

REVISING THE RULES AND REGULATIONS ON THE CONTROL OF IMPORTS OF NON-ESSENTIAL AND LUXURY ARTICLES INTO THE PHILIPPINES AS PROVIDED FOR IN REPUBLIC ACT NO. 330.

EXECUTIVE ORDER NO. 295, November 29, 1949

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By virtue of the powers vested in me by Republic Act No. 330, entitled “An Act authorizing the President of the Philippines to establish a system of Import Control by regulating imports of non-essential and luxury articles, creating an Import Control Board, authorizing the issuance of rules and regulations to carry into effect such control and penalizing violations of this Act,” I, Elpidio Quirino, President of the Philippines, do hereby order:

SECTION 1. From and after the date of effectivity of this Order, no article included in the list referred to in section 3 hereof shall be imported into the Philippines without an import license duly issued by the Import Control Board in accordance with the provisions of this Order. Such license shall be signed “By authority of the President: Chairman, Import Control Board.”

SEC. 2. There is hereby created an administrative committee in the office of the Import Control Board, composed of the Executive Officer of the Import Control Board, a representative of the Department of Finance and a representative of the Central Bank of the Philippines. This committee shall administer the rules and regulations promulgated by the Import Control Board and recommend such changes to the Board as from time to time may be found necessary to improve the administration of import controls and to achieve the purposes for which the controls were established.

SEC. 3. The articles included in the accompanying list, marked Appendix A, are hereby declared to be luxury or non-essential articles and to be subject to the provisions of this Order. The quantity or value of such luxury or non-essential article that may be imported beginning with the date of effectivity of this Order shall be established by the Import Control Board in accordance with the percentage reductions shown in the accompanying schedule, marked Appendix B.

SEC. 3-a. In the case of cement, the Import Control Board may grant a special permit to the Cebu Portland Cement Company to import such quantities of this article as may be deemed necessary to prevent shortage thereof.

SEC. 4. The Import Control Board may, from time to time and as circumstances warrant, make recommendations to the President for additions to, or changes in, or deletions from the list established in Appendix A, and/or for increases, decreases, or other alterations in the percentage reductions established in Appendix B.

SEC. 5. The Import Control Board shall allocate the quotas established in accordance with Appendix B only among the importers registered for such article on the basis of the respective quantities or values of their import of the article during the year 1948. The Import Control Board shall not permit importers to transfer quotas from one article to another, but may permit the transfer of quotas from one importer to another provided said importers are duly registered with the Import Control Board.

SEC. 6. Notwithstanding the provisions of the preceding section, the Import Control Board shall set aside not more than 20 per cent of the quota established for each article in Appendix B for allocation to Filipino importers who had no importation during the base period 1948, but have been registered subsequently as importers of such articles: Provided, that aliens who, after the base period, actually imported and still continue to import any controlled article may apply as new importers of such article. The Import Control Board shall determine the manner of allocating the quotas to new importers.

SEC. 7. An import license shall remain valid during the quota period in which it was issued. If, for justifiable cause satisfactory to the Import Control Board, the shipment does not arrive in the Philippines during the period in which the license was issued, the expiry date of the license may be extended by the Board. If the Board finds that the importer has failed or has not taken the proper steps to import the article covered by the license, the Board may cancel the license.

SEC. 8. No person, firm, or establishment may be granted an import license unless:

- (a) He is a duly registered importer in the Securities and Exchange Commission or in the Bureau of Commerce;
- (b) He is duly licensed to do business in the Philippines and has paid all lawful taxes and fees due from him; and
- (c) He is registered with the Import Control Board for purposes of the Import Control Law.

SEC. 9. Before an import license may be issued, the applicant shall file with the Board a written application under oath containing the following information:

- (a) The name and address of the importer or his duly authorized agent or representative;
- (b) The name and address of the exporter;
- (c) The port or ports of origin of the articles to be imported;
- (d) The port of destination; and
- (e) The description of the articles to be imported and the quantity and declared value thereof.

SEC. 10. For every registration of an importer, a filing fee of P2 shall be charged. Upon issuing a quota or a license, the Import Control Board shall collect a fee of P10 per P1,000 of the c. i. f. value of the article, and P1 for every P100 or fraction thereof.

SEC. 11. Shipments covered by payments made by the importer prior to the date of effectivity of this Order, or by irrevocable letters of credit or authorities to purchase issued prior to said date, and so certified by the issuing bank, shall be permitted to enter the country but shall be charged to present and/or future quotas of the importer for the same or other articles; however, the importer shall first obtain an import license and pay the appropriate fees before the shipment may be made or released by customs. Similarly, goods in inland transit from point of origin, or on dock, on lighter, or on exporting vessel, on the date of effectivity of this Order, if such circumstance can be proved by the importer to the satisfaction of the Import Control Board, shall be admitted into the country but shall be charged to present and/or future quotas of the importer for the same or other articles; however, the importer shall first obtain an import license and pay the appropriate fees before shipment may be made or released from customs. Goods ordered or contracted for prior to the date of effectivity of this Order by virtue of existing valid licenses and/or quotas shall be allowed to enter the country but shall be charged to present and/or future quotas.

SEC. 12. Importers must obtain an import license for every foreign order placed after the date of effectivity of this Executive Order unless the articles to be imported are not subject to restriction under the provisions of this Order.

Articles ordered after said date without an import license shall not be released by customs to the importer and shall be confiscated by the Import Control Board.

SEC. 13. From and after the date of effectivity of this Order, every consular invoice issued for the importation into the Philippines of articles subject to restrictions under the provisions of this Order shall show the Import License Number in respect to such importation and the quantity and value thereof.

SEC. 14. The bringing of controlled articles for personal use, and not for resale, and of articles brought in by, or sent to, importers or indentors as samples, and not for resale, shall be subject to special rules and regulations to be issued by the Import Control Board.

SEC. 15. Articles imported in violation of these rules and regulations shall be subject to forfeiture in accordance with the procedure established under Chapter 39 of the Revised Administrative Code and to the penalties prescribed by Republic Act No. 330, otherwise known as the Import Control Law.

SEC. 16. All previous circulars, directives, rules and regulations of the Import Control Board which are inconsistent with, or contrary to, the provisions of this Executive Order are hereby repealed.

SEC. 17. For the effective enforcement of this Order, duly authorized agents or representatives of the Import Control Board shall be permitted to examine shipments and pertinent documents.

SEC. 18. Executive Orders No. 193, dated December 28, 1948, No. 206, dated March 16, 1949, No. 209, dated March 30, 1949, and No. 231, dated June 28, 1949, are hereby repealed.

SEC. 19. This Order shall take effect on December 1, 1949.

Done in the City of Manila, this 29th day of November, in the year of Our Lord, nineteen hundred and forty-nine, and of the Independence of the Philippines, the fourth.

(SGD.) ELPIDIO QUIRINO

President of the Philippines

By the President:

(SGD.) TEODORO EVANGELISTA

Executive Secretary

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