

AN ACT TO AMEND CERTAIN SECTIONS OF ARTICLE THREE OF CHAPTER FORTY-SIX OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, MAKING THE PROVISIONS O...

Act No. 3263, December 07, 1925

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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 seventeen hundred and seventy-one of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended to read as follows:

"SEC. 1771. Words defined.—The words used in this law shall be taken in the sense indicated below:

" (a) 'Fiber' shall mean in this law the raw material only and not fibers partially or entirely manufactured. It shall be interpreted according to its common and commercial significance and not according to its scientific meaning.

"(b) 'Abaca' shall mean the fiber of the plant of the same name known in botany as *Musa textilis*.

"(c) 'Maguey' shall mean the fiber retted in sea water or in fresh water, or the knife- or machine-stripped fiber, washed in sea water, of the true sisal plant of the same name, known in botany by the name of *Agave cantala* Per.

" (d) 'Cantala' shall mean the knife- or machine-stripped fiber, whether or not washed in fresh water, of the plant of the same name known in botany by the name of *Agave cantala* Roxb.

"(e) 'Sisal' shall mean the fiber retted in sea water or in fresh water, or the knife- or machine-stripped fiber washed in salt water, of the true sisal plant of the same name, known in botany by the name of *Agave sisalana* Per.

"(f) 'Sisalana' shall mean the knife- or machine-stripped fiber, whether or not washed in fresh water, of the true sisal plant known in botany by the name of *Agave sisalana* Per."

SEC. 2. The following new sections are hereby inserted between sections seventeen hundred and seventy-one and seventeen hundred and seventy-two of the same Act:

"SEC. 1771-A. Philippines fiber inspection service.— There is hereby created an office which shall have charge of the classification, baling, and inspection of Philippine fibers and shall be designated and known as 'Philippines Fiber Inspection Service' and be governed by a standardization board.

"SEC 1771-B. Standardization Board.—There is hereby created a board which shall be designated and known as 'Fiber Standardization Board' and shall be vested with the powers and duties hereinafter specified. Said Board shall consist of seven members, with the Director of Agriculture as its permanent chairman and executive officer, and the other members shall be appointed by the Governor-General, with the advice and consent of the Senate: Provided, That one member shall represent the local rope manufacturers; two members shall represent

the fiber exporters; one member shall represent the dealers or middlemen; and two members shall represent the fiber producers.

SEC. 1771-C. Terms of service of members of Standardization Board.—The members of the Standardization Board, with the exception of the Director of Agriculture, shall hold office as follows:

"The manufacturer for three years; one exporter for two years, and one exporter for three years; the dealer for three years; one producer for two years, and one producer for three years. At the expiration of their respective terms of service, a successor shall be appointed for the term of three years from the date of such expiration. All vacancies, except through expiration of the term, shall be filled for the unexpired term only.

"SEC. 1771-D. Officers and employees of the Board.—The said Board shall, immediately after its appointment, organize by electing a secretary-treasurer. The Board shall appoint such employees as it may deem necessary, and fix their duties, compensation, and terms of service. None of the said employees shall, (luring their service with the Board, be a member thereof.

"SEC. 1771-E. Duties of the secretary-treasurer.—The secretary-treasurer shall keep full and correct minutes of all the transactions and proceeding's of the Board, and shall perform such other duties as may be assigned to him- by the Board. He shall also pay out of the funds in his charge all properly approved accounts and shall, in general, manage the funds entrusted to him by and on behalf of the Board as authorized by law and regulations. He shall execute a bond in favor of the Board, conditioned upon the faithful performance of all the duties of his office, which bond shall be approved by the Board and be in such amount as the latter may determine.

"SEC. 1771-F. Meetings of Board.—The Board shall have its main office in the City of Manila, at such place as it may designate, and shall meet at such times as it may designate. The Board shall have authority to make the necessary rules not inconsistent with this law to carry out its functions.

"SEC. 1771-G. Transaction, of business.—The presence of five members of said Board shall constitute a quorum for transacting any of the business of the Board. In the absence of a quorum, the members present may adjourn the Board until there shall be a quorum. The concurrence of not less than five members of the Board shall be necessary to the formulation and promulgation of a rule or order.

SEC. 1771-H. Reports of proceedings.—The Board shall transmit to the Secretary of Agriculture and Natural Resources, through the Director of Agriculture, copies of the minutes of its meetings, and also a monthly report of all work performed and of all funds collected during said month.

"As soon as practicable after the first of January of each year, the Board shall transmit to the Governor-General, through the Secretary of Agriculture and Natural Resources, its annual report covering all the phases of the work performed and making such recommendations as it may deem proper."

SEC. 3. Section seventeen hundred and seventy-two of the same Act is hereby amended to read as follows:

"SEC. 1772. Official standards for commercial grades of fibers.—The Fiber Standardization Board shall determine the official standards for the various commercial grades of Philippine fibers that are or may hereafter be produced in the Philippine Islands for shipment abroad. Each grade shall have its proper name and designation which, together with the basis upon which the several grades are determined, shall be defined by the said Board in a general order. Such order shall have the approval of the Secretary of Agriculture and Natural Resources; and for the dissemination of information, copies of the same shall be supplied gratis to the foreign markets, provincial governors, municipal presidents, and to such other persons and agencies as shall make request therefor.

"If it is considered expedient to change these standards at any time, notice shall be given in the local and foreign markets for a period of at least six months before the new standard shall go into effect."

SEC. 4. Section seventeen hundred and seventy-three of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby repealed.

SEC. 5. Section seventeen hundred and seventy-four of the same Act is hereby amended to read as follows:

"SEC. 1774. Preservation of official standards.—The originals of all official standards shall be prepared in suitable form and shall be securely kept at the main office of the Fiber Standardization Board, subject to renewal in the discretion of said Board, but without variation of the standards, as occasion may require."

SEC. 6. Section seventeen hundred and seventy-five of the same Act is hereby amended to read as follows:

"SEC. 1775. Supply of secondary standards for use of trade.—Specimens of the different grades of fibers conforming to the original official standards shall be prepared under the supervision of the Fiber Standardization Board, and shall, upon request, be supplied as secondary official standards, to all authorized establishments of chambers of commerce, planters' associations, and other institutions or persons directly interested in the trade, the actual cost of the specimens to be paid in advance by the party requesting the same.

"Secondary standards prepared by the Fiber Standardization Board or its authorized agents shall be deemed to be official standards for all purposes, and for such periods as the Board may determine."

SEC. 7. Section seventeen hundred and seventy-six of Act Numbered Twenty-seven hundred and eleven, known as the ' Administrative Code, is hereby repealed.

SEC. 8. Section seventeen hundred and seventy-seven of the same Act is hereby amended to read as follows:

"SEC. 1777. Classes of grading establishments.—There shall be four classes of grading establishments which shall be determined by the number of bales baled per annum as follows: First-class establishments, those baling fifty thousand bales and above; second-class establishments, those baling between thirty thousand and fifty thousand; third- class establishments, those baling between ten thousand and thirty thousand; and fourth-class establishments, those baling less than ten thousand bales.

"The classification of fiber grading establishments shall be based on the number of bales baled during the year previous to the one for which a fiber grading permit is desired. In the case of a new grading establishment, it shall pay an initial fee equivalent to the amount paid by the lowest class grading establishment."

SEC. 9. Section seventeen hundred and seventy-eight of the same Act is hereby amended to read as follows:

"SEC. 1778. Grading permits.—No person shall engage in grading and baling fibers which have established official standards, unless he shall have previously obtained a permit which shall be issued by the Fiber Standardization Board and signed by the chairman thereof, such permits to be known as 'grading permits.' "

SEC. 10. Section seventeen hundred and seventy-nine of said Act is hereby amended to read as follows:

"SEC. 1779. Fees for grading permits.—Grading permits shall be furnished to any grading establishment the owner or owners of which shall prove to the Fiber Standardization Board that they possess the necessary qualifications to carry on the work, and shall pay in advance an annual fee of one thousand pesos for first-class, five hundred pesos for second-class, two hundred and fifty pesos for third-class, and one hundred pesos for fourth-class establishments.

"The Fiber Standardization Board may, after giving the grading establishment one month's notice, cancel the grading permit of any establishment when it shall have been proved that such establishment has not carried on its grading and baling work in accordance with the provisions of this law and the authorized orders of the Fiber Standardization Board. The order of cancellation must be concurred in by not less than five members of the Fiber Standardization Board to be final, and shall take effect immediately."

SEC. 11. Section seventeen hundred and eighty of the same Act is hereby amended to read as follows:

"SEC. 1780. Charges for grading and baling.—So far as their facilities shall extend beyond the requirements of their own business, grading establishments may grade and bale fibers for others when delivered in fit condition for such process. The charges for such services shall be fixed by the Fiber Standardization Board."

SEC. 12. Section seventeen hundred and eighty-two of the same Act is hereby amended to read as follows:

SEC. 12. Use of registered mark by exporters.—Every grading establishment in the fiber business shall have the right to use a mark (initial or initials) in connection with the designation of the official standard, providing that such mark shall have been previously registered with the Fiber Standardization Board and its use authorized by the same. The Board shall issue rules and regulations governing the registration and use of these marks. The Fiber Standardization Board shall have the power to cancel the registered mark of any grading establishment when, in its discretion, the use of such mark has not been made in accordance with the prescribed rules and regulations."

SEC. 13. Section seventeen hundred and eighty-three of the same Act is hereby amended to read as follows:

"SEC. 1783. Baling of fibers for export.—All fibers within the purview of this law which are intended for export shall be pressed in uniform bales. The approximate volume and net weight of each bale, together with the manner of binding, marking, wrapping, and stamping of the same, shall be defined in a general order by the Fiber Standardization Board.

"For any grade of abaca in which the quality may be injured by excessive pressure, or for any grade which, owing to the nature of the fiber, it shall be practically impossible to press to the dimensions of the bale prescribed in the first paragraph of this section, the approximate volume of each bale of such fiber shall be determined in a general order by the Fiber Standardization Board."

SEC. 14. Section seventeen hundred and eighty-four of the same Act is hereby amended to read as follows:

"SEC. 1784. Supervision of grading and baling of fibers.— (trading establishments and the grading and baling of fibers shall be subject to the supervision of the Fiber Standardization Board or its duly authorized agents; and it shall be the duty of said Board to provide an adequate force of inspectors for the inspection and supervision of such places and processes. The Board is hereby authorized to fix the duties, compensation, terms of service, and distribution of all fiber inspectors; to provide for the manner of inspection and certification of any quantity of fiber submitted for such purpose, and to fix and regulate the collection of the inspection fees."

SEC. 15. Section seventeen hundred and eighty-five of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby repealed.

SEC. 16. Section seventeen hundred and eighty-eight of the same Act is hereby amended to read as follows:

"SEC. 1788. General requirement as to grading and certification of fiber.—No fiber within the purview of this law shall be exported from the Philippine Islands in quantity greater than the amount sufficient to make one bale, without being graded, baled, inspected, and certified as in this law provided.

SEC. 17. Sections seventeen hundred and eighty-nine, seventeen hundred and ninety, seventeen hundred and ninety-two, seventeen hundred and ninety-three, and seventeen hundred and ninety-four of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, are hereby repealed.

SEC. 18. A new section, to be known as section seventeen hundred and ninety-four and a half, is hereby inserted between sections seventeen hundred and ninety-four and seventeen hundred and ninety-five of the same Act, to read as follows:

"SEC. 17941. Arbitration.—The Fiber Standardization Board may make rules and regulations for the settlement of all disputes which shall arise concerning the grading, baling, and condition of all fibers within the purview of this law."

SEC. 19. Section seventeen hundred and ninety-five of the same Act is hereby amended to read as follows:

"SEC. 1795. Inspection fees.—A fee of not more than thirty centavos nor less than ten centavos shall be charged and collected by the Fiber Standardization Board or its authorized agent for each bale inspected and stamped, whether approved or rejected. Such charges shall be paid by the owner of the bale and receipt therefor shall be given him. This fee may be changed at any time by the Fiber Standardization Board: Provided, That the Board shall give general notice in writing of its intention to change the amount of the fee not less than a month nor more than three months previous to the date on which such new fee takes effect."

SEC. 20. Section seventeen hundred and ninety-six of the same Act is hereby amended to read as follows:

"SEC. 1796. Refund of inspection fee upon fibers used in local manufactures.—Any person purchasing graded, baled, and inspected fiber for manufacture in the Philippine Islands into yarn, twine, rope, or other articles shall be refunded the inspection fee hereinbefore provided for upon presentation to the Fiber Standardization Board of the certificate of inspection covering the number of bales consumed in such manufacture, together with an affidavit that said number of bales has actually been consumed in such manufacture within the Islands."

SEC. 21. The following new sections are hereby inserted between sections seventeen hundred and ninety-six and seventeen hundred and ninety-seven of the same Act:

"SEC. 1796-A. Fiber inspection section of the Fiber Division of the Bureau, of Agriculture.—The fiber inspection section of the Fiber Division of the Bureau of Agriculture is hereby abolished and all records and data in its files and all business pertaining to fiber production and inspection pending at the time of the approval of this Act shall be transferred to the Fiber Standardization Board.

"SEC. 1796-B. Disposition of funds.—All receipts of the Fiber Standardization Board coming into its possession from all fees collected for grading permits, baling of fibers, and sale of specimens of the official standards shall be deposited in the Insular Treasury to the credit of the Fiber Standardization Board. The said Board shall use such funds for the payment of salaries of its inspectors and other employees, and for all just expenses incurred in the performance of its duties and powers: Provided, That not less than twenty per centum of all fees collected may be used by the Director of Agriculture, with the approval of the Secretary of Agriculture and Natural Resources, upon the recommendation of the Fiber Standardization Board, for the following purposes:

"(a) For scientific and economic research work to be carried on in Philippine fibers;

"(b) For the control of plant pests and diseases-injurious to Philippine fiber plants;

"(c) For educational work among Philippine fiber producers ;

"(d) For such other purposes as in the judgment of the Director of Agriculture have for their object the promotion, encouragement, improvement, etc., of the Philippine fiber industry.

"Any surplus money remaining unexpended at the end of any year may be used by said Board to defray the cost of such project or projects as it may deem necessary to carry out for the benefit of the fiber industry of the Philippine Islands in general: Provided, That the expenditure of such surplus money shall be subject to the approval of the Secretary of Agriculture and Natural Resources."

SEC. 22. Section twenty-seven hundred and forty-eight of the same Act is hereby amended to read as follows:

"SEC 2748. Violation of provisions relative to grading of fibers.—Any person who shall change, obliterate, or counterfeit, wholly or in part, or cause to be changed, obliterated, or counterfeited, the official or private mark or brand on any bale of fiber which has been inspected, graded, and stamped as provided in this law, or who shall use any tag or mark which is not in accordance with the provisions of this Act or the authorized orders of the Fiber Standardization Board, or who shall tamper with or alter the quantity or quality of any bale of fiber which has been so inspected, graded, and stamped, or who shall otherwise violate any of the provisions of this Act, shall be punished by a fine of not more than three hundred pesos; and upon conviction hereunder of any person holding a grading permit, the Fiber Standardization Board may, with the approval of the Secretary of Agriculture and Natural Resources, withdraw and cancel such permit."

SEC 23. This Act shall take effect on July first, nineteen hundred and twenty-six.

Approved, December 7, 1925.

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