

Department of Agriculture
BUREAU OF PLANT INDUSTRY

692 San Andres Street, Malate, Manila, Philippines
Email Address: info@buplant.da.gov.ph
Tel. No.: (02) 8525-7909, (02) 8525-2987 | Website: buplant.da.gov.ph

November 11, 2021

BPI Administrative Circular

No. 01
Series of 2021

Subject: Requirements on the Licensing and Registration of Food Business Operators (FBOs) Engaged in the Primary Production, Minimal Processing, Storage, Transport and Distribution of Plant Food

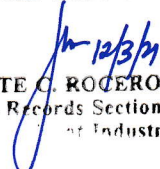
Pursuant to Article V, Section 16.e of the Republic Act (RA) No. 10611, also known as the *Food Safety Act of 2013* and its Implementing Rules and Regulations, which mandates the Bureau of Plant Industry as the Food Safety Regulatory Agency (FSRA) for plant food; Rule 16.4 which states that the DA FSRAs shall be responsible for the registration of food businesses, licensing of agriculture and fishery establishments, official certification of products and services, official accreditation of inspection and certifying bodies, and other official controls prescribed by the regulatory system and in compliance with the international commitments, this Circular is hereby promulgated.

**ARTICLE I
INTRODUCTORY PROVISIONS**

Section 2. *Definition of Terms.* The terms as defined in the *Definition of Terms of Joint Department of Agriculture – Department of Health Administrative Order No. 25-0007 (JDA-DOH AO 2015-0007)* “The Implementing Rules and Regulations of RA No. 10611”, and DA Department Circular No. 6 series of 2020 “Rules and Regulations Governing the Importation and Exportation of Plant Foods” are hereby adopted. For the purpose of this Circular, the following terms are used:

1. *Certificate of Registration (COR)* refers to a document issued by BPI to agricultural establishments engaged in primary production after the process of registration to an official list or official system by BPI
2. *Distribution of Plant Food* refers to buying and selling of agricultural products involving pre-retail activities to wholesalers, wholesale storage and multipurpose wholesalers

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Bureau of Plant Industry

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A food-secure and resilient Philippines
with empowered and prosperous farmers and fisherfolk




3. *Food Business Operator (FBO)*-refers to a natural or juridical person responsible for operating business at ant step in the food chain. The FBO includes growers, producers, importers, exporters, traders, and distributors of plant food.
4. *Food Safety Compliance Officer (FSCO)* refers to persons designated by the FBO who shall oversee the implementation of the plant food safety programs and activities of the food business consistent with the provisions of the Food Safety Act, its IRR and this Circular.
5. *Food Safety Plan* consists of the primary documents in a preventive controls food safety system that provides a systematic approach to the identification of food safety hazards that must be controlled to prevent or minimize the likelihood of foodborne illness or injury. It contains a collection of written documents that describes activities that ensure the safety of food during production and processing stage.
6. *Food Safety Officer (FSO)* refers to a professionally qualified and properly trained officers appointed by the BPI director as his representative in implementing and enforcing the provisions of the Food Safety Act, its IRR and this Circular.
7. *Internal Control System* is a documented system consists of all measures that includes a set of rules, policies, and procedures an organization implements to provide direction, increase efficiency and strengthen adherence to policies;
8. *Licensing* refers to the process by which BPI approves the application of a person, corporation, cooperative, agricultural establishment, or other juridical persons, for authority to operate an establishment in the Philippines or to engage in any activity in the primary production and postharvest stages of the food supply chain to produce safe primary and postharvest plant food and inputs. The approval will require proving capability to operate a facility or establishment or to engage in activities in the primary production and postharvest stages of the food supply chain and covered by the license;

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9. *Licensed Distributor* refers to any person, individual or juridical entity authorized by the Bureau of Plant Industry (BPI), who buys and sells agricultural products and is involved in pre-retail distribution activities, including wholesaler, wholesale storage and multipurpose wholesalers;
10. *Licensed Exporter* refers to any person, individual or juridical entity, or an authorized representative licensed by the BPI, who transacts with the BPI for the issuance of official certificates used to trade products with another country and who is in possession of or in any way entitled to the custody or control of any plant food exported from the Philippines;
11. *Licensed Importer* refers to any person, individual or juridical entity, or owner or an authorized representative licensed by the BPI who transacts with the BPI for the custody or control of any food imported into the Philippines;
12. *Licensed Minimal-processing Facility* refers to food business establishment authorized by the BPI where plant food is received and minimally-processed prior to distribution to commerce;
13. *Licensed Packing Facility* refers to food business establishment authorized by the BPI where primary plant food, prior to distribution to commerce, is prepared and packed;
14. *Licensed Storage Facility* refers to food business establishment authorized by the BPI involved in storing plant food prior to processing or distribution for commerce. This shall refer to dry and cold warehouses and other storage facilities;
15. *Licensed Transport Facility* refers to business establishment authorized by the BPI engaged in transporting plant food for storing, processing or distribution for commerce;
16. *License to Operate (LTO)*- authorization granted by a regulatory agency to a natural or juridical person who has submitted an application for a business operation from primary production, postharvest handling, distribution, importation, exportation, transfer and minimal processing for human consumption

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17. *Minimal Processing of Plant Food* refers to processing in a manner that does not fundamentally alter the product chemically. Examples may include, but not limited to slicing, chilling for fruits and dicing, grinding of spices, shredding, peeling and slicing for vegetables or milling of rice.
18. *Orientation* refers to the activity where FBOs are provided with directions regarding the requirements as well as the rules and regulations involving distribution of plant food, responsibilities and standards.
19. *Primary Production of Plant Food* refers to the production, rearing, growing, or harvesting of plants, planting materials, or plant products for food use, such as, but not limited to, fruit, vegetables, rice, corn, and other grains and herbs, as well as handling of primary products at the farm and their further transport to an establishment
20. *Processing Facilities* are food business establishments at the secondary production stage participating in minimal-processing (e.g. slicing, dicing, chilling, grinding, shredding, peeling, milling) and packing of plant food, e.g. rice milling facility, banana and mango packing facilities, etc.). This also covers on-farm processing facilities selling directly to consumers
21. *RCOR* refers to renewal of certificate of registration
22. *RLTO* refers to renewal of license to operate
23. *Registered Farms* refers to any farm authorized by the BPI, involved in the primary production stage, producing raw plant food for processing, distribution and export of plant food e.g. rice farms, fruits or vegetable farms;
24. *Registration*- refers to the process by which BPI record information about agricultural establishments engaged in the primary production of the food supply chain in an official list or official system for entering names and information of the BPI
25. *Retailers* refers to food businesses participating in food retail activity that sell food to the final consumer such as supermarkets and market stalls commonly found in traditional markets; and,

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26. *Service Sector* includes all form of catering, including take-away food stalls and catering facilities in firms, school canteens, restaurants and public institutions.
27. *Show Cause Order* refers to the document issued by the BPI to the concerned FBO to notify any non-compliances requiring the concerned FBO to explain in writing the reported non-compliance or violations.
28. *Storage of Plant Food* refers to the process by which locally produced and imported plant food are kept to ensure quality and safety prior to processing or distribution for commerce
29. *Transport of Plant Food* refers to the transfer of plant food from primary production area or storage to processing facility or distribution for commerce

Section 3. *Scope*. Consistent with Article I, Section 3 of the DA Department Circular No. 6 series of 2020 (DA DC 06 s.2020) this Circular shall cover the licensing and registration of FBOs and facilities engaged or used in the primary production, minimal processing, storage, transport and distribution of plant food.

Section 4. *Non-coverage*. FBOs engaged in the plant food business as retailers and service sectors are not covered under this Circular pursuant to Section 15 of the Food Safety Act and Rule 15c.1 of its IRR. The mandate lies with the LGUs which has responsibility guided by national regulations for the implementation of safety requirements in food businesses such as wet markets, supermarkets, school canteens, restaurants, catering establishments, water refilling stations including street food sale and ambulant vendors.

ARTICLE II LICENSING AND REGISTRATION

Section 5. *License to Operate (LTO) and Certificate of Registration (COR)*. No FBOs shall be allowed to operate or to engage in any activity in the primary production, processing, storage, transport or distribution of plant food for local or international market consumption unless an LTO or COR has been secured from the BPI. As such, an LTO or COR shall be issued to any person, natural or juridical, dealing with plant food, as follows:

- a. LTO as Distributor
- b. LTO as Importer
- c. LTO as Exporter

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- d. LTO Minimal-processing Facility
- e. LTO Packing Facility
- f. LTO Dry Storage Facility
- g. LTO Cold Storage Warehouse (CSW)
- h. LTO Transport Facility
- i. COR Farm

The issuance of LTO for Cold Storage Warehouses follows the Department of Agriculture (DA) Administrative Circular 1 Series of 2021 except defined under Section 6 and Section 7 of this Circular.

Section 6. *General Documentary Requirements for the Issuance of LTO.* All applicants for LTO shall submit the following general documentary requirements:

1. Notarized Application Form with attached 2x2 colored picture in white background of the Owner / Authorized Representatives / Designated Food Safety Compliance Officer (FSCO) applying for the issuance of LTOs;
2. Current Mayor's Permit/Business Permit;
3. Current Sanitary Permit;
4. Certificate of Registration from Security and Exchange Commission (SEC) for corporations/ Cooperative Development Authority (CDA) for cooperatives/ Department of Trade and Industry (DTI) for single proprietorship
5. Philippine Economic Zone Authority (PEZA) for those in economic zones
6. Internal Control System (ICS) and Food Safety Plan to include Traceability System and Recall Program (not applicable for transport facilities);
7. Certificate of Attendance of FBO representative and designated plant FSCO on applicable training/seminar on quality standards and codes of practices conducted by any of the following: ATI, BPI, DA RFO, SUCs or BPI officially accredited training service provider
8. Designated FSCO/FSCOs.
9. BPI Inspection Report

Section 7. *Specific Documentary Requirements for the Issuance of LTOs.* In addition to the general documents as provided in Section 6, applicants for LTOs shall submit the following additional documentary requirements:

7.1 LTO as Distributor

- a. Contract of Lease / Proof of Ownership of Processing, Transport, Storage Facilities/Warehouse (CTC), if any;
- b. Valid supply contracts between Distributor and Registered Farm supplier indicating area coverage (hectarage), volume and period of contract;
- c. Valid supply contracts with Licensed Exporters/Licensed Importers, if any; and;
- d. Notarized certification from Distributor indicating that:

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- i. The plant food for sale is sourced from Licensed Importers with whom it has existing supply contracts;
- ii. The plant food for sale are sourced from Registered Farms with whom it has an existing supply contracts, or;
- iii. The plant food for sale is not illegally acquired.
- e. List of Farms (if any)

7.2 LTO as Importer

- a. BOC Certificate of Registration;
- b. Contract of Lease / Proof of Ownership of Storage Facilities / Warehouse (CTC);
- c. Sketch map of Storage/ Processing Facility, if any.

7.3 LTO as Exporter

- a. Valid Contract of Lease / Proof of Ownership of Registered Farm, if any;
- b. Valid contract/Proof of Ownership with Licensed Processing, Transport and Storage facilities, if any;
- c. Valid supply contracts between exporter and Registered Farm or Licensed Distributor indicating area coverage (hectarage), volume and period of contract;
- d. Brand Name.

7.4 LTO Minimal Processing Facility/ Milling Facility

- a. Lay-out, pictures, and location of facility;
- b. List of Technical and Non-Technical Personnel;
- c. List of Quality Assurance Personnel with corresponding qualifications;
- d. List of Licensed Distributor;
- e. Pest Management Program;
- f. List of Distribution Points.

7.5 LTO Packing Facility

- a. Lay-out, pictures, and location of packing facility;
- b. List of Technical and Non-Technical Personnel, and Quality Assurance Personnel with corresponding qualifications;
- c. Packing Facility Process Flow;
- d. COR of farm source;
- e. List of Licensed Exporter and Licensed Distributor.

7.6 LTO Dry Storage Facility

- a. Picture and Location of Facility;
- b. List of Technical and Non-Technical Personnel;
- c. Notarized Lease of Contract or Proof of Ownership of Dry Warehouse Facility;

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- d. COR of farm source, if applicable;
- e. List of Clients (with specific products) for the last two years where applicable.

7.7 LTO Cold Storage Facility

- a. Floor Plan/ Layout showing all storage rooms and other facilities for specific products;
- b. Recent photographs of inner and outer portions of the Cold Storage Warehouse (CSW);
- c. Department of Environment and Natural Resources (DENR) Environment Compliance Certificate / Certificate of Non-Coverage;
- d. Permit to Operate (PTO) / Exemption Certificate from DENR;
- e. Certificate of Potability;
- f. Reliable recording system for readily available information;
- g. Rated Capacity;
- h. List of Clients (with specific products) for the last two years where applicable;
- i. Copy of Official Receipt (OR) of Accreditation Fee paid to the concerned Regulatory Office (RO).

7.8 LTO Transport Facility

- a. List of vehicles used by the transport facility;
- b. List of affiliated distributor, exporter, importer, processor;
- c. Pictures (front, back, side, interior) of the Vehicles including plate number, and;
- d. Copy of Original Receipt / Certificate of Registration of each vehicle.

Section 8. *Registration of Farms.* Applicants for Registration of Farms shall submit the following documents:

1. Notarized Application Form with attached 2x2 colored picture of the owner, authorized representative and/or designated FSCO in white background;
2. Copy of any government issued identification card;
3. Information on their production area, e.g. proof of ownership, valid claim of possession or any agreement which allows the applicant to use the property, location plan, land area of production site, estimated volume of production;
4. Quality Standards Accreditation/s e.g. PhilGAP, GlobalGAP (if any);
5. Certificate of Attendance of Owner, Farm Manager or a Quality Assurance personnel in a training on GAP, and;
6. BPI Inspection Report.

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Section 9. *Food Safety Requirements for Retailers and Food Service Sector.* Pursuant to Section 15 of the Food Safety Act and Rule 15c.1 of its IRR, the LGUs guided by national regulations shall be responsible for the implementation of safety requirements in food businesses such as wet markets, supermarkets, school canteens, restaurants, catering establishments, water refilling stations including street food sale and ambulant vendors. The BPI shall assist the LGUs in establishing a mechanism for the issuance and enforcement of ordinances and regulations for food safety based on national standards within their territorial jurisdiction.

As such, the LGU within their areas of jurisdiction shall ensure that Retailers and Service sectors comply with national standards and food safety requirements for the activities and facilities used for the production, handling, processing, preparation, transport and storage of plant foods.

Section 10. *Licensing or Registration Procedure* - The following steps or procedure shall be observed in the issuance of LTO or COR:

1. Evaluation of the Application
 - a. The Applicant for LTO or COR shall submit to the BPI the notarized application form and the documentary requirements specified in this Circular.
 - b. Upon submission, the designated staff at the BPI shall check the submitted application as to the completeness of the required documents. Application with incomplete requirements shall be returned to the applicant stating the reason for non-acceptance.
 - c. The BPI designated staff shall evaluate the submitted accomplished application form together with the required documents including the ICS, Recall Program and Traceability System.
 - d. Only applicant who has submitted the complete documents shall pay the application fee.
2. Payment of application fee. The applicant shall pay the application fee at the BPI Cashier in accordance with Section 13 herein.
3. Schedule for Orientation. After evaluation of complete documentary requirements, the applicant shall be advised for the schedule of orientation.
4. Inspection of FBO or facility. The FBO establishment, facility and/or farms shall be inspected for validation purposes and compliance with the requirements provided in this Circular.

The BPI - Food Safety Officers of the nearest BPI office shall conduct inspection of the business enterprise (head office and branches, facilities, etc.). A BPI Inspection Report shall be prepared by the Inspection Team, which shall be considered in the evaluation of the application.
5. Endorsement of the application. The Chiefs of the Plant Product Safety Services Division (PPSSD) and National Plant Quarantine Services Division (NPQSD), as

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applicable, shall endorse the application to the BPI Director upon compliance with the food safety and quarantine requirements for appropriate action. All decisions on the application shall be in writing, including the reason/s if the application is denied.

6. Release to the Applicant

- a. Only the applicant or his authorized representative/s shall be allowed to receive the LTO or COR and other proof of LTO or COR.
- b. Scanned copy of the same may be sent by e-mail to the concerned regional office of the BPI upon request. Likewise, all LTOs or CORs are barcoded for online viewing possible.

Section 11. *Requirement of Food Safety Orientation for Renewal of Certificate of Registration of BPI Accredited Exporter, Trader, Growers, or Packing Facility.* In addition to the documentary requirements as provided in Sections 6, 7 and 8 of this Circular, all BPI accredited exporter, trader, growers or packing facility pursuant to BPI Memorandum No. 40, series of 2012 *Guidelines for the Accreditation of Exporters, Traders, Growers and Packing Facilities for Export of Fruits and Vegetables* shall undergo orientation on food safety and comply with this Circular for purposes of issuance of /conversion of their accreditation to LTO or COR.

Section 12. *Validity of License or Registration.* The LTO or COR shall be valid for three (3) years reckoned from the date of issuance indicated in the LTO or COR.

Section 13. *Collection of Fees.* Pursuant to Section 36 of the *Food Safety Act*, the following regulatory fees shall be collected:

- a. LTO and Renewal of LTO of Warehouses (either cold and dry and other storage facilities) PHP4,000.00, application fee included
- b. LTO and Renewal of LTO for Transport Facilities PHP 2,500.00, application fee included

For every vehicle used in transporting plant food, the following rates shall apply:

4-6 wheeled vehicle	PHP 220.00
8-wheeled vehicle	PHP 330.00
Vehicle with 10 or more wheels	PHP 440.00

- c. LTO as Distributor - PHP 5,000.00, application fee included
- d. LTO for Minimal-processing Facility PHP 5,000.00, application fee included
- e. Renewal for LTO as Distributor and LTO for Minimally Processing Facility 2,500, application fee included

Regulatory fees as provided under DA Administrative Circular No. 9, series of 2015, as amended shall likewise apply, as follows:

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- a. Application Fee – PHP 1,000.00
 - a. LTO as Importer – PHP 5,000.00 including application fee
 - b. LTO as Exporter – PHP 5,000.00 including application fee
 - c. LTO Packing Houses- PHP 2,500.00 including application fee
(200.00 per additional packing facility)
 - d. Renewal of LTO – PHP 2,500.00 including application fee

ARTICLE III RENEWAL OF LTO or COR

Section 14. *Renewal of LTO or COR.* The procedure outlined in Section 9 hereof shall be observed in the processing of applications for the renewal of LTOs or CORs. Moreover, the following measures shall be complied with:

1. The Office of the Director shall issue a Renewal of License to Operate (RLTO) or Renewal of Certificate of Registration (RCOR);
2. For FBOs who failed to renew the LTO or COR six (6) months before the expiry date, the following procedures shall apply:
 - a. After the expiry date, the name of the FBOs shall be delisted from the List of licensed FBO uploaded in the BPI website and the DA website;
 - b. In case the FBO apply for re-licensing or after the expiry date or after being delisted from the roll, the FBO shall be considered as a new applicant;
 - c. The previously assigned Code/Registration Number of the FBO shall be used in the Certificate of RLTO or RCOR.
3. The staff of the nearest BPI office shall conduct audit of the business enterprise (head office and branches, facilities, production/growing areas, etc.).

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 Chief, Records Section
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ARTICLE IV SANCTIONS AND PENALTIES

Section 15. *Prohibited Acts.* The following acts are prohibited:

- a. Failure to ensure implementation of the Internal Control System (ICS) to address issues on plant food safety;
- b. Failure to ensure compliance to applicable food safety standards and codes of practices;
- c. Breakage of any seal or alteration of any markings made by the Food Safety Officer (FSO) without permission;

- d. Failure to comply with Corrective Measure Notices (CMN) issued by BPI, in accordance to Section 15; and,
- e. Failure to designate and/or register an FSCO.

Section 16. *Show Cause Order*. If the BPI receives any complaint from any person alleges, or the designated FSO finds any violation committed by an FBO of the prohibited acts in Section 37 of the Food Safety Act or Section 12 hereof, the BPI shall issue an SCO thru the designated FSCO requiring the FBO to explain in writing the reported allegations or illegal act within 48 hours upon receipt of the SCO. Failure to comply with the SCO, or an unsatisfactory response submitted, the BPI shall order the suspension of LTO or COR.

The suspension shall be lifted after the FBO, upon validation by FSO, has complied with the CMN issued by BPI that:

- a. specifies the measures that the FBO must do in order to remedy the failure as mentioned in the SCO, and;
- b. requires the FBO to implement those measures, or any equivalent measures within the time period prescribed in the notice.

Section 17. *Sanctions for non-compliance to food safety requirements to the FBO based on result of the investigation*. The BPI shall impose the following sanctions for non-compliance to food safety requirements based on the result of the investigation conducted by the BPI pursuant to Section 16 hereof:

First offense: warning with the obligation to undertake corrective measures within the period prescribed by BPI. Failure to undertake corrective measures within the prescribed period shall be a ground for suspension of registration or license of the establishment.


Second offense: suspension of LTO or COR until such a time that the corrective measures have been implemented within the period prescribed by BPI. Failure to undertake corrective measures within the prescribed period shall be a ground for revocation of license or registration.

Third offense: revocation of registration or license of the establishment and blacklisting.

Section 18. *Revocation of LTO or COR of FBOs*. The LTO or COR of FBOs may be revoked for any of the following grounds:

- a. The plant product or commodity has been proven to be the cause of illness or death based on a thorough investigation;
- b. Refusal to implement recall program and withdrawal procedures;

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Chief, Records Section
Bureau of Plant Industry

- c. Committing repeated violations under DA DC 06 s.2020 or non-compliances resulting in three consecutive suspensions;
- d. Refusal to allow the inspection of the food business facility or any documents related to the transport of plant food;
- e. Refusal to submit the plant food for inspection, testing, or sampling; and,
- f. Other analogous circumstances.

Section 19. *Effects of Revocation of License or Registration.* The Order of Revocation issued against an FBO shall have the following effects:

- 1. The FBO is blacklisted and included in the list of blacklisted FBOs;
- 2. The blacklisted FBO shall not be qualified to re-apply for an LTO or COR;

The list of all blacklisted FBO including those with expired LTO or COR shall be published and uploaded at the DA and BPI website.

Section 20. *Right to Appeal.* Any person aggrieved by an action or decision of the BPI Director under this Circular may appeal to the Secretary within fifteen (15) days from receipt of the decision.

ARTICLE V FINAL PROVISIONS

Section 21. *Transitory Provisions.* All FBOs shall be required to apply for the issuance of LTO or COR within one (1) year from the effectivity of this circular. Provided, that, for BPI-accredited or BPI-registered importers and exporters prior to the effectivity of DA Department Circular No. 6, s.2020, their registration or accreditation shall be recognized, and the application for LTO as importer or exporter shall be filed within six months prior to the expiration of their accreditation or registration.

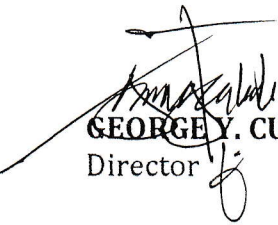
Section 22. *Repealing Clause.* All other department orders, memorandum circulars, rules and regulations inconsistent with the provision of these guidelines and policies are hereby repealed, amended or modified accordingly.

Section 23. *Separability Clause.* If any provision of this Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

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Chief, Records Section
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Section 24. *Effectivity.* This Circular shall take effect after fifteen (15) days following the completion of its publication in two (2) newspapers of general circulation and after registration with the Office of the National Administrative Register, UP Law Center.


GEORGE Y. CULASTE, Ph.D.
Director

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JANETE C. ROCERO
Chief, Records Section
Bureau of Plant Industry