

AMENDING EXECUTIVE ORDER NO. 286, SERIES OF 1949, BY REORGANIZING THE FAIR TRADE BOARD AND VESTING IT WITH MORE POWERS AND AUTHORITY

EXECUTIVE ORDER NO. 249, July 27, 1970

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WHEREAS, the cases of imitation, alteration and substitution of lawful trademarks and trade names, misbranding, mislabeling, fraudulent designation of origin, false description, adulteration, fraudulent refilling of empty containers and other methods of unfair competition and unethical trade practices, as well as violations of the laws against monopolies and combinations in restraint of trade such as collusion in price fixing, entering into any contract or conspiracy to prevent by artificial means free competition in the market or by making such transactions prejudicial to lawful commerce, are increasing in great proportions in the domestic trade of the country;

WHEREAS, these unfair methods of competition and unethical trade practices, as well as violations of the laws against monopolies and combinations in restraint of trade, constitute a menace to the economy of the country as they undermine legitimate business, impair the public revenue and prejudice the buying public; and

WHEREAS, in the interest of legitimate business and the public in general it is necessary to coordinate the efforts of various agencies of the Government and to prosecute violators of laws and unfair competition, unethical and unfair trade practices and the law against monopolies and combinations so that the evils of these nefarious practices may be eradicated and suppressed;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by law, and upon the recommendation of the Secretary of Commerce and Industry, do hereby reorganize the FAIR TRADE BOARD and vest it with more powers and authority in consonance with the demands of the times.

1. The New Board shall be composed of the following:

Secretary of Commerce and Industry

Chairman

Undersecretary of Justice

Vice-Chairman

Chairman of the Price Control Council

Member

Commissioner of Customs

Member

Commissioner of Internal Revenue

Member

Food and Drug Administrator

Member

Chief of the Philippine Constabulary

Member

President, Chamber of Commerce of the Philippines

Member

President, Consumers Union of the Philippines

Member

President, Chamber of Filipino Retailers

Member

The Director of Commerce shall be the Secretary and Executive Officer.

2. The Board shall have the following powers, duties and functions:

(a) To promulgate the necessary rules and regulations, consistent with law, for the conduct of all its business. Such rules and regulations shall take effect fifteen days after their publication once a week for two consecutive weeks in a newspaper of general circulation.

(b) To synchronize, coordinate and make more effective the activities of the various government agencies relating to the administration and enforcement of the laws and regulations governing unlawful importation and/or exportation, unfair competition, unfair trade practices or deceptive acts or practices in commerce and industry and laws against monopolies and combinations in restraint of trade, such as collusion in price fixing, entering into any contract or conspiracy to prevent by artificial means free competition in the market or by making other transactions prejudicial to lawful commerce;

(c) To take steps to prevent and suppress monopolies, price-fixing agreements, boycotts, combinations in restraint of trade, interlocking directorates and offices, fraudulent advertising, hoarding, misbranding, mislabeling, unfair methods of competition and all forms of unfair and deceptive acts or practices in commerce and industry prohibited by existing laws;

(d) To conduct, through its duly authorized agents and representatives, investigations, inspections and verifications of commercial and industrial establishments whenever necessary. In this connection, the Board shall exercise all the investigative powers of the different member-agencies, as well as the powers of an investigating committee under Section 71 and 580 of the Revised Administrative Code;

(e) After the termination of any investigation, to order any person, firm, association, partnership or corporation to cease and desist from practising or using an unfair trade method, combinations in restraint of trade, price-fixing agreements, boycotts, or deceptive acts or practices in commerce and industry, and to refer the matter to the proper courts upon failure of such person, firm, association, partnership or corporation to comply with such order or orders;

(f) To deputize, detail or call upon any official, agent employee, agency or instrumentality of the Government, whenever it is necessary, to carry out effectively the purposes of this Order; and

(g) To perform such acts allowable under existing laws as may be necessary in the effective implementation of this Order.

3. The Board shall render an annual report of its activities through its Chairman to the President of the Philippines, together with such recommendations as it may deem necessary in the furtherance of the purposes of this Order.

4. The Board shall meet at least once a month and may hold such special meetings as may be called by the Chairman.

5. All departments, bureaus, offices, agencies and instrumentalities of the National Government, including government-owned or controlled corporations, provincial, city and municipal governments, may be called upon to cooperate with and assist the Fair Trade Board in effecting prompt and successful accomplishment of its assigned duties.

6. In addition to the funds already appropriated for the Board under the General Appropriations Act, the Board may utilize, in accordance with existing laws, rules and regulations, such funds available from the amount appropriated for the Department of Commerce and Industry or from such other funds as the President of the Philippines may assign or allot to it for the proper and effective implementation of this Order.

Executive Order No. 218 dated October 18, 1949, and all other orders, memoranda or circulars or parts thereof inconsistent herewith are hereby revoked or amended accordingly.

This Order shall take effect immediately.

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

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

By the President:
(SGD.) PONCIANO G. A. MATHAY
Acting Assistant Executive Secretary

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