

Recovering Untold Millions: How Retail Consumer Plaintiffs can Counter Wealth Transfer Under the Philippine Competition Law

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For the longest time, the Filipino consumer has remained a disempowered and passive participant in the market economy of the Philippines. Despite the long history of competition laws in the Philippines, these laws have proven to be of limited use and advantage to consumers. With numerous industries still inefficient or having no significant competition to speak of, entities engaged in anti-competitive practices remained free to amass the economy's wealth unto themselves, the prior legal framework essentially affording them impunity. As consequences of this, consumers had no choice but to accept the market effects produced by anti-competitive acts, and did not have the means to vindicate their rights. With the recent passage of the Philippine Competition Act, a new and more robust legal framework exists which may serve to strengthen the consumer and improve competition law enforcement.

This Article proposes that, under the new legal framework, the economic welfare losses sustained by the consuming public as a consequence of anti-competitive agreements and abuse of dominant market position are a form of direct injury that entitles consumers to legal standing for the purposes of recovering their losses.