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**Review of capacity-building and technical assistance on competition law
and policy**

Contribution

Philippine Competition Commission

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REVIEW OF CAPACITY-BUILDING IN AND TECHNICAL ASSISTANCE ON COMPETITION LAW AND POLICY

*Written Contribution by the Philippine Competition Commission (PCC)
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Introduction and Institutional Context

a. Overview of the Philippine Competition Commission (PCC)

The Philippine Competition Commission (PCC) was established in 2016 pursuant to Republic Act No. 10667, or the Philippine Competition Act (PCA). The PCC is an independent quasi-judicial body mandated to promote and protect market competition by reviewing mergers and acquisitions, prohibiting anti-competitive agreements, and investigating abuses of dominant position. It serves as the country's primary competition authority.

The establishment of the PCC marked the beginning of a comprehensive antitrust regime in the Philippines. Prior to the enactment of the PCA, competition-related provisions were dispersed across various sectoral laws and regulations, resulting in uncertainty regarding the authority responsible for competition enforcement.¹ The creation of the PCC addressed this gap by vesting in a dedicated agency the responsibility of enforcing competition law and advancing consumer welfare.

The PCC performs three core functions: (i) review of mergers and acquisitions (M&A),² (ii) enforcement against anti-competitive agreements,³ and (iii) investigation and prosecution of abuses of dominant position.⁴ Guided by its Chairperson and Commissioners, the PCC seeks to ensure that markets remain competitive, efficient, and responsive to the needs of consumers and businesses alike.

b. Importance of Capacity-Building and Technical Assistance

The PCC celebrated its tenth anniversary last 1 February 2026.⁵ While significant progress has been achieved during the first decade, the PCC faced considerable challenges during its formative years. The lack of competition experts and trainers in the Philippines had been particularly challenging.

¹ The 1987 Philippine Constitution as well as various pieces of legislation contained prohibitions on monopolies and combinations in restraint of trade or unfair competition such as R.A. No. 386 or *the Civil Code*, Act No. 3185 or *the Revised Penal Code*, R.A. No. 7581 or *the Price Act*, R.A. No. 9136 or the *Electric Power Industry Reform Act*.

² Sec. 20 of the Philippine Competition Act (PCA).

³ Sec. 14 of the PCA.

⁴ Sec. 15 of the PCA.

⁵ Philippine Competition Commission (PCC), *PCC Marks 10th year with Manila Forum on Competition in the digital age*, accessed at: <https://www.phcc.gov.ph/resource-details/pcc-marks-10th-year-with-manila-forum-on-competition-in-the-digital-age>.

In 2016, the PCC tapped the expertise of the Australian Competition and Consumer Commission (ACCC) to align with best practices.⁶ Similarly, in 2017, the PCC sought the insights and technical expertise of various development partners such as the World Bank Group, the OECD-Korea Policy Centre, as well as foreign competition authorities,⁷ in drafting the Rules of Procedure and the Rules on Merger Procedure.

The technical assistance received by the PCC helped establish key policy issuances which continue to be in force today. With these foundational rules in place, demand for PCC services also grew. The PCC needed to rapidly develop the technical competencies of its personnel, particularly in the areas of merger assessment, economic analysis, competition assessment, and advocacy. To achieve this, the PCC sought partnerships with various antitrust authorities and development institutions to learn from their experiences as well as to keep abreast with recent developments in competition law and policy.

Through the technical assistance and capacity-building initiatives received during this infancy period, the PCC was able to lay down strong foundations in carrying out its mandate and build institutional capability and credibility.

c. Overview of PCC's Institutional Development

As of April 2026, the PCC has reviewed 384 M&A transactions with a total transaction value of PhP 7.3 trillion (~USD 119 bn). Most of these M&As transactions were in these sectors: (i) financial and insurance activities; (ii) manufacturing; (iii) electricity, gas, and steam; (iv) real estate activities; and (v) transportation and storage.

With respect to enforcement, the PCC-Competition Enforcement Office (CEO)⁸ has conducted 56 preliminary inquiries,⁹ 44 full administrative investigations,¹⁰ and filed 11 Statements of Objections.¹¹

⁶ PCC, *PH's newly created anti-trust authority taps Australian expertise in combating bad market practices*, April 2016, accessed at: <https://www.phcc.gov.ph/news/phs-newly-created-anti-trust-authority-taps-australian-expertise-in-combating-bad-market-practices>.

⁷ PCC 2017 Annual Report.

⁸ The primary investigative and prosecutorial arm of the PCC charged with enforcing Secs. 14 and 15 of the PCA.

⁹ A *Preliminary Inquiry* aims to ascertain whether there are reasonable grounds to conduct a Full Administrative Investigation for any violation of the PCA, its implementing rules, or other competition laws.

¹⁰ A *Full Administrative Investigation* is conducted to ascertain whether there is sufficient basis to charge an entity for violation of the PCA, its implementing rules, or other competition laws.

¹¹ *Statement of Objections* refers to a complaint filed by the Enforcement Office with the Commission charging an entity for violation of the PCA, its implementing rules, or other competition laws.

As for advocacy, the PCC has conducted 53 Market Studies,¹² 454 capacity-building and advocacy activities,¹³ 17 Competition Impact Assessments,¹⁴ and has submitted 190 position papers.¹⁵

While these numbers may appear modest, the PCC's growth is captured by the growing complexity of matters it is able to handle over the years, the improvement in its internal processes, the quality of its decisions and assessments, as well as the recognition it has earned among domestic and international peers as a credible and effective competition authority.

Capacity-Building and Technical Assistance Received

a. Forms of Assistance Received

The PCC has received various forms of assistance and capacity-building. These include policy consultations, staff training programs, workshops, study visits, secondments, and participation in international conferences and forums.

As competition law was still a burgeoning practice in the Philippines at the time, there was a notable lack of domestic experts, practitioners, and trainers in the said field. The PCC had to seek technical assistance and capacity-building opportunities abroad to build internal expertise and capacitate its own staff. These capacity building activities and technical assistance were also crucial for the PCC as it sought to establish a competition regime in line with international best practices.¹⁶

During the first year of PCC, its officials and staff took part in 20 international capacity-building activities, including the Workshop on Cartel Investigation in Bali, Indonesia, the Antitrust Regional Seminar on the Competition Analysis of Vertical Restraints in Jakarta, Indonesia, as well as a secondment to the Australian Competition and Consumer Commission.¹⁷

In 2017, the PCC participated in 35 advocacy and capacity-building activities which were supported by key development partners, such as the US Federal Trade Commission's (US FTC) Workshop on Basic Merger Analysis and the World Bank Group's Workshops on Promoting Effectiveness in Anti-Cartel Enforcement and Economic Analysis of Cartel Enforcement.¹⁸

Notably, in 2019, the Department of Finance and the Asian Development Bank (ADB) signed three loan packages, including a loan facility for the "Capacity Building to Foster Competition" Project

¹² The PCC is tasked to monitor and analyze the practice of competition in markets that affect the Philippine economy and to undertake, publish, and disseminate studies and reports on anti-competitive conduct and agreements to inform and guide industry players and consumers.

¹³ The PCC, through its Communication and Knowledge Management Office (CKMO), conducts capacity-building and advocacy activities yearly to continue promoting and advancing competition law and policy throughout the country.

¹⁴ *Competition Impact Assessments* evaluate government regulations, rules, bills, other proposed government measures and laws, to identify those that may unnecessarily impede competition, and redesign identified regulations so that competition is not unduly inhibited.

¹⁵ *Position Papers* are prepared by the PCC to transmit formal positions regarding certain policies which may potentially affect competition in certain industries and/or markets.

¹⁶ More information may be found in PCC's annual reports which are published on its website.

¹⁷ PCC Annual Report 2016.

¹⁸ PCC Annual Report 2017.

with the PCC.¹⁹ This loan facility helped the PCC build up its human and institutional capacity while furthering the development of competition law and policy in the academe and fostering a culture of competition in government.²⁰

Under the PCC-ADB Capacity Building to Foster Competition Project, the Government Staff Development Program for Competition Law and Policy (GSDPC) provided opportunities for highly qualified PCC staff members to take advanced studies on competition law, economics, and related fields in reputable foreign learning institutions such as the University of Edinburgh, Barcelona School of Economics, Queen Mary University of London, and Freie Universitat Berlin. Aside from graduate degree programs, the GSDPC has also covered fellowship / secondment programs, short courses, seminars and conferences, and online courses.

Through the years, the PCC has also participated in numerous and instructive technical trainings, workshops, and lectures in the areas of merger review, cartel detection, abuse of dominance investigations, market definition, economic analysis, quantitative assessment techniques, digital markets, and competition advocacy. Experts from established competition authorities and international organizations have also provided guidance on case handling procedures, institutional governance, and strategic planning.

Having accumulated some experience under its belt, the PCC gradually built its confidence and credibility in conducting and organizing its own capacity-building activities. In 2024, the PCC successfully completed its inaugural Mandatory Continuing Legal Education program on competition law to deepen legal practitioners' understanding of competition law and its application in the Philippine legal framework. The PCC has also partnered with the Legal Education Board and the University of the Philippines College of Law to develop the Specialized Academic Track and Post-Graduate Certificate Program on Competition law. The PCC is looking to partner with leading universities in the country to further enhance and integrate competition law in the fields of economics and industrial policy.

b. Development Partners and Stakeholders Involved

These capacity-building activities and technical assistance have been conducted with the support and participation by key international and domestic partners. These include multilateral organizations such as the ASEAN, Asia-Pacific Economic Cooperation (APEC), the International Competition Network (ICN), and the Organization for Economic Cooperation and Development (OECD), development agencies such as the World Bank Group and the Asian Development Bank (ADB), foreign competition authorities such as the ACCC, the Korea Fair Trade Commission (KFTC) the US FTC, the CCCS, the Japan Fair Trade Commission (JFTC), the KPPU (Indonesian Competition Authority), academic institutions, and regional competition networks.

These partners have contributed their expertise, funding, time, and knowledge to capacitate PCC staff and has enabled the same to learn from the experiences of more established competition authorities while adapting international best practices to the Philippine context.

Recognizing the important role of partner government agencies and the private sector, capacity building activities were also extended to other government offices, stakeholders from the private sector, and the academe to foster a broader culture of competition in the Philippines.

¹⁹ PCC Annual Report 2019.

²⁰ *Id.*

c. Funding and Resource Mobilization

These initiatives were made possible through a combination of government appropriations, development assistance, and grants provided by PCC's development partners. The PCC has also been fortunate to receive sponsorships, albeit to a limited extent, in some of the training activities, workshops, and international events.

Through regional cooperation frameworks, free trade agreements such as the ASEAN-Australia-New Zealand FTA (AANZFTA) and the Philippine-Japan Economic Partnership (PJEPA), and bilateral partnerships, the PCC has also been able to secure the needed resource mobilization efforts to provide its staff with the necessary capacity-building and technical training.

d. Cooperation with UNCTAD

The United Nations Conference on Trade and Development (UNCTAD) has been an important partner in supporting the development of competition law and policy in the Philippines. Through its technical expertise, training activities, and international forums, UNCTAD has provided valuable opportunities for knowledge-sharing and peer learning to the PCC.

In 2016, the UNCTAD provided expert insights concerning Competitive Neutrality during a high-level talk organized by the PCC and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

In 2017, the PCC joined for the first time UNCTAD's Intergovernmental Group of Expert Sessions on Competition Law and Policy. The PCC continues to attend these sessions.

In 2019, the UNCTAD visited the PCC and delivered a lecture on international cooperation among agencies. The lecture mapped out potential avenues for cooperation among member-states with competition agencies, especially in bringing young and more developed jurisdictions together for collaboration and opening doors for dialogues among intergovernmental experts on competition law.

During the Covid-19 pandemic, the UNCTAD continued to invite the PCC to its lectures, webinars, and workshops, whether organized independently or jointly with other development partners and competition authorities, bringing updates on competition law and policy developments in the new normal.

In 2022, the UNCTAD, in partnership with the PCC and the DTI-Bureau of Small and Medium Enterprise Development (BSMED) conducted its workshop entitled "Linking Competition Policy, Economic Recovery, and Resilience: Benefits to MSMEs." The workshop discussed how MSMEs can benefit from competition law in both short-term and long-term, the kinds of anticompetitive practices to look out for, as well as how MSMEs can adapt to the post-covid landscape.

In recent years, the UNCTAD and the PCC have continued to organize events that facilitate exchanges of experiences by foreign competition authorities in the context of recent global developments in digital markets and artificial intelligence.

Assessment of Capacity-Building and Technical Assistance

a. Tools to Assess Effectiveness

The PCC utilizes various tools to assess the effectiveness of capacity-building and technical assistance initiatives. These include post-event feedback forms and surveys, pre- and post-

training assessments and evaluations, performance reviews, back-to-office reports (BTOs), as well as learning action plans (LAP) and/or re-entry action plans (REAP).

BTOs are required to be submitted by staff within twenty (20) working days upon return from the training, workshop, or learning course abroad. These reports require the participant to provide an assessment of the attended program, expound on the learnings gained from the activity, as well as to explain how the same will be transferred or applied to PCC's functions.

LAPs and REAPs, on the other hand, require attendees to come up with specific initiatives or projects that are designed to improve the PCC's capacities or contribute to the knowledge base of the PCC as a result of their learnings. These are submitted by applicants before attendance to trainings and are used by the PCC in the selection process of participants who will attend the said trainings. Determining whether to submit either a LAP or a REAP will depend on the type of program to be participated in. REAPs are required for degree programs and require outcomes / success indicators that are long-term and sustainable. On the other hand, LAPs are required for trainings, workshops, and non-degree courses that target functional/technical competencies necessary to achieve an identified PCC objective. LAPs are required to have clear output indicators and must be realistic and doable within 2 months from attendance to the program.

The PCC also assesses effectiveness of trainings attended through the Training / Program Effectiveness Form. These forms are administered by the attendees' supervisor or immediate supervisor at least 4 months after the return of the participant / attendee to allow sufficient time to pass before evaluation. These forms seek to determine whether there has been a noticeable or appreciable change or improvement in the performance of the attendee.

All these assessment mechanisms are designed to determine whether acquired knowledge and skills could be effectively applied in the PCC's day-to-day operations and whether the said intervention has increased overall institutional capacity.

b. Monitoring and Evaluation Mechanisms

The PCC tries to leverage capacity-building activities and technical assistance to improve its ability to carry out its mandate under the PCA. The goal is to become a well-established agency that promotes fair market competition to enhance consumer welfare, advance trade, and foster inclusive and sustainable growth.

The success of this goal is measured through the appraisal of the agency's overall performance using the PCC's governance scorecard (GSC). The GSC contains a record of strategic performance targets committed by the agency for a specific fiscal year. Targets or outcomes are accompanied by measure profiles that specifically define and set the standards for the uniform interpretation of performance. Measure profiles are designed to capture the quantity, quality, and timeliness of the outputs of the agency and measure results in terms of economy, efficiency, and effectiveness.

Each year, accomplishment of these targets are evaluated during the PCC's operational planning and assessment phase, where the existing GSC is appraised while new targets are formulated for the following fiscal years. These are later cascaded from top management down to the respective offices and individual staff of the PCC.

At the individual level, PCC employees are required to prepare individual performance scorecards (IPS) which contain the performance targets of the individual, its measure profiles, as well as the criteria for evaluation. These performance targets are aligned with the GSC.

In relation to assessing the effectiveness of capacity building programs and technical assistance, the LAPs and REAPs of employees are required to be included in their IPS. Their targets and milestones are monitored and evaluated by the employee's immediate supervisor thereby linking the outcomes of trainings and programs to the agency's overall performance.

c. Outcomes and Institutional Gains

Capacity-building and technical assistance have generated significant institutional gains for the PCC. These include enhanced technical knowledge among personnel, improved quality of merger review and economic analyses, strengthened enforcement capabilities, and more efficient internal processes.

The PCC has been able to accumulate and retain this institutional knowledge through its knowledge management division. Materials from capacity-building activities and technical assistance since 2016 up to present have been placed in a single repository allowing present and future employees of the PCC to access and learn from this valuable resource.

In 2023, drawing inspiration from other competition agencies such as the UK CMA, the KFTC, as well as Brazil's CADE, the PCC was also able to develop its own Bid Rigging Screening Tool (BiRST). The PCC BiRST is a tool that analyzes procurement documents and information to screen biddings and detect possible violations of bid rigging. This helps the PCC-CEO streamline efforts and conserve resources by shifting focus towards "flagged" biddings primarily.

In 2025, the PCC enhanced its case processing capabilities with the launch of a new case management system donated by the Korea International Cooperation Agency (KOICA). The KOICA case management system streamlines the process of reporting by allowing the public to directly submit reports and securely upload relevant documents through the PCC website.

d. Challenges and Areas for Improvement

Challenges encountered by the PCC are no different from those faced by more mature authorities. Resource constraints, staff turnover, case prioritization and operational efficiencies. Ensuring institutional knowledge is retained within the organization also requires much attention. Rapid developments in digital markets, artificial intelligence, and big data also require continuous enhancement of technical know-how, knowledge and tools by PCC personnel.

Existing methods of monitoring and impact evaluation require further recalibration to measure the direct effect of training programs and interventions on individual and institutional performance. Typical evaluation measures may not accurately capture the effect of training programs as employees' responses could be biased and skewed. While LAPs and REAPs are easier to monitor as these usually require concrete projects or hard output as evidence of results, outcomes may not be entirely attributable to the effectiveness of training programs or interventions due to various external factors.

The PCC recognizes the need to continue investing in advanced technical training, strengthening data analytics capabilities, and expanding international cooperation to ensure its efficiency and effectiveness as a competition authority. Additionally, the PCC continues to explore alternative

monitoring and evaluation methods as these may provide useful information and lead to more efficient resource allocation.

Conclusion

Capacity-building and technical assistance are essential components of developing an effective competition regime. Institutional knowledge, expertise, and capability require sustained investment, strategic planning, and continuous learning.

For competition agencies and development institutions that have limited resources or budgetary constraints, PCC's experience offers some economical approaches that include creating regional training programs that serve multiple jurisdictions, expanding cost-effective virtual learning platforms, and leveraging knowledge-sharing networks that allow beneficiary agencies to both receive and contribute experience. Such approaches can maximize the impact of available resources while promoting long-term sustainability and partnership.

While training activities and technical assistance programs are important, their value ultimately depends on their contribution to tangible institutional outcomes.

Basing on PCC's experience, it may be useful to adopt a results-based monitoring and evaluation framework that combines short-term, medium-term, and long-term indicators. Immediate assessments may include participant evaluations and knowledge tests, while medium- and long-term assessments should examine how acquired skills have been applied within institutions and whether they have contributed to measurable organizational improvements.

Beneficiary agencies could integrate training outcomes into their broader performance management systems and institutional scorecards. This would allow capacity-building interventions to be assessed against agency-level outcomes such as improved enforcement performance, more efficient case handling, higher-quality decisions, stronger advocacy programs, or enhanced policy development.

Peer-to-peer learning activities between established and younger competition authorities prove to be valuable in cross-jurisdictional sharing of best practices and practical experiences. Such arrangements often provide high developmental value while requiring fewer resources than traditional technical assistance models.

-nothing follows-