

FURTHER AMENDING PRESIDENTIAL DECREE NO. 285 AS AMENDED BY PRESIDENTIAL DECREE NO. 400.

PRESIDENTIAL DECREE NO. 1203, September 27, 1977

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WHEREAS, Presidential Decree No. 285 as amended, authorizes the compulsory licensing or reprinting of educational, scientific or cultural books and materials as a temporary or emergency measure whenever the prices thereof become so exorbitant as to be detrimental to the national interest; and

WHEREAS, there is a necessity to provide effective controls or safeguards against any abuses of the rights of foreign or domestic authors and publishers and so as not to deprive them of the returns of their works or investments ;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. Section 1 of Presidential Decree No. 285 as amended by Presidential Decree No. 400 is hereby further amended to read as follows:

"SEC. 1.-(1) Whenever the price of any textbook or reference book duly prescribed by the curriculum and certified by the registrar of the school or university or college, whether of domestic or foreign origin, has become so exorbitant as to be detrimental to the national interest, as determined and declared by a Reprint Committee composed of the Secretary of Education and Culture as Chairman, and the Director General of the National Economic Development Authority, the Chairman of the Textbook Board and of the Director of the National Library as members, such book or other written material may be reprinted by the government or by a printer under the following conditions:

"(a) That a particular title may be reprinted by only one private publisher or printer authorized by the Reprint Committee ;

"(b) That anyone wishing to undertake the reprinting shall file an application with the National Library containing the following information: the title, author and original publisher of the book or other written material to be reprinted; its foreign list price in case of a Philippine book; the proposed list price of the reprinted matter; the name of the actual printer; the number of copies to be reprinted; and the name and address of the applicant. An application for each subsequent reprinting shall likewise be filed and copies thereof furnished to local representatives of the foreign publishers;

"(c) That the successful applicant shall accomplish the reprinting within sixty days from the date of approval of the application. If the reprinting shall not have been done in that time, the title may be applied for by other interested parties.

"(2) Exorbitant price shall mean not less than Thirty Five Pesos (P35.00). unit otherwise increased by the Reprint Committee.

"(3) Each copy of each title reprinted under this Decree shall be numbered consecutively on the copyright page.

"(4) All titles reprinted prior to these amendments shall be registered, the registrant furnishing the National Library the same information required in the aforementioned application, within thirty (30) days after these amendments take effect."

SEC. 2. Section 2 of the same Decree is hereby amended to read as follows:

"SEC. 2. Reprinted books as defined in Section 1 shall bear proper acknowledgment of the source, authorship, copyright proprietors and past printers, if known, as well as the names and addresses of the publishers and printers. If abbreviated or edited in any manner, such fact shall be stated. The following inscription shall also appear on the covers thereof: "Export of this Book or material is punishable by law." The export of such reprints under any circumstance is hereby prohibited. Any reprinter found guilty of exporting reprinted books in violation of this provision shall in addition to the penalties prescribed in Section 5 hereof, be disqualified from further reprinting, and his license as trader, if any, immediately cancelled.

SEC. 3. Section 3 of the same Decree, as amended, is hereby further amended to read as follows:

"SEC. 3. The reprinting of the abovementioned books shall be subject to the condition that the awardee shall pay a royalty, of at least seven per centum (7%) of the list price in the Philippines in case of books published in the country, or at least two per centum (2%) of the foreign list price in the case of books published in other countries. Report of sales and payment of royalties shall be made to the copyright owners or publishers every six (6) months: Provided, That in the case of non-resident authors, publishers or copyright owners, the royalties, in dollars if so desired, shall be fully remittable, within the same period."

SEC. 4. Section 4 of the same Decree as amended is hereby further amended to read as follows:

"SEC. 4. (1) Any conflict or claim arising out of the provisions of this Decree shall be decided by the Committee mentioned in Section 1 hereof, An order or decision of said Committee shall become final after fifteen (15) days following the receipt by the party concerned of such order or decision, unless in the meantime an appeal therefrom to the Office of the President has been taken by the aggrieved party.

"(2) The Reprint Committee shall adopt and promulgate such rules and regulations as may be necessary for the effective implementation of this Decree."

SEC. 5. Section 4 of the same Decree is hereby renumbered Section 5 and amended to read as follows:

"SEC. 5. Any person, natural or juridical, who shall violate the provisions of this Decree or its implementing rules shall, upon conviction thereof, be punished by imprisonment of not less than six (6) months nor more than three (3) years or a fine of not less than Ten Thousand Pesos nor more than Fifty Thousand Pesos, or both at the discretion of the court. If the violation is committed by a firm, company or corporation, the directors or the manager or person in charge of the management of the Business thereof shall be responsible therefor, in any case the corporation shall also pay the fine herein provided. Books and materials printed or published or exported in violation of this Decree shall be immediately confiscated and the establishment that printed or published or exported them shall forthwith be closed and its operation discontinued."

SEC. 6. These amendments shall take effect immediately.

Done in the City of Manila, this 27th day of September, in the year of Our Lord, nineteen hundred and seventy-seven.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA

Presidential Assistant

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