following specific elements across multiple stages of the regulatory life cycle, as relevant:

8.1. The Philippine Good Regulatory Principles (PGRP)

The PGRP[5] was developed by the ARTA based on international principles of good practice adapted to the country's unique regulatory environment. In the forward planning, development, assessment, implementation, monitoring and evaluation, and ex-post review of regulations, government agencies shall adhere to these principles, as follows:

(a) **Principle 1 - Clarity:** Regulators should provide clarity in policy rationale, policy objectives/goals, institutional frameworks and support mechanisms.

(b) **Principle 2 – Legal and Empirical Basis:** Regulators should ensure that regulations should have a sound legal and empirical basis to establish a need for a new regulation and to only intervene in instances when evidence identifies an issue or a need for intervention.

(c) **Principle 3 – Benefits vs Costs:** Regulators should ensure that the regulations will accrue benefits that will justify the least costs, unintended effects, and negative impact to the economy, society, and the environment among others.

(d) **Principle 4 – Assessment:** Regulators should assess and consider all policy options including non-regulatory interventions through Regulatory Impact Assessment (RIA).

(e) **Principle 5 – Engagement:** Regulators should ensure and sustain effective and inclusive stakeholder engagement.

(f) **Principle 6 – Coherence:** Regulators should ensure that regulations should be congruent and consistent with other regulations to achieve policy coherence.

(g) **Principle 7 – Whole-of-government Approach:** Regulators must work together to support regulatory cooperation in all levels and support regular and continuous regulatory capacity development initiatives.

(h) **Principle 8 – Continuous evaluation:** Regulators should subject regulations to regular review and evaluation for continued relevance, efficiency, and effectiveness and to keep pace with change from emerging technologies.

(i) **Principle 9 – Competition:** Regulators must ensure that regulations are compatible with competition, trade, and investment-facilitation principles at both domestic and international levels.

(j) **Principle 10 – Risk Management:** Regulators should promote Regulatory Risk Management at every stage of the decision-making process.

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[4] OECD (1995) "Recommendation of the Council of the OECD on Improving the Quality of Government Regulations" which suggests that an RMS has four main components: (i) regulatory quality tools, e.g. regulatory impact analysis, administrative simplification, evaluation; (ii) regulatory processes, e.g. consultation, accessibility; (iii) regulatory institutions, e.g. an oversight body, coordination for international/national/local coherence; and (iv) regulatory policies, e.g. good practice regulatory principles

[5] The PGRP booklet can be accessed here: https://arta.gov.ph/philippine-good-regulatory-principles/

8.2. Assessing Legal Implications

When developing regulations, government agencies shall be responsible for assessing the legal implications of the proposal and for ensuring that they are legally sound. Government agencies shall take measures to ensure that regulations are:

(a) Authorized by enabling legislation or other law;
(b) Consistent with the Constitution of the Republic of the Philippines;
(c) Well drafted and able to operate effectively with other related laws; and
(d) Specific in identifying amended or repealed provisions that are inconsistent with the proposed regulation.

8.3. Consultation and Stakeholder Engagement

(a) General Guidelines

Regulatory agencies shall ensure regular consultation with stakeholders, such as, but not limited to, interested and affected parties, research and academic institutes, fellow government agencies, civic groups, and other relevant public organizations. To the extent appropriate, feasible, and consistent with law, the stakeholders shall be involved and engaged from the intent to draft a regulation until the eventual review and repeal of a regulation.

Agencies are highly encouraged to develop a consultation plan that provides the objectives, timeline, modalities/approach of consultation, and the mapping of stakeholders.

Regulatory agencies shall maximize all channels of communication to engage stakeholders (i.e., stakeholder fora/summits, emails, focus group discussions). Regardless of the channel, regulatory agencies shall ensure that consultations promote an open exchange of information and perspectives between all relevant parties. Consultations should be meaningful and not limited to: (a) mere notice and posting of a regulatory action, and (b) the collection of information and suggestions from the stakeholders. Regulatory agencies shall provide for a feedback mechanism wherein the regulatory agency informs the stakeholder of the corresponding action taken resulting from the exchange.

Further, regulators should ensure that consultations conducted are properly documented. Personal data that are deemed essential in drafting and/or reviewing a regulation should be collected following the procedures and rules established by RA 10173, otherwise known as the Data Privacy Act of 2012.

(b) For Proposed Regulation and Changes in Existing Regulation

Government agencies shall post the draft of their proposed regulation or changes in existing regulation and the results of its impact assessment in the agency's website and the PBRIS once operational to notify stakeholders and allow for a public comment period of not less than 30 days or such other period required by international laws, rules and regulations as well as treaties, international or executive agreements to which the Government of the Philippines is a signatory. Comments received during this period shall be taken by the proponent agency into consideration in the development and assessment of the proposed regulation or changes in the existing regulation.

Mere posting of proposed regulations on the agency website and PBRIS (once operational) is not a substitute for meaningful consultations on the development of regulatory proposals.

In emergency cases wherein time is of the essence, posting of the draft regulation may be deferred or postponed.

8.4. Adoption of Plain Language

Regulatory agencies shall communicate with the public in a manner that is clear, simple, meaningful, and, as much as possible, jargon-free. Regulations shall be written in an accessible and consistent language that is easy to understand for the intended stakeholder.

To easily communicate the purpose and contents of a regulation, regulatory agencies are encouraged to disseminate official communication materials (i.e., guidance notes, pamphlets, flyers, infographics) written in plain language that is consistent with the regulation/regulatory proposal.

Whenever feasible, regulatory agencies are encouraged to provide Filipino translations, and other local languages and dialects, as applicable, of regulations they issue.

The following should be considered in writing regulations:

(a) It is important that the regulation is communicated with the reader's point of view in mind. This way, the reader will easily comprehend the intention of the text;
(b) Statements and instructions should be direct to the point;
(c) Unnecessary or redundant words are to be avoided so that the reader will not be confused;
(d) Use of simple words is preferred as it allows readers to grasp concepts easily. Unfamiliar words or phrases such as government jargon can confuse or alienate the reader;
(e) Remember that a word may have different functions and implications. Make sure to use words that most appropriately communicate your intentions;
(f) Quantitative information needs to be stated clearly and explained properly. Precision is important so that the reader will not be confused;
(g) The succession of sentences should follow a logical order;
(h) Use the passive voice to highlight the "doer" of the action;
(i) Present tense shall be the default tense; and
(j) As a rule, American English shall be used.

For more details, government agencies may refer to the Style Guide for the Government, or its Filipino translation, *Gabay sa Estilo para sa Gobyerno*[6], published by then Presidential Communications Development and Strategic Planning Office (now Office of the Press Secretary).

8.5. Digitalization of Regulation and Regulatory Documents

Government agencies shall provide and secure digitalized versions of regulations and their supporting regulatory documents for public reference and for inter-operability of regulatory information for government systems.

The digitalized copies of the regulation and its supporting documents should be in a secured text-readable and searchable format and must be readily available to the public through the website of the government agency. Government agencies shall ensure that all existing regulations shall be properly numbered following the agency numbering system and that proposed regulations shall be properly labeled and watermarked as draft and not for implementation.

Government agencies shall upload and regularly maintain the stock of their existing regulations in the PBRIS once the system is operational. Uploading of regulations shall follow the prioritization to be determined by ARTA in a separate memorandum.

LGUs shall observe the provisions of DILG-ARTA JMC No. 2019-01 and shall continue their mapping and uploading of the stock of their regulations in the RR4LGUs system.[7]

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[6] Retrieved from https://ia801205.us.archive.org/13/items/style_guide_govph/Style%20Guide%20-%20Update%20-%20July%202%20-%2011%20PM.pdf (Style Guide - Update - July 2 - 11 PM.pdf (archive.org))
[7] The RR4LGUs System is accessible via https://rr4lgu.dilg.gov.ph/

8.6. Regulatory Coherence and Cooperation

(a) Creation of Regulatory Systems Inter- or Intra-Agency

Government agencies proposing new regulation or changes in an existing regulation shall:

(i) Identify and consult with other agencies and relevant leagues of LGUs that have a specific interest in or is affected by the proposed regulation;
(ii) Identify similar or related regulatory requirements–either existing or proposed–in the area being regulated;
(iii) Assess these requirements to minimize cumulative impacts and develop complementary and cooperative approaches whenever possible; and
(iv) Coordinate the implementation and enforcement of regulation to minimize complexity and duplication.

To be able to achieve the aforesaid, government agencies are enjoined to form regulatory systems within their agency network or with other related regulatory agencies to ensure development and implementation of regulations that maximize effectiveness and minimize the cumulative and unintended impacts on citizens, the economy, and society.

(b) Sectors to be Identified by the Ease of Doing Business and Anti-Red Tape (EODB-ART) Advisory Council

For purposes of harmonizing, streamlining, and coordinating regulatory action and the delivery of services, regulatory agencies shall be guided by appropriate issuances of the EODB-ART Advisory Council on the design of sectoral-based Regulatory Systems for priority sectors pursuant to Sections 19(c) and (d) of RA 11032.

The design and development of Regulatory Systems shall be overseen by a Technical Working Group (TWG) that shall be composed of relevant regulatory agencies. The TWG shall be responsible for whole-of-government approach in regulatory management through the:

(i) alignment of conflicting and competing policy objectives through compromise and consensus;
(ii) quality of proposed regulations to be implemented;
(iii) monitoring, review, and reporting on the stock of existing regulations;
(iv) continuous implementation of good regulatory practices; and
(v) resolution of disputes and any requests for exemption to the regulatory process.

Identifying priority regulatory systems requires having a clear sense of purpose and the goals and objectives to be achieved. These should be consistent with the societal goals and outcomes laid out in the long-term national development vision, *AmBisyon Natin 2040*, as well as the current Philippine Development Plan. Priority regulatory systems shall lead to economic, societal and environmental outcomes that ultimately promote growth, innovation, and the quality of life of Filipinos. The following objectives may be considered in the identification of priority regulation:

(i) Promotion of economic growth by ensuring a fair, responsible and competitive business environment;
(ii) Protection of the environment for future generations in view of the threats and impacts of climate change;
(iii) Poverty reduction and the improvement of the quality of life of Filipinos;
(iv) Prevention of consumer harm, as well as communicable and non-communicable diseases, through the promotion of healthy lifestyle, product safety, and strengthening of public health systems; and
(v) Boosting a sustainable food chain by promoting safe, healthy, efficient and productive agricultural practices and a vibrant rural economy.

(c) International Regulatory Cooperation (IRC)

To improve national competitiveness, promote efficiency and consistency with international counterparts in view of increasing global integration and interdependence, government agencies shall explore and adopt international regulatory cooperation in the drafting and implementation of regulations whenever applicable, practical, and allowed by Philippine law, and in coordination with the Department of Foreign Affairs (DFA). IRC may be adopted in the form of:

(i) Benchmarking international knowledge and expertise beyond the jurisdiction of the Philippines;
(ii) Consideration of existing international regulatory instruments and standards in the drafting and implementation of regulations; including mutual recognition of other jurisdictions' rules and standards as equivalent;
(iii) Assessing the impact of regulations to individuals and jurisdictions outside the Philippines;
(iv) Engaging foreign government counterparts to learn and share good practices and innovations in designing and implementing regulations; or
(v) Participating in international fora for the development of good practices and innovations in regulatory practice.

In adopting IRC, government agencies shall be guided by the following:

(i) The IRC must result to mutual economic benefit of participating countries;
(ii) The objective of cooperation must be clear and specific; and
(iii) The form of IRC to be adopted must be proportional to its objectives.

Government agencies shall be responsible in aligning proposed and existing regulations with existing bilateral, regional, plurilateral and multilateral agreements to which the Philippines is a signatory to. Further, government agencies should consider potential impacts of regulations to the mentioned agreements.

ARTA, in coordination with the DFA, the National Economic and Development Authority (NEDA), Department of Finance (DOF) and Department of Trade and Industry (DTI) shall issue further guidelines on ensuring the alignment of domestic regulations to bilateral and/or regional regulatory agreements.

8.7. Capacity-building

ARTA shall regularly provide regulatory management training programs to capacitate NGAs and LGUs to comply with sound regulatory management practices. ARTA, as it deems necessary, may coordinate, and seek the assistance of public and private academic/training institutions in the conduct of these training programs. The training arm of ARTA shall serve as the main unit to oversee the training initiatives delegated to partner institutions (e.g., RIA).

ARTA, in partnership with public and/or private academic/training institutions, shall conduct Training Needs Assessment (TNA) to identify the gaps in the required knowledge, skills, and performance of government agencies on Regulatory Management. This involves finding out the sources and reasons for the gaps, as well as available techniques for closing or eliminating the gaps. The results of the TNA shall be the basis for ARTA and its partner public and/or private academic/training institutions in designing and developing interventions through capacity building programs. ARTA shall perform the TNA to priority/requesting agencies in order to determine the appropriate training design/scheme to maximize resources (e.g., time and manpower) for both parties.

The partner academic/training institutions shall provide, perform, and render services, such as, but not limited to:

(a) Implementing the ARTA- and agency-approved capacity-building program to meet the training objectives; and
(b) Conducting a post-training assessment to gather feedback that may be used for the continuous improvement of the capacity-building program. Data gathered from the

post-training assessments shall be transmitted to ARTA in order for the Authority to assess the effectivity of both the training modules and the partner institution.

Government agencies shall ensure the availability of resources and personnel for participation in these capacity training programs. Further, the same shall ensure the dissemination of skills and knowledge by the participants of the training to all relevant offices/units/personnel.

Further, ARTA has made available references and resources online[8] that the agencies may refer to for the conduct of impact assessments.

SECTION 9. REGULATORY PROCESS AND THE LIFE CYCLE APPROACH TO REGULATION

9.1. Government agencies shall adopt the "Life Cycle" approach to regulation making. The life cycle approach recognizes that equal attention must be given to all stages in the life of a regulation, from forward planning, development and assessment to implementation, monitoring, evaluation, and ex-post review, and to its possible amendment/repeal. This shall lead to continuous improvement in the effectiveness, efficiency, and accountability of the regulatory system toward the achievement of its goals and objectives.

9.2. The Regulatory Life Cycle shall be composed of the following stages:

(a) Forward Planning of Regulations – initial stage of the life cycle wherein agencies inform citizens, businesses, and fellow government agencies of current and future regulatory development;
(b) Development of Regulations – the second stage of the life cycle wherein impact analysis is applied to the drafting of regulations. It also involves stakeholder participation;
(c) Implementation of Regulations – the third stage of the lifecycle wherein activities and functions needed to support the implementation of and compliance to regulations are identified and undertaken; and
(d) Monitoring, Evaluation, and Ex-Post Review of Regulations – the fourth stage of the life cycle wherein the regulatory action and the regulator are assessed for relevance and effectivity. The analysis gathered shall provide a baseline for the next regulatory cycle.

9.3. Consistent with the Regulatory Life-Cycle Approach, this Memorandum Circular enjoins government agencies to adopt the Regulatory Process detailed below. The process consists of the following major stages: (a) forward planning, (b) development of regulations, (c) implementation of regulations, and (d) monitoring, evaluation, and ex-post review of regulations (see Annex C for the detailed diagram of the Regulatory Process).

(a) **Forward Planning of Regulations**

Regulators shall take an active approach in overseeing its regulations which includes the responsibility to plan how regulations will be maintained and updated. Forward planning enables the Philippine government to implement a coordinated and effective regulatory program by allowing stakeholders to view forthcoming regulatory actions and address potential conflicts and duplication at an early stage.

Government agencies shall submit their annual Regulatory Plan (See Annex D for the template of the Regulatory Plan) to ARTA not later than March 7 of each year. Likewise, government agencies shall post on their websites their Regulatory Plan that, at a minimum, contain the following information:

(i) Identification and description of/Updates on expected regulatory actions/changes (i.e., development of new regulations, review of existing regulations, repeal or amendment of regulations);
(ii) Objective of the regulatory actions/changes;
(iii) Information on planned consultations;
(iv) Alignment to the current Philippine Development Plan and other national development plans; and

[8] ARTA learning modules are available on this link I https://youtube.com/channel/UChQr6TI3lqcKfMd4ANNN75w

(v) Contact details of the government agency such as e-mail, landline, and/or mobile phone number/s which the public may reach to obtain further information.

If there are no anticipated regulatory actions, the Agency shall state the same in the Summary Section of the Annual Regulatory Plan.

(b) **Development of Regulations**

Pursuant to Section 5 of RA 11032, government agencies shall assess the impact of regulatory proposals through the conduct of RIA to determine the expected positive and negative effects of proposed regulations, using analytical methods such as BCA, MCDA, and/or other relevant evaluation techniques. The steps involved along with the tools needed in RIA are detailed in the RIA Manual. The most recent version of the RIA Manual is posted on the ARTA website[9].

The following shall guide government agencies in developing new regulations at different stages, from pre-rule to publication of ARTA assessment, if necessary:

(i) **Pre-Rule Stage: Submission of RNF**

In the absence of the proposed regulation in the submitted Annual Regulatory Plan, the agency must notify ARTA of every formulation, amendment, or repeal of regulations, with corresponding rationale, objectives, expected impacts and target dates through the submission of an RNF.

The RNF notifies ARTA of every formulation, amendment, or repeal of regulations, with corresponding rationale, objectives, and target dates. It shall not require a review by ARTA. The purpose of the RNF is to inform stakeholders and ARTA of the intent of the agency to create or amend a regulation.

The RNF, together with a transmittal letter duly signed by the head of the regulating entity or any authorized officer delegated by the head of the regulating entity can be transmitted through email at ria@arta.gov.ph with the subject *"RNF Submission – [Agency Name] – [Title of Proposed Regulation]*. The information derived from the submitted RNFs will inform ARTA of the proposed regulations that will then be subjected to PIA.

Government agencies shall classify their proposed regulations with justification subject for validation by ARTA, according to the following table:

CLASSIFICATION	DESCRIPTION
MAJOR REGULATION	Regulations that meet the ARTA's Proportionality Rule. They require a full regulatory impact assessment and must undergo ARTA's review.
MINOR REGULATION	Regulations that have no expected significant regulatory impacts. They do not need to undergo full regulatory impact assessment.
EXEMPTED REGULATION[10]	Regulations that are identified to be outside the scope of the RIA process.
EMERGENCY REGULATION	Exempted regulations due to exceptional circumstances which require immediate response such as national or regional emergencies, disasters, epidemic, or other similar situations affecting communities or environment. The submission of proper documentation to ARTA for such can be done post-promulgation/issuance.

[9] Accessible at https://arta.gov.ph/riamanual
[10] ANNEX A - List of Exempted Regulations

Conduct of PIA

The proponent government office or agency, LGU, GOCC or government instrumentality conducts a PIA of the various policy options, including non-policy options, necessary to achieve certain objectives and comes up with its selected option. The PIA acts as a tool to filter out lower impact regulatory proposals not requiring a full RIA.

The proponent government office or agency, LGU, GOCC or government instrumentality shall then submit a Preliminary Impact Statement (PIS)[11] to ARTA. It shall be the responsibility of the proponent agency to provide an analysis of the regulatory proposal in the PIS to a level of detail that will enable ARTA to assess, subject to proportionality rules, whether a full RIA will be required in the assessment of a proposed regulation. Otherwise, the regulation will be required to undergo a full RIA by default.

It is also recommended that proponent agencies consult with ARTA at the early stages of policy development to gather feedback and recommendations on the impact of a proposed regulation.

The PIS, and a copy of the initial draft of the proposed regulation (if available), together with a transmittal letter duly signed by the head of the regulating entity or any authorized officer delegated by the head of the regulating entity, shall be submitted to ARTA through ria@arta.gov.ph with the subject *"PIS SUBMISSION – [Agency Name] – [Title of Proposed Regulation]"*.

ARTA Preliminary Assessment

The ARTA shall then review[12] the submitted PIS and evaluate whether the proponent government office or agency, LGU, GOCC or government instrumentality has adequately explained and justified the proposed regulation. If ARTA deems that the proposed regulation is a major regulation that has significant impact on the economy, businesses, individuals or households, and/or the environment, the proponent government office or agency, LGU, GOCC or government instrumentality shall conduct a full RIA and draft an RIS[13].

For minor regulations as may be determined by ARTA subject to proportionality rules, the proponent government office or agency, LGU, GOCC or government instrumentality shall be officially informed that it can already proceed with the implementation of the proposed regulation subject to the preparation and submission of a Monitoring and Evaluation (M&E) Plan. The agency prepares and submits their M&E Plan to assess the performance and effectiveness of the regulation and then proceeds to issue and implement the regulation.

The **Proportionality Rule** refers to the threshold used to determine which proposed or existing regulation shall be subjected to the conduct of a full RIA, satisfying any of the following:

- The regulatory proposal has substantial or widespread impacts on the economy, society, and/or the environment;
- It affects a large number of businesses or individuals and it faces widespread or determined opposition among stakeholders, the broader public or interest groups;
- It imposes substantial compliance costs on businesses or individuals;
- It may have significant impact on gender and social inclusion;
- Government inaction or absence of the regulation may possibly result to significant environmental damage;

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[11] PIS Template can be accessed at arta.gov.ph/riamanual

[12] The ARTA review process shall follow the process set in its Internal Review and Assessment Guidelines. Generally, the review of the PIS and RIS shall follow the prescribed processing time for Government Transactions under Section 9(b) of RA 11032.

[13] RIS Template can be accessed at www.arta.gov.ph/riamanual

- It has a restrictive impact on market competition;
- If the impact of the regulatory proposal cannot be determined due to lack or incomplete evidence in the submitted PIS; and
- If the pilot implementation of the regulatory proposal resulted in a substantial or negative impact based on the results of the ex-post review (either through the M&E Plan indicated in the RIS or PIR).

Specific quantitative benchmarks are not used in determining proportionality as each regulation is based on differing circumstances with respective sets of stakeholders. As such, the assessment conducted by ARTA is on a case-by-case basis through the information provided by the proponent agency and as verified by stakeholders.

In case of disagreement on whether the proposed regulation shall undergo full RIA, the proponent agency may promulgate or implement the regulatory proposal, provided that the regulatory proposal shall be subjected to a pilot implementation[14]. Its regulatory impact shall undergo a post-implementation review pursuant to the provisions of Section 9 D.2.b. However, if it is determined based on the result of the PIR that the regulatory proposal has substantial impact as per proportionality rules, the agency shall conduct a full RIA.

(ii) **Proposed Rule Stage: Conduct of RIA**

If the proposed regulation is deemed major based on ARTA's assessment of the submitted PIS, ARTA shall notify the proponent government office or agency, LGU, GOCC or government instrumentality that the conduct of a full RIA, including the conduct of stakeholders' consultation/s, and the subsequent submission of the RIS are required.

The drafted regulation and RIS shall be subjected by the proponent government office or agency, LGU, GOCC or government instrumentality to a mandatory consultation period with stakeholders. The proponent is expected to engage all affected stakeholders by conducting meetings/hearings relative to its regulatory proposal. It should also make available copies of the drafted regulation and RIS on its website. The RIS, with inputs from the conducted consultation/s, shall be submitted as the Final RIS for ARTA's review.

The resulting RIS, and a copy of the draft of the proposed regulation, together with a transmittal letter duly signed by the head of the regulating entity or any authorized officer delegated by the head of the regulating entity, shall be submitted to ARTA through ria@arta.gov.ph for its review with the subject *"RIS SUBMISSION – [Agency Name] – [Title of Proposed Regulation]."*

(iii) **Interim Rule Stage: ARTA Assessment and Agency Action on the Assessed RIS**

Upon review[15], ARTA shall officially inform the proponent government office or agency, LGU, GOCC or government instrumentality of its decision: either to approve the RIS and endorse the implementation of the regulatory proposal or to return the RIS, together with its findings and recommendations, for the adoption or consideration of the proponent agency.

A returned RIS acts as a trigger for the proponent agency to re-undergo RIA and revise its RIS. The agency may adopt the recommendations of ARTA and resubmit the revised RIS to ARTA for endorsement.

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[14] Pursuant to Section 5 of RA 11032, ""All proposed regulations of government agencies under Section 3 of this Act shall undergo regulatory impact assessment to establish if the proposed regulation does not add undue regulatory burden and cost to these agencies and the applicants or requesting parties: ***Provided,*** **That when necessary, any proposed regulation may undergo pilot implementation to assess regulatory impact."**

[15] The ARTA review process shall follow the process set in the IRAG. Generally, the review of the PIS and RIS shall follow the prescribed processing time for Government Transactions under Section 9(b) of RA No. 11032.

The return of the RIS shall be without prejudice to the discretion of the proponent agency to promulgate or implement the regulatory proposal, provided that the regulatory proposal shall be subjected to a pilot implementation[16]. Its regulatory impact shall undergo an ex-post review pursuant to the monitoring and evaluation plan in their submitted RIS.

The Final RIS document shall be posted for access and reference of affected parties and the general public.

(iv) **Final Rule Stage: Publication or Issuance of New Regulations**

In implementing regulations, agencies are reminded to comply with the requirements in publishing and filing government regulations.

Regulations shall generally take effect after 15 days following the completion of their publication either in the Official Gazette or in a newspaper of general circulation in the Philippines, unless a different date of effectivity is fixed by law or the regulation.

Following the publication, every agency shall file with the ONAR three (3) certified copies of every rule adopted. These regulations shall become effective 15 days from the date of filing unless a different date is fixed by law, or special cases of which must be expressed in a statement accompanying the rule.

(c) **Implementation of Regulations**

(i) **Regulatory Delivery**

Government agencies shall be responsible for putting in place the processes and resources needed to implement activities/services resulting from regulation. For the effective implementation of such, regulators shall ensure:

- Compliance with RA 6713 and other civil service rules and regulations in maintaining high levels of professionalism in their interactions with citizens and firms and for providing them with clear and timely decisions.
- The provision of the necessary human, physical, technological and financial resources that the regulation would require, including compliance and enforcement activities;
- The offices, and its personnel, charged with carrying out regulatory responsibilities have the necessary resources, skills, and competencies;
- The posting of a Citizen's Charter[17] at the most conspicuous place in the office and/or in the agency's website containing the checklist of requirements, steps and procedures, fees to be paid, and processing time, among others, reference of stakeholders availing such services.
- The notification of stakeholders on changes in requirements of regulations and their coming into force, and the provision of reasonable time frames between the publication of changes to allow sufficient time for citizens and firms to make the necessary adjustments;
- The availability of information on the decision-making process for services requiring the regulator's approval, the rights and obligations of the regulated entity, and mechanisms for appeal and complaints;
- The proportionality of the implementation to the volume of activities involved in the delivery of the regulation and/or violations detected against the regulation; and
- Coordination with relevant agencies is actively explored, taking advantage of opportunities for convergence in the implementation and enforcement of the regulation.

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[16] Pursuant to Section 5 of RA 11032, ""All proposed regulations of government agencies under Section 3 of this Act shall undergo regulatory impact assessment to establish if the proposed regulation does not add undue regulatory burden and cost to these agencies and the applicants or requesting parties: ***Provided,*** **That when necessary, any proposed regulation may undergo pilot implementation to assess regulatory impact."**

[17] Pursuant to Section 6 of RA 11032 and ARTA MC_No._2019-002-A.pdf (arta.gov.ph)

(ii) **Compliance and Enforcement**

Government agencies shall be responsible for promoting regulatory effectiveness by developing and implementing compliance and enforcement strategies. These strategies shall be:

- developed in consultation with affected stakeholders, including those that shall implement/enforce the regulation or comply with it;
- use an appropriate range of compliance and enforcement tools; and
- provide timelines and processes for assessing and reviewing compliance activities.

(d) **Monitoring & Evaluation, and Ex-post Review of Regulations**

Government agencies shall be responsible for ensuring that regulations continually meet their policy objectives and for reviewing regulations on an ongoing basis. Hence, government agencies are required to monitor its regulation as soon as the regulation is implemented.

(i) **Triggers for Ex-Post Review**

Ex-post reviews of regulations shall be conducted by agencies systematically or on an ad-hoc basis depending on the following triggers:

Regulations that are issued post-RA 11032

- **Regulations that are assessed as Major and have undergone Ex-Ante Regulatory Impact Assessment.** Government agencies shall ensure regulations that have been assessed as major and have undergone Ex-Ante Regulatory Impact Assessment will be subjected to Ex-Post Regulatory Impact Assessment within the timeline specified in the Ex-Ante Regulatory Impact Statement or the embedded review clause of the regulation.
- **Regulations that are assessed as Minor.** Government agencies shall conduct ex-post assessment of minor regulations through Post-Implementation Review not later than five (5) years of the implementation of the regulation or within the timeline provided by an embedded review clause of the regulation.
- **Regulations that are assessed as Emergency Regulations [and regulations that have undergone pilot implementation].** Regulatory agencies shall subject emergency regulations to Post-Implementation Review not later than two (2) years after the implementation of the regulation or within the timeline provided by an embedded review clause of the regulation.
- **Embedded Review Clauses.** Regulators may include review clauses in a regulation that will trigger an ex-post review. These triggers may be based on a specified point in time (sunset clauses) or be triggered by specific events (programmed review clauses).
- **Sunset Review.** For regulations that are not reviewed within the time period provided in items (i-iii), ARTA shall inform the responsible agency and trigger the ex-post review of these regulations. The review shall be conducted not later than a year after the timeline provided by the original review clause of the regulation. The review is conducted to ensure the continued effectiveness and relevance of implemented regulations. ARTA and the agency may enlist the help of third-party reviewers for this task.
- **Programmed Review Clauses.** For regulations whose effects are highly uncertain, government agencies shall include a programmed review clause that will be triggered in response to a specific circumstance/event. The specified circumstance/event should provide the government enough time to assess and address the risks caused by the uncertain effects of the regulation.

Regulations that were Issued Pre-RA 11032

- **Public Stocktakes/ Complaint-Driven Reviews.** ARTA, upon receipt of a complaint that an existing regulation is outdated, redundant or adds undue regulatory burden to the transacting public, may exercise its power to subject the same regulation to ex-post review. Government agencies involved in the drafting and implementation of the identified regulation shall conduct a post-implementation review of the regulation upon receipt of the formal notice from ARTA.

  Should there exist any conflict on existing regulations, the ARTA may facilitate the review and provide recommendations pursuant to Section 17(f) of RA 11032.

- **Stock Management Policies.** Upon approval of the Office of the President, the ARTA may impose measures to reduce regulatory burden by reducing the current stock of regulations of government agencies. Such measures may include:

- **Red Tape Reduction Targets** – This tool requires government agencies to measure the compliance costs imposed by all active regulations on specific sectors and reduce such costs to meet the threshold that may be set by the Office of the President.

- **Regulatory Budgets** – This tool imposes a limit on the compliance costs of regulatory requirements imposed on specific sectors by regulations issued by government agencies. The total compliance costs of regulations must be maintained by government agencies by removing a regulation for each one they add.

(ii) **Tools for Ex-Post Review**

Government agencies may use the following tools for ex-post review of regulations:

- **Ex-Post RIA**

  Ex-Post RIA shall be conducted on regulations that have undergone Ex-Ante RIA. The Ex-Post RIA shall measure the actual impacts of an existing regulation vis-a-vis the foreseen impacts stated in the Ex-Ante RIA. Through the assessment, the regulatory agency shall determine whether to retain the existing regulation or explore other approaches in addressing the policy problem.

  Upon review, ARTA shall officially inform the reviewing government office or agency, LGU, GOCC or government instrumentality of its decision: either endorse its implementation or to return the Ex-Post RIS, together with its findings and recommendations, for adoption/consideration of the proponent.

- **Post-Implementation Review (PIR)**

  The PIR shall be used in reviewing regulations that do not have an Ex-Ante RIA. The PIR is focused on assessing the performance of an existing regulation in achieving its original objectives. Through the PIR, agencies shall determine whether the regulation remains the most appropriate option in addressing the problem.

  A comparison of ex-ante projected impacts (including baseline conditions) and the ex-post actual conditions after the implementation of the regulation shall be done to inform the regulatory-making process.

Government agencies shall use the M&E template provided in the RIA Manual in conducting PIR (See Annex E). The said template is composed of four (4) sections, as follows:

Section 1: **M&E Framework.** This section determines the value of a regulation and contains the following information:

(a) Goals: The objective that the regulatory action intends to attain (Why do we do it?);
(b) Outcomes:
    - Intended Outcomes - Predicted changes because of the regulatory action (What do we hope for?); and
    - Unintended Outcomes - the unplanned or unintended effect of the regulatory action in terms of changes in people's attitudes, behaviors, beliefs or knowledge; or it could also refer to unplanned or unintended changes in the physical environment (What did we not hope for but happened anyway?)
(c) Outputs: Predicted objects/items/services produced resulting from the implementation of the regulatory action (What do we want to happen? What items/ objects/services did we want to produce as a result of implementing the regulatory action?).

Section 2: **Quantitative Information.** The second section provides a record of Baselines, Targets and other data based on the foreseen duration of implementation.

Section 3: **Monitoring and Evaluation.** Lastly, the Monitoring Table is used to list and summarize the observed changes in the realization of the regulation's objectives.

- **Standard Cost Model (SCM)**[18]

The SCM shall be used in reviewing regulations for the purpose of meeting thresholds set by Stock Management Policies. SCM is a method for estimating the administrative costs imposed by regulation. The tool breaks down an administrative procedure into quantifiable components.

There are three (3) phases in conducting the SCM:

Phase 1: Preparatory Analysis

This phase involves the identification of information obligations, data requirements, and administrative requirements derived from business-related regulations. The information obligation will be trimmed down into data requirements such as identity of the business. After identification, the government agency will look into the administrative activities which shall comply with the data requirement. It will classify the origin of the regulation using the ABC classification. Administrative cost of information obligation and data requirement may be qualified according to different regulations. Businesses must be categorized and identified into segments to measure the differing cost of resources of varying business enterprises to obtain information obligations and data requirements. Statistical data on businesses affected by the regulation, such as population, compliance rate, and frequency of compliance, shall be produced and reported. After which, the government agency shall come up with a list of obligations that will undergo business interviews and will be assessed by experts.

[18] Covered agencies may also refer to the following resources prepared by the Development Academy of the Philippines (http://rcm.dap-systems.net:8080/rcms/rcmsUser/Welcome.jsp) and the Standard Cost Model Network (https://www.oecd.org/gov/regulatory-policy/34227698.pdf)

The following steps shall be undertaken under the Preparatory Analysis Phase:

- Identification of information obligations, data requirements and administrative activities and classification by origin;
- Identification and demarcation of related regulations;
- Classification of information obligations by type (optional step);
- Identification of segments;
- Identification of population, rate, and frequency;
- Business interviews or expert assessment;
- Identification of cost parameters per Cost Area (e.g., internal, external, acquisitions);
- Preparation for interview guide; and
- Expert review for abovementioned steps under Phase 1

Phase 2: Time and Cost Data Capture and Standardization

During this phase, government agencies must have a plan that would identify the businesses to interview, with the cooperation between different departments and coordinating units. Afterwards, they must conduct interviews and assess the information acquired that relates to internal processes. The results will then estimate the reasonable time and resources to complete administrative activities. The following steps must be undertaken during this phase:

- Selection of typical businesses for interview;
- Business interviews;
- Completion and standardization of time and resource estimates for each segment by activity; and
- Expert review for abovementioned steps under Phase 2

Details on using the SCM are provided in the RIA Manual and Annex F of this Circular.

Phase 3: Calculation, Data Submission and Reports

The last phase will include extrapolation of validated data to national level in which the consultants will have to calculate for the standardized time multiplied by the resource consumption used at a normal business in a segment by the population and frequency of the same. The report shall explicitly state the procedures and steps on how the analysis was conveyed. Phase 3 involves the following steps:

- Extrapolation of validated data to national level; and
- Reporting and transfer to database.

(iii) **Process for Ex-Post Assessment**

Government agencies shall observe the following processes for conducting ex-post review of regulations:

- The Ex-Post Review is triggered by a review clause or a sunset notice;
- Agency submits an RNF if the Ex-Post Review is not included in the current Annual Regulatory Plan;
- Agency conducts Ex-Post Review of the regulation using the appropriate tool and prepares an Ex-Post RIS or PIR (as applicable);
- Agency consults the draft Ex-Post RIS/PIR of the regulation;
- Agency revises the Ex-Post RIS/PIR following the results of the consultation;
- Agency submits its Ex-Post RIS/PIR to ARTA for assessment;
- Agency decides whether to repeal, amend, or retain the regulation; and

- Agency and ARTA post the Ex-Post RIS/PIR in their respective websites and the PBRIS.

For minor regulations, these shall not undergo the mandatory consultation requirement and ARTA assessment. Instead, government agencies shall submit a summary report of ex-post assessments conducted by the agency through the Annual Regulatory Plan.

For emergency and pilot-implementation regulations, these regulations shall re-undergo the stages specified under Section 9.3.B. Development of Regulations using the data and information resulting from the ex-post assessment. The government agency shall decide whether they shall repeal, retain, or amend the regulation.

(iv) **ARTA Assessment of Agency Ex-Post Review**

Upon review, ARTA shall officially inform the reviewing government office or agency, LGU, GOCC or government instrumentality of its decision: either to endorse its implementation or to return the Ex-Post Assessment, together with its findings and recommendations, for adoption/consideration of the proponent.

SECTION 10. EVALUATION OF THE PERFORMANCE OF REGULATORS

ARTA shall evaluate the performance of the regulatory agencies in adopting the elements of the RMS and ensuring the quality of regulations. For this purpose, ARTA, in coordination with concerned agencies, shall determine the applicability of, and implement, when necessary, a rewards and incentives or recognition system pursuant to existing laws, rules regulations and/or programs.

SECTION 11. REVIEW OF THE NPRMS

11.1. ARTA shall prepare an Annual Report on the progress of the implementation of this MC which shall contain information on the compliance of agencies and the assessment of ARTA on the submitted impact statements, among other metrics to be reported.

11.2. This Circular shall be reviewed within five (5) years of its effectivity, to determine whether the existing provisions are still relevant. The ARTA shall work with government agencies to monitor the implementation of this Circular and shall ensure that the review of this Circular include the involvement of interested citizens and stakeholders.

SECTION 12. FUNDING SOURCE

Funds needed for the implementation of this Circular, such as, but not limited to, conduct of trainings, development of manuals, including the implementation of RIA, shall be charged against available funds of the agency concerned in the FY 2023 General Appropriations Act and shall henceforth be included in the agency's regular budget proposal for the succeeding fiscal years, subject to the usual budgeting, accounting, and auditing laws, rules and regulations.

SECTION 13. MISCELLANEOUS AND TRANSITORY PROVISIONS

13.1. In order to give the covered agencies mentioned under Section 5 of this MC time to prepare for the implementation of the NPRMS, all covered agencies shall be given six (6) months transition period to strategize, plan, and implement the foregoing provisions. To develop a holistic mapping of regulatory processes and practices, ARTA is requesting for the accomplishment of the Regulatory Mapping form that shall serve as a "profile" of the agency for reference and use of ARTA. The form may be accomplished and submitted either online via https://bit.ly/ARTARegulatoryMapping or sent through email as an attachment via regulatorymanagement@arta.gov.ph with subject line: "Mapping 2022_AGENCY NAME". For agencies that deem that they are exempted from the regulatory process set herein, a letter addressed to the ARTA Director-General citing justification on exemption should be submitted along with the accomplished Regulatory Mapping form.

13.2. A different regulatory process, other than what is stated under Section 9 of this MC, shall be finalized for the guidance of LGUs, SUCs, Water Districts, and other government instrumentalities. However, other relevant sections provided in this Memorandum Circular may be suppletorily applied.

13.3. ARTA, in coordination with the DILG, shall update DILG-ARTA JMC No. 2019-01, or the "Guidelines on the Regulatory Reform for LGUs pursuant to the EODB-EGSD Act of 2018" within a reasonable time period. The provisions of the DILG-ARTA JMC No. 2019-01 shall remain in force, nonetheless, the LGUs are encouraged to adopt the RMS Elements as may be applicable. LGUs are also requested to submit their respective Regulatory Reform Technical Report pursuant to DILG-ARTA JMC No. 2019-01.

13.4. Agencies may tap their existing CART, created in compliance with ARTA MC No. 2020-07, in ensuring that they adhere to the requirements of this MC.

13.5. ARTA shall issue further guidelines as may be necessary for the effective implementation of this MC.

SECTION 14. SEPARABILITY CLAUSE

In the event that any provision of this MC is declared unconstitutional, the remaining provisions shall still be valid and subsisting.

SECTION 15. REPEALING CLAUSE

This Circular hereby effectively repeals ARTA MC No. 2021-06 dated 15 August 2021.

SECTION 16. EFFECTIVITY

This MC shall take effect immediately upon publication in the Official Gazette or a newspaper of general circulation and filing with the UP-ONAR.

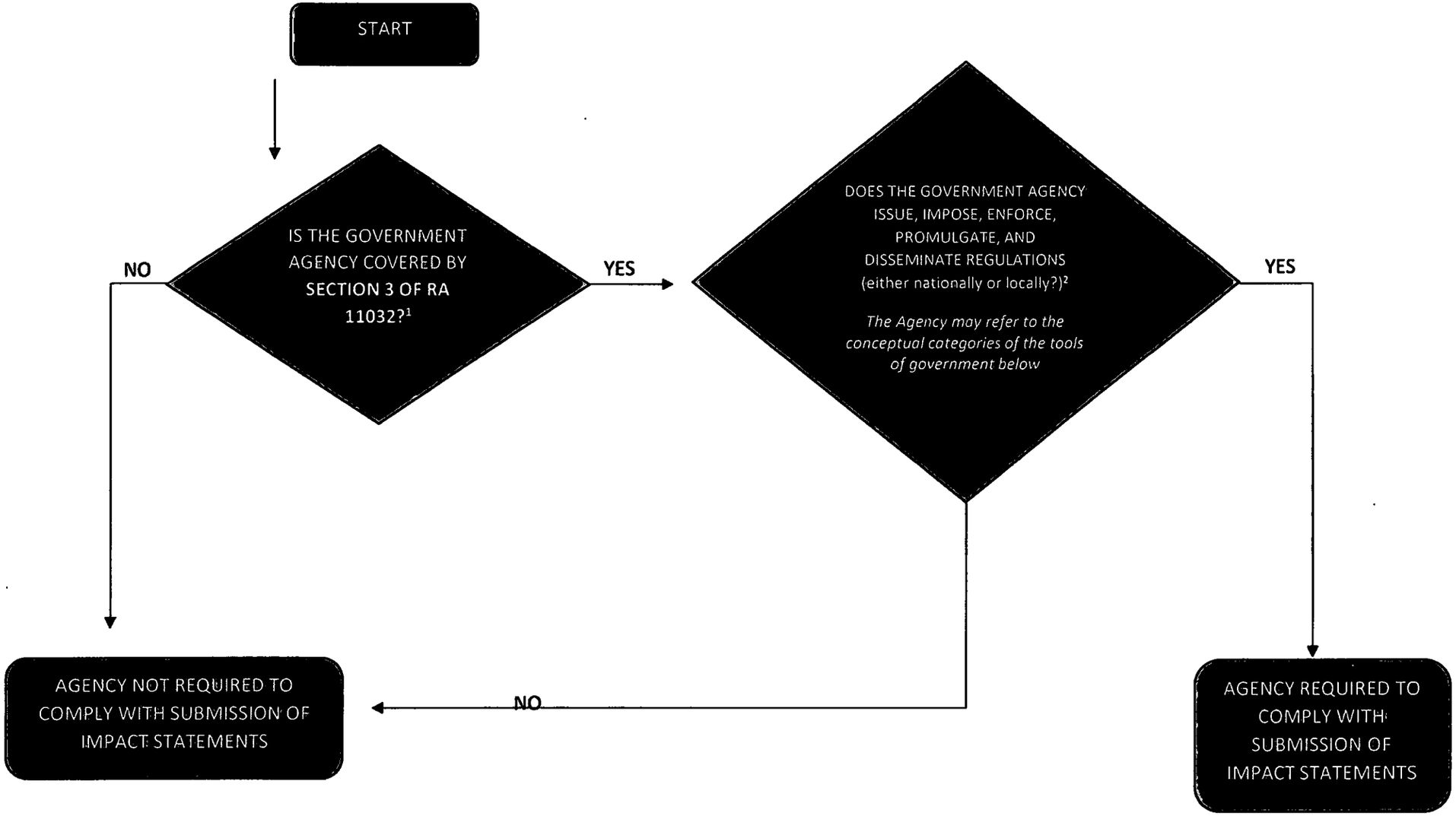
DDG ERNESTO V. PEREZ
Officer-in-Charge

ANNEX A: EXEMPTED REGULATIONS

The imposition of the regulatory process mandate primarily covers policy instruments that are regulatory in nature. There are several instances where government actions are not subject to the process stated in Section 9: Regulatory Process and the Life Cycle Approach to Regulation. These are as follows:

- **Laws passed or proposed legislation by the Congress of the Philippines.** The legislative branch is not included in the coverage of RA 11032. Thus, laws and proposed legislations are excluded by RA 11032. However, regulations issued to implement the laws are covered by the regulatory process, unless the agencies opt to proceed with the promulgation of the regulatory proposal without undergoing the same. In that case, the regulation shall be subjected to a post-implementation review to assess its regulatory impact.
- **Programs, projects, and activities of the government, including any grant, loan, technical assistance, or partnership with international development partners (e.g., World Bank, Asian Development Bank, United Nations).** These are not regulatory in nature and are subject to the review and approval by National Economic and Development Authority (NEDA) Board **or any approving authority.**
- **Taxation or other measures that are intended purely for revenue-raising purposes.** These are not regulatory in nature and thus outside the intent and purpose of the EODB Act. If the primary purpose for the imposition of a fee is to regulate, even if an incidental revenue may be generated from that imposition, it is still covered by the regulatory review process.
- **Budget-related issuances pertaining to preparation, execution, and accountability of the National Budget or Operating Budget; organization, staffing, position classification, compensation-related and those pertaining to systems and productivity improvement policies and guidelines.** This is outside the intent and purpose of the EODB Act and is basically the responsibility of the Department of Budget and Management and/or the Congress of the Philippines.
- **Exceptional circumstances such as (1) national or local emergencies e.g., natural disasters, unexpected environmental, health, economic, and security crisis, and (2) matters that deal with national security and other analogous circumstances.** These are outside the intent and purpose of the EODB Act and are not regulatory in nature but constitute governmental responses to emergencies.

ANNEX B: SCREENING TOOL FOR DETERMINATION OF APPLICABILITY OF THE REGULATORY IMPACT ASSESSMENT (RIA) REQUIREMENT



1. RA 11032 Sec. 3. Coverage – This Act shall apply to all government offices and agencies including local government units (LGUs), government-owned or controlled corporations and other government instrumentalities, whether located in the Philippines or abroad, that provide services covering business and nonbusiness related transactions as defined in this Act.

2. REGULATION:
   a. Section 4(l) of RA 11032 - Any legal instrument that gives effect to a government policy intervention and includes licensing, imposing information obligation, compliance to standards or payment of any form of fee, levy, charge or any other statutory and regulatory requirements necessary to carry out activity[19]
   b. Regulations are government-endorsed 'rules' where there is a mandatory requirement for compliance or an expectation of compliance. They include the broad range of legally enforceable instruments, as well as to those government voluntary codes and advisory instruments for which there is an expectation of widespread compliance.
   c. As defined by the Malaysia Productivity Corporation, regulations are used by Governments as an instrument, in combination with other instruments, to achieve public policy objectives. Regulations set out principles, rules, and conditions that govern the behavior of citizens, businesses, and organizations towards achieving the desired public policy objectives.
   d. Different types of regulation based on the "Six Conceptual Categories of the Tools of Regulation[20]":

TYPE	DEFINITION	EXAMPLES
Economic Regulation	Providing, limiting or preventing access to a market, or „ensuring competitive markets for goods and services and ... avoiding consumer and other harms when such markets are not feasible (May 2002:157). It can involve intervention in a market that already exists, or the creation of a market that does not. It can also encompass „altering the costs and benefits of certain actions, thereby influencing a change in the economic, social or environmental behaviour of individuals and firms (Government of Victoria 2007:2- 10).	Bounties, subsidies and tradable permit schemes Charges and levies
Transactional Regulation	Refers to regulation that occurs through the direct interaction between parties via a contract, grant agreement or other financial arrangement under which the parties have a right to enter into the arrangement or negotiate its terms. Transactional regulation does not require direct legislative authority and rests primarily on the general concepts of contract law. There are two dimensions to this form of regulation. The first is the delivery of what may be termed the primary regulatory outcome, for example the construction of a road, a bridge or the provision of a health or educational service. Government may deliver those products or services itself or it may arrange for their delivery by other parties through contractual or other arrangements	

[19] Does the agency issue any of the following: Permits, licenses, certifications, standards, accreditation, requirement of submitting any information obligation

[20] Freiberg, A. (2010). Re-stocking the regulatory toolkit. *Regulation in the Age of Crisis.* Retrieved from http://www.regulation.upf.edu/dublin-10-papers/1l1.pdf.

ANNEX D: ANNUAL REGULATORY PLAN

AGENCY
YYYY ANNUAL REGULATORY PLAN

ANNUAL REGULATORY PLAN SUMMARY

AGENCY NAME:

SECTORS REGULATED:

SECTOR	LEGAL BASIS	ROLE/RESPONSIBILITY OF THE REGULATING AGENCY TO THE REGULATED SECTOR

SUMMARY OF REGULATORY ACTIONS PLANNED FOR YY:

FOR FURTHER INFORMATION CONTACT:

Name of Contact Person

Designation

Email

Office Landline/ Office Mobile Phone Number

<Signature>
Head of Agency
Designation
Department/Agency

Regulation #_____

Full Title					
Short Title					
Completion Status	*New Action/On-going/Overdue/Completed*				
Proposed Classification	*Major/ Minor/ Exempted/ Emergency*		**ARTA Classification** *(if available)*	*Major/ Minor/ Exempted/ Emergency*	
DETAILS					
Regulatory Instrument	*Memorandum Circular / Joint Memorandum Circular / Circular, etc.*	**Classification of Action**	*(New Regulation /Amendment/Repeal)*	**Subjected to Consultation**	*Y/N*
Regulation Amended/ Repealed	*1.* *2.* *3.*				
STAKEHOLDERS AND/OR SECTORS AFFECTED					
Business	☐		**Non-business**	☐	
Sector	*(PSIC[21] Sector)*		**Stage of Life**		
Stage of Business *(if applicable)*	*OPENING A BUSINESS/ OPERATING/ CLOSING*		**Life Event**		
Case Use			**Case Use**		
Jurisdiction	*National / Regional / Local*				
PROBLEM ADDRESSED BY REGULATION / SUMMARY OF CHANGES					
OBJECTIVE OF REGULATORY ACTION					
TIMELINE OF ACTIVITIES (ACCOMPLISHED OR TARGET)					
Drafting of PIS	MM/DD/ YYYY		**Drafting of RIS**	MM/DD/ YYYY	
Consultation of PIS	MM/DD/ YYYY - MM/DD/ YYYY		**Consultation of RIS**	MM/DD/ YYYY – MM/DD/ YYYY	
Submission of PIS	MM/DD/ YYYY		**Submission of RIS**	MM/DD/ YYYY	
IMPLEMENTATION DETAILS *(applicable only if regulation is for repeal/amendment)*					
Date Filed (ONAR)	MM/DD/ YYYY		**Date Issued**	MM/DD/ YYYY	
Date Published	MM/DD/ YYYY		**Date Effective**	MM/DD/ YYYY	

[21] Philippine Standard Industrial Classification

SUMMARY OF MINOR REGULATIONS REVIEWED

Regulation # ________

Title of Regulation			
Date of Implementation		**Date of Last Review (if Applicable)**	
Policy Option	Retain / For Repeal / For Amendment		
Summary of Review			
Review Annexed as	Annex	**Date of Next Review**	

Regulation # ________

Title of Regulation			
Date of Implementation		**Date of Last Review (if Applicable)**	
Policy Option	Retain / For Repeal / For Amendment		
Summary of Review			
Review Annexed as	Annex	**Date of Next Review**	

Regulation # ________

Title of Regulation			
Date of Implementation		**Date of Last Review (if Applicable)**	
Policy Option	Retain / For Repeal / For Amendment		
Summary of Review			
Review Annexed as	Annex	**Date of Next Review**	

SUMMARY OF MINOR REGULATIONS REVIEWED

Regulation # ________

Title of Regulation			
Date of Implementation		**Date of Last Review** (if Applicable)	
Policy Option	Retain / For Repeal / For Amendment		
Summary of Review			
Review Annexed as	Annex	**Date of Next Review**	

Regulation # ________

Title of Regulation			
Date of Implementation		**Date of Last Review** (if Applicable)	
Policy Option	Retain / For Repeal / For Amendment		
Summary of Review			
Review Annexed as	Annex	**Date of Next Review**	

Regulation # ________

Title of Regulation			
Date of Implementation		**Date of Last Review** (if Applicable)	
Policy Option	Retain / For Repeal / For Amendment		
Summary of Review			
Review Annexed as	Annex	**Date of Next Review**	

ANNEX E: POST-IMPLEMENTATION REVIEW TEMPLATE

Name of the Regulation		
Agency		
Head of Agency	**Name and Designation**	
	Date of Approval	
	Email Address	
Contact Officer	**Name and Designation**	
	Phone Number	
	Email Address	

GOALS OF THE REGULATION

The objective that the regulatory action intended to attain.

Answers the question: Why did we do it?

OUTCOMES OF THE REGULATION

Outcomes –

Intended Outcomes - Predicted changes because of the regulatory action

Answers the question: What did we hope for?

Unintended Outcomes - the unplanned or unintended effect of the regulatory action in terms of changes in people's attitudes, behaviors, beliefs or knowledge; or it could also refer to unplanned or unintended changes in the physical environment.

Answers the question: What did we not hope for but happened anyway?

OUTPUTS OF THE REGULATION

Predicted objects/items/services produced resulting from the implementation of the regulatory action.

Answers the question: What did we want to happen? What items/ objects/services did we want to produce as a result of implementing the regulatory action?

To empirically monitor and evaluate the effects of a regulation towards the achievement of its objectives, corresponding indicators for outcomes and outputs must be identified. The source of the indicator as well as relevant assumptions and contexts must be provided in to verify the connection of the indicator to the objective and to provide guidance in the collection and updating of data.

M & E Overview Table

Results Statement	Indicator	Data Source	Assumptions / Context
Outcome			
Purpose 1	Indicator 1		
Outputs			
Output 1	Indicator 2		

Monitoring Table

Indicator	Type of Indicator[22]	Target vs Actual Values	Baseline	Timeline		Status	Remarks on Status
			Start	Y1	Y2		
Indicator 1	Impact	Target					
		Actual					

Using the evidence specified in the Monitoring Table, the proponent agency must now assess the regulation by answering the questions identified in the Evaluation Plan. The Evaluation Table summarizes the evaluation.

Evaluation Table

Indicator	Type of Indicator	Evaluation Question[23]	Agency Evaluation
Indicator 1		Question 1	
		Question 2	

Following the evaluation of the regulation, the Head of Agency makes a policy decision on whether to continue, repeal or amend the regulation.

Decision Table

Decision	Summary Statement
Retain / Repeal / Amend	State clearly why the chosen option is being recommended. Indicate the benefits of the regulation to the people of the Philippines/relevant stakeholders.

State clearly why the chosen option is being recommended. Indicate how the recommended provides the greatest net benefit to the people of the Philippines/relevant stakeholders.

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[22] Please see below "Evaluation Questions" for the list of types

[23] Please see below "Evaluation Questions"

Evaluation Questions

Type of Indicator	Questions
Implementation	• Were activities implemented as planned? • Were there no problems in the method for technology transfer? • Were there no problems in the regulatory management system (monitoring system, decision-making process, function of offices, communication mechanisms within the proponent agency, etc.)? • Is the degree of participation of the target group and related organizations in the regulation high? Is the recognition of the regulation high? • What factors influenced the problems occurring in the regulatory implementation process and the produced effect?
Relevance	• Was the regulation in line with the needs of the target region and society? • Was the regulation in line with the needs of the target beneficiaries? • To what extent have the (original) objectives proven to have been appropriate for the intervention in question? • How well do the (original) objectives of the intervention (still) correspond to the needs within the city, province, region, or nation? • How well adapted is the intervention to subsequent technological or scientific advances? • Is the regulation consistent with the development policy of the LGU or NGA? • What synergy effects were achieved through cooperation with other LGUs, NGAs and/or other stakeholders? • Was the selection of the target group appropriate? (Target, volume, gender distribution, etc.) • Were there any ripple effects beyond the target group? • Were the benefits of the effect and the burden of the costs fairly distributed? • Were there any changes in the environment of the regulation (politics, economy, society, etc.) since the previous evaluation?
Effectiveness	• Is the objective of regulation achieved? (Performance examination results) • Was the output sufficient to achieve the regulation objective? Was the logic "if this output is produced, we will be able to achieve the regulatory objective" reasonable? • Are the important assumptions from the output to the regulatory objective correct also at the present point of time? Was there any influence from important assumptions? • What could be the inhibiting and promoting factors for the achievement of the regulatory objective? • What have been the (quantitative and qualitative) effects of the intervention? • To what extent do the observed effects link to the intervention? • To what extent can these changes/effects be credited to the intervention?
Efficiency	• Is the output production adequate? (Performance examination results) • Were the activities sufficient to produce the output? • Are the important assumptions from the activities to the output correct also at the present point of time? Was there any influence from important assumptions? • Was input of an adequate quantity and quality performed at the right time to conduct the activities? • Were activities implemented at the right time? • To what extent has the intervention been cost-effective? • To what extent are the costs of the intervention justified, given the changes/effects it has achieved? • To what extent are the costs associated with the intervention proportionate to the benefits it has generated? What factors are influencing any discrepancies? • How do these factors link to the intervention?

Type of Indicator	Questions
	• To what extent do factors linked to the intervention influence the efficiency with which the observed achievements were attained? What other factors influence the costs and benefits? • How proportionate were the costs of the intervention borne by different stakeholder groups consider the distribution of the associated benefits? • Are there opportunities to simplify the legislation or reduce unnecessary regulatory costs without undermining the intended objectives of the intervention? • If there are significant differences in costs (or benefits) between beneficiary groups / segments, what is causing them? How do these differences link to the intervention? • How timely and efficient is the intervention's process for reporting and monitoring? • Does the output justify the invested cost compared to alternative policies? Was it not possible to achieve more with same amount of cost?
Impact	• Is the overall goal achieved? (Compare with targets) • What influence does the achievement of the overall goal have on the development plan of the LGU? • Does it contribute to the resolution of development issues? • What could be the impeding and contributing factors for the achievement of the overall goal? • Is the overall goal an impact that was produced through the implementation of regulation? • Are the important assumptions from the regulation purpose to the overall goal correct? Is there no influence from important assumptions? • Are there any positive or negative impacts beside the overall goal? • Influence on the development of policies, laws, systems, standards, and the like • Influence on social and cultural aspects such as gender, human rights, rich and poor • Influence on environmental protection • Influence from technical changes • Economical influence on the target society, concerned parties, beneficiaries • Are there different impacts depending on differences between genders, ethnic groups, or social layers (particularly negative impacts)?
Sustainability	• What could be the impeding and contributing factors for sustainability? • Is there continuity of political support? • Is there development of related regulations and legal systems? • Are there reliable efforts to support spreading the outcomes afterwards? • Is there sufficient organizational capacity to implement activities to • produce effects? (Assignment of human resources, decision-making process, etc.) • Is there a sense of ownership towards the regulation among stakeholders? • Is adequate budget secured (including operating expenses)? Establishment of transferred techniques • Are there provisions for maintenance and management of equipment? • Are there impeding factors due to a lack of consideration for women, the poor and the socially vulnerable? • Are there impeding factors due to a lack of consideration for the environment?
Source: Adapted from JICA Guidelines for Regulation Evaluation 2004	

ANNEX F: STANDARD COST MODEL TEMPLATE

STEP-BY-STEP GUIDE ON SCM

Different jurisdictions had adopted several processes on how to undertake Standard Cost Model (SCM). Below is the step-by-step implementation of the SCM based on the SCM Network International SCM Manual[24].

PHASES AND STEPS OF MEASUREMENT

Phase 0 – Start-up

Before the analysis, regulations must be identified if it is business related and necessary. The responsible department shall prepare a list of all relevant existing regulations; from which the agency determines which are business-related and necessary. The assessment of the department and its justification must be properly documented in a report. The report must be validated with other relevant departments. During this phase, the office is recommended to conduct start-up meetings between the key concerned individuals, departments, and consultants. Start-up meetings will carry out the matters to be clarified and discussed.

PHASE 1 – PREPARATORY ANALYSIS

STEP 1: Identification of information obligations, data requirements and administrative activities and classification by origin

A set of information obligations (i.e., returns and reports and applications for grants and subsidies) must be derived from the initially identified list of business-related regulations. This information obligation will then be trimmed down into data requirements such as identity of the business.

If data requirements are already identified, consultants will then look into the administrative activities that the business do in order to comply the data requirement. Afterwards, departments will then classify the origin of the regulation using the ABC classification. This step may find possible links between the identified regulations.

[24] International Standard Cost Model: Step-by-Step Implementation of a Standard Cost Analysis

STEP 2: Identification and demarcation of related regulations

In this step, administrative cost of information obligation and data requirement may be qualified to different regulations. As this possibility will occur, it is important to ensure that these costs are counted once.

STEP 3: Classification of information obligations by type (optional step)

An information obligation can be classified into compulsory information obligations which are responsibilities that businesses must comply with and voluntary information obligation which are procedures that the business can choose to use. Information obligations can be related to subsidies, certificates, and/or regulation requirements.

STEP 4: Identification of segments

This step is important to determine the sector-specific requirements. Businesses have to be categorized in relevant segments in order to measure the differing cost of resources of varying business enterprises to obtain information obligations and data requirements This can be according to the business' industry, size, and/or technology capacity.

STEP 5: Identification of population, rate, and frequency

Population encompasses the number of businesses that are affected by the regulation; however, it can also relate to events such as number of reports or grants. Rate, on the other hand, specifies the proportion of businesses who are complying with the information obligation at a given data requirement. Frequency looks at the amount of time in a year a data requirement or information obligation is needed to be complied with.

STEP 6: Business interviews versus expert assessment

In this step, a decision for business interview or use of any expert assessment must be specified. The department should come up with a list of information obligations that will undergo business interviews and those are to be assessed by experts with reasons for decisions.

STEP 7: Identification of cost parameters per Cost Area

COST AREAS	COST PARAMETERS
Internal	This pertains to the cost to operationalize the internal groups such as the employees within the businesses who perform the administrative activities.
External	These are service providers that are hired to execute administrative activity and/or have specialty to do the work.
Acquisitions	These are services acquired by businesses that are used solely to serve the need of compliance to information obligations and data requirements,

STEP 8: Preparation for interview guide

An interview guide will guarantee accurate data collection and gather precise information that will be used for calculations. The guide must be formulated in its most understandable and easy to answer structure, in this way, interviewees will be able to provide responses easily.

STEP 9: Expert review for Steps 1-8

Consultants must produce an end-of-phase report that consists of all the steps undertaken in Phase 1. This will be submitted to the responsible department and will be reviewed and approved by a monitoring group. Such approval will commence the beginning of Phase 2.

PHASE 2 – TIME AND COST DATA CAPTURE AND STANDARDIZATION

Step 10: Selection of typical businesses for interview

To efficiently execute business interviews, consultants/departments must come up with a plan to identify the businesses to interview and ensure that all segments will be covered. An effective interview must be produced from cooperation between different departments and coordinating units.

STEP 11: Business interviews

Once the interview guide has been prepared and a plan is already available, consultants must conduct interviews and eventually assess the responses and validate the information acquired that relates to internal processes. Interviews may come in the form of personal interviews, telephone interviews for areas that are difficult to reach physically, and focused group interviews that usually happens for high complex regulation.

STEP 12: Completion and standardization of time and resource estimates for each segment by activity

Experts as prescribed in Step 6 will assess the interview results. These results will then estimate the reasonable time and resource to complete administrative activities. Consultants will have to make necessary qualitative assessment on how much time businesses spend to accomplish administrative activities to comply with a data requirement. Any gaps between the normal efficient business process and aggregate results must be fill in using the estimates made.

STEP 13: Expert review of steps 10-12

Same with Step 9, consultants have to produce an end-of-phase report that consists of all the steps undertaken in Phase 2. This will be submitted to the responsible department and will be reviewed and approved by a monitoring group. Such approval will commence the beginning of Phase 3.

PHASE 3 – CALCULATION, DATA SUBMISSION AND REPORTS

STEP 14: Extrapolation of validated data to national level

The approved standardized data from Phase 2 will then be expanded to the national level. Consultants will have to calculate for the standardized time multiplied by the resource consumption used at a normal business in a segment by the population and frequency of the same.

STEP 15: Reporting and transfer to database

Aside from informing the responsible department on the administrative costs for the area of regulation being analyzed, the report must also explicitly state the procedures and steps on how the analysis was conveyed. This may come with a standard template that usually contains the following:

a. Regulations that are most burdensome;

b. Source of the department's regulation;

c. Summary of the measurement process;

d. Business suggestions; and

e. Annexes.

LINKS TO RELEVANT RESOURCES

- **Regulatory Impact Assessment Manual** - https://arta.gov.ph/riamanual/
- **Regulatory Notification Form** - https://arta.gov.ph/wp-content/uploads/2022/04/ARTA-BRO-Regulatory-Notification-Form.docx
- **Preliminary Impact Statement** - https://arta.gov.ph/wp-content/uploads/2022/04/ARTA-BRO-Preliminary-Impact-Statement.docx
- **Regulatory Impact Statement** - https://arta.gov.ph/wp-content/uploads/2022/04/ARTA-BRO-Regulatory-Impact-Statement.docx
- **DILG-ARTA Joint Memorandum Circular No. 1, s. 2019** - https://arta.gov.ph/wp-content/uploads/2021/04/DILG-ARTA-DOF-JMC-No.-2021-01_04292021-Copy.pdf
- **Sectoral Mapping form** - https://bit.ly/ARTARegulatoryMapping