

CREATING THE CEMENT INDUSTRY AUTHORITY.

PRESIDENTIAL DECREE NO. 94, January 11, 1973

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WHEREAS, it is to the national interest that all installed industrial productive capacity be utilized fully in order to hasten the economic development of the country;

WHEREAS, the cement industry in particular, in which the Government has investments and guarantees exceeding one billion pesos, has a productive capacity far in excess of the present and expected domestic requirements for cement in the next few years;

WHEREAS, there exists a substantial foreign market for cement which could be tapped by the Philippine Cement Industry thus utilizing its idle capacity and generating needed foreign exchange for the country;

WHEREAS, a concerted and determined effort is necessary in order to expand the export market for Philippine cement;

WHEREAS, an orderly and stable domestic market is a desirable base for the development and maintenance of a substantial export market;

WHEREAS, the establishment of such a domestic market and the expansion of the export market can most expeditiously be accomplished through a centralized government authority;

NOW, THEREFORE, I, FERDINAND E. MARCOS, Commander-in-Chief of all the Armed Forces of the Philippines, pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, do hereby create the Cement Industry Authority to regulate the cement industry in the Philippines and to expand the cement export market to the end that idle capacity be utilized, foreign exchange generated and greater labor employment opportunities secured.

SECTION 1. The Cement Industry Authority shall be composed of the Chairman of the Board of Investments, as Chairman, and the heads of the Central Bank of the Philippines, Department of Finance, Department of Trade and Tourism, and Development Bank of the Philippines, or their representatives, as members. The secretariat of the Authority shall be provided by the Board of Investments.

SEC. 2. The Cement Industry Authority shall constitute itself immediately and shall exist for a period of three years from the date of this Decree.

SEC. 3. The Cement Industry Authority shall handle all exports of Philippine cement and clinker. No cement nor clinker may be exported from the Philippines without the express approval of the Cement Industry Authority. To carry out its export functions, it shall have the authority to:

- Embark on a concerted and aggressive campaign to export cement;
- Negotiate and enter into contracts for the export of cement and clinker under such terms and conditions as it may deem reasonable, taking into account industry direct costs of production;
- Negotiate and enter into contracts for shipping facilities necessary for the export of cement and clinker including

the purchase and/or charter of vessels when necessary;

- Establish and maintain advance depots or storage facilities for Philippine cement in foreign markets whenever such facilities are deemed necessary for the promotion of cement exports to those markets;
- Negotiate and enter into agreements with counterpart Authorities in cement exporting countries in order to prevent unreasonable competition and maintain appropriate price levels for cement and clinker exports;
- Arrange the financing necessary to successfully meet its export commitments;
- Assign to and require any cement company to fill any export contract entered into by the Authority;
- Conduct inspections of export shipments to test product quality and bag weights; require cement plant when necessary and feasible, to alter products specifications to meet specific export requirements;
- Establish and administer a scheme that will insure an equitable sharing among all the companies in the industry of the benefits and burdens arising out of exports;
- Make representations to the appropriate government institutions or agencies, such incentives as may be necessary to enable the cement companies to attain the export objectives of the Authority;
- Engage in such other activities as may be necessary, to carry out the export objectives of the Authority.

SEC. 4. The Cement Industry Authority shall regulate all phases of the distribution and marketing of cement for the domestic and government market. No new cement plant shall be established nor shall any existing cement plant be expanded without the express approval of the Cement Industry Authority. To carry out its regulatory functions in the domestic market, it shall have the authority to:

- Establish and enforce sales quotas, distribution areas and such other marketing regulations as it may deem necessary to (i) allocate in an equitable, orderly and efficient manner the domestic and government demand among all the cement companies, and (ii) maintain the stability of the local market;
- Advise the Price Control Council in establishing and enforcing, in conjunction with appropriate government agencies, uniform and reasonable selling prices of cement at the various levels of distribution and within given marketing areas, taking into account costs of production, transportation, handling and warehousing;
- Conduct periodic inspections of all plants to (a) test product quality and bag weights, (b) check inventories, production, sales and delivery records, and (c) verify compliance with the rules and regulations that it may promulgate in connection with the domestic marketing of cement;
- Impose appropriate penalties on cement companies, their distributors and dealers for violation of any rule, quota or guideline established by the Authority;
- Establish a reporting system and maintain statistical records on the production, distribution and consumption of cement by geographic areas to serve as the basis for the efficient and economic distribution of cement;
- Negotiate and enter into contracts for the bulk purchase of materials and supplies common to all cement plants such as kraft paper, grinding balls, silica, etc., and maintain inventories of such materials where necessary to reduce operating costs of the Industry.

SEC. 5. The Cement Industry Authority may delegate such powers granted herein to such industry, association or company in which all cement companies are represented as may presently exist or be organized to assist the Authority in carrying out its functions.

This Decree shall take effect immediately.

Done in the City of Manila, this 11th day of January, in the year of Our Lord, nineteen hundred and seventy-three.

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

By the President:

(Sgd.) ALEJANDRO MELCHOR
Executive Secretary

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