

## Competition Litigation: “Dawn Raids” and Administrative Searches and Seizures

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Republic Act No. 10667, otherwise known as the Philippine Competition Act (Competition Act), took effect on 5 August 2015. The passage of this law, coupled with the organization of the Philippine Competition Commission (Commission), has the potential of radically changing the landscape with regard to the conduct of business nationwide. This is in light of the looming prospect of unannounced searches and seizures by government entities to those suspected of violating the provisions of the Act, otherwise known as “dawn raids.”

The Article focuses on the application of specific provisions of the Competition Act that concerns the concept of searches and seizures, particularly in non-criminal (i.e., administrative and civil) proceedings. These proceedings, according to the Author, have been a gray area in Philippine law and jurisprudence as numerous issues have thus remained unsettled to this day. Thus, such a discussion is relevant, especially given that the Act, through its implementation by the Commission, has the potential of further exacerbating such issues.

With that said, the Author devotes a good portion of the Article discussing the concept of “dawn raids,” especially with regard to the prosecution of competition law offenses by the Commission. Being essentially a form of search and seizure, the Author analyzes the concept in depth vis-à-vis the history, laws, and jurisprudence, both local and foreign, surrounding searches and seizures in general, while adapting the same to an administrative context.

Ultimately, the Author draws a list of recommendations, primarily for the legislative and judicial branches of government, in order to address certain exploitable gaps in the law and apparent legal problems that may arise as a result of the passage of the Competition Act. This is important not only in current times, but also in looking forward into the future.