

AN ACT TO AMEND SECTIONS SIX, SIXTEEN, SEVENTEEN, AND EIGHTEEN OF THE ACT ENTITLED "AN ACT TO RAISE REVENUE FOR THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES", APPROVED BY THE ...

Acts No. 4034, December 17, 1932

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section six of the Act of Congress of the United States of August fifth, nineteen hundred and nine, entitled "An Act to raise revenue for the Philippine Islands, and for other purposes", is hereby amended to read as follows:

"SEC. 6. Payment and liquidation of duties.—That the rates of duty established in this Act are stated in money of the United States of America, but that payment thereof shall be made in Philippine currency or its equivalent in money of the United States of America on the basis of the liquidated value as herein provided.

"In the liquidation of duty, the currency of the invoice will be reduced to the money of account of the United States upon the basis of the following values of foreign money, any provision of law, regulation, or order to the contrary notwithstanding:

Country

Unit

Value in Philippine currency

Equivalent in United
States currency

Argentina Gold peso

P1.9296

\$0.9648

Australia Pound sterling

9.7330

4.8665

Austria Schilling

.2814

.1407

Belgium Belga

.2780

.1390

Bolivia Boliviano

.7300

.3650

Brazil Gold milreis

1.0924

.5462

British Honduras Dollar

2.0000

1.0000

Bulgaria Lev

.0144

.0072

Canada Dollar

2.0000

1.0000

Chile Gold peso

.2434

.1217

China Dollar (Yuan)

.8806

.4403

Dollar (Mexican)

.9004

.4502

Haikwan tael

1.3828

.6914

Colombia Peso

1.9406

.9733

Costa Rica Colon

.9306

.4653

Cuba Dollar (peso)

2.0000

1.0000

Czechoslovakia Krone

.0592

.0296

Denmark Krone

.5360

.2680

Dominican (Rep.) Dollar

2.0000

1.0000

Ecuador Sucre

.4000

.2000

Egypt Pound Egyptian

9.8862

4.9431

Finland Markka

.0504

.0252

France Franc

.0784

.0392

Germany Reichmark

.4764

.2382

Great Britain Pound sterling

9.7330

4.8665

Greece Drachma

.0260

.0130

Guatemala Quetzal

2.0000

1.0000

Haiti Gourde

.4000

.2000

Holland Guilder or florin

.8040

.4020

Honduras (Rep.) Lempira

1.0000

.5000

Hongkong Dollar

.8938

.4469

Hungary Pengo

.3498

.1749

India (British) Silver rupee

.7300

.3650

Indo-China Piaster

.7836

.3918

Italy Lira

.1052

.0526

Japan Yen

.9970

.4985

Jugo-Slavia Dinar

.0352

.0176

Mexico Peso

.9970

.4985

Newfoundland Dollar

2.0000

1.0000

New Zealand Pound sterling

9.7330

4.8665

Nicaragua Cordoba

2.0000

1.0000

Norway Krone

.5360

.2680

Panama Gold balboa

2.0000

1.0000

Paraguay Peso

1.9296

.9648

Persia Rial

.0974

.0487

Peru Sol

.4000

.2000

Poland Zloty

.2244

.1122

Portugal Escudo

.0884

.0442

Roumania Leu

.0120

.0060

Russia Ruble

1.0292

.5146

Salvador Colon

1.0000

.5000

Siam Gold-silver: tical

.8848

.4424

Spain Peseta

.3860

.1930

Straits Settlements Silver dollar

1.1356

.5678

Sweden Krone

.5360

.2680

Switzerland Franc

.3860

.1930

Turkey Piastre

.0880

.0440

Uruguay Peso

2.0684

1.0342

Venezuela Bolivar

.3860

.1930

"Whenever merchandise imported into the Philippine Islands is invoiced in the currency of the United States or of the Philippine Islands, such currency must be converted back into the proper foreign currency at the buying rate of exchange as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury of the United States, and then be reconverted into the currency of the United States or of the Philippine Islands at the value of the said foreign currency as hereinabove provided.

"The Governor-General, upon recommendation of the Secretary of Finance, may, by proclamation, fix for the purposes of this Act the value in Philippine currency, and its equivalent in money of the United States of America, of the value of the currency or currencies of foreign countries when said value is changed or is not covered herein."

SEC. 2. Section sixteen of the same Act of Congress of August fifth, nineteen hundred and nine, is hereby amended to read as follows:

"SEC. 16. That all invoices of articles, goods, wares, or merchandise to be imported into the Philippine Islands shall set forth:

"(a) The place where, the date when, and the person by whom the merchandise is sold, or if to be imported otherwise than in pursuance of a purchase, the place from which shipped, the date when, and the person by whom it is shipped;

"(b) The port of entry to which the merchandise is destined, and the person to whom the merchandise is sold or shipped;

"(c) A detailed description of the merchandise in tariff terms of this Act, including the name by which each item is known, the quantity, grade or quality, true number, mark, weight, or symbol under which sold by the seller or manufacturer, together with the marks and numbers of the packages in which the merchandise is packed;

"(d) The purchase price or true value of each item in the currency of the purchase and in the unit of quantity in which the merchandise is usually bought and sold in the place or country of origin, if the merchandise is shipped in pursuance of a purchase or an agreement to purchase;

"(e) If the merchandise is shipped otherwise than in pursuance of a purchase or an agreement to purchase, the value for each item in the unit of quantity in which the merchandise is usually bought and sold, and in the currency in which the transactions are usually made, or, in the absence of such value, the price which the manufacturer, seller, shipper, or owner would have received, or was willing to receive, for such merchandise if sold in the ordinary course of trade and in the usual wholesale quantities in the country of origin.

"(f) All charges upon the merchandise, itemized by name and amount when known to the seller or shipper; or all charges by name (including commissions, insurance, freight, cases, containers, coverings, and cost of packing) included in invoice prices when the amount for such charges are unknown to the seller or shipper;

"(g) All discounts, rebates, drawbacks, and bounties, separately itemized, allowed upon the exportation of the merchandise; and

"(h) Any other facts deemed necessary to a proper appraisalment, examination, and classification of the merchandise that the Insular Collector of Customs may require.

"Every invoice shall be made in quadruplicate and signed by the owner or shipper, if the merchandise has been actually purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner."

SEC. 3. Section seventeen of the same Act of Congress of August fifth, nineteen hundred and nine, is hereby amended to read as follows:

"SEC. 17. That except in case of personal effects accompanying a passenger as baggage, or arriving within a reasonable time before or after the owner, no importation of any articles, goods, wares, or merchandise, exceeding one hundred dollars in dutiable value, shall be admitted to entry without the production of a duly certified invoice of the kinds hereinafter described, or the filing of an affidavit made by the owner, importer or consignee before the collector of customs, showing why it is impracticable to produce such invoice, together with a bond in an amount to be prescribed by, and with sureties satisfactory to, the collector of customs, for the production of such invoice within a reasonable time to be prescribed by said official. In the absence of such invoice, no entry shall be made upon the aforesaid affidavit unless the same be accompanied by a statement in the form of an invoice, or otherwise, showing the actual cost of such merchandise in the currency of the purchase, if same was purchased, or if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the Philippine Islands in the principal markets of the country from whence imported and in the currency in which the transactions are usually made. This statement shall be verified by the oath of the owner, importer, consignee, or agent desiring to make the entry, taken before the collector of customs, and it shall be lawful for that official to examine the deponent under oath regarding the source of his knowledge, information, or belief, concerning any matter contained in his affidavit, and to require him to produce any correspondence, document, or statement of account in his possession, or under his control, which may assist the customs authorities in ascertaining the actual value of the importation or of any part thereof; and in default of such production when so required, such owner, importer, consignee, or agent shall be thereafter debarred from producing any such correspondence, document, or statement for the purpose of avoiding the imposition of additional duty, penalty, or forfeiture incurred under this or any other Act in force in the Philippine Islands, unless he shall show to the satisfaction of the court or the collector of customs, as the case may be, that it was not in his power to produce the same when so demanded; but no articles, goods, wares, or merchandise shall be admitted to entry under the provisions of this section unless the collector of customs shall be satisfied that the failure to produce the required invoice is due jto causes beyond the control of the owner, importer, consignee, or agent."

SEC. 4. Section eighteen of the same Act of Congress of August fifth, nineteen hundred and nine, is hereby amended to read as follows:

"SEC. 18. That invoices required by the preceding section shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States of the consular district in which the merchandise was manufactured or purchased, as the case may be, when importation into the Philippine Islands is from a country other than the United States of America, or any territory or place under the jurisdiction and control of the government thereof: Provided, That the Insular Collector of Customs, may, in his discretion, dispense with the requirement for the consular invoices prescribed in this section in case the merchandise for which entry is sought is free of duty under this Act, in which event a commercial invoice certified by the purchaser, manufacturer, seller, owner, or agent shall be filed: And provided, further, That when the importation is from the United States of America or any territory or place under the jurisdiction and control of the government thereof production shall be to a collector of customs, deputy collector of customs, or United States commissioner.

"Invoices shall have indorsed thereon when produced as above prescribed a declaration signed by the purchaser, manufacturer, seller, owner, or agent setting forth that the invoice is in all respects correct and true and was made at the place from whence the merchandise is exported to the Philippine Islands; that it contains, if the merchandise was obtained by purchase or an agreement to purchase, a true and full statement of the date

when, the place where, the person from whom the same was purchased, and the actual cost thereof, and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice except such as have been actually allowed thereon; and when obtained in any other manner than by purchase, or an agreement to purchase, the actual market value or wholesale price thereof, at the time of exportation to the Philippine Islands, and the principal markets of the country from which exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer, seller, owner, or agent making the declaration would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities, and that it included all charges thereon; that the numbers, weight, or quantity stated is correct, and that no invoice of the merchandise described differing from the invoice so produced has been or will be furnished to anyone.

"If the merchandise was actually purchased, or shipped otherwise than in pursuance of a purchase or an agreement ment to purchase, the declaration shall also contain a statement that the amount shown is that which was actually paid, or the price that the shipper would have received, or was willing to receive, for such merchandise, and that the currency stated in such invoice is the currency of the purchase, or in which the transactions are usually made."

SEC. 5. Upon the express or implicit approval of this Act by the President of the United States, as provided in the Act of Congress approved on August twenty-ninth, nineteen hundred and sixteen, entitled "An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those Islands", the Governor-General shall so announce forthwith, by means of a proclamation and this Act shall take effect on the date of such proclamation.[1]

Approved, December 17, 1932.

[1] Declared in force by Proclamation No. 534 (1932). See Appendix.

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