

AMENDING SECTION 4 OF PRESIDENTIAL DECREE NO. 388

PRESIDENTIAL DECREE NO. 775, August 24, 1975

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WHEREAS, a need exists to re-define and broaden the functions and powers of the Philippine Sugar Commission created under the provisions of Presidential Decree No. 388, dated February 2, 1974;

WHEREAS, it has become necessary to include within The functions and powers of the Philippine Sugar Commission to restore, maintain, regulate and exercise exclusive control and supervision over sugar planters and or sugar producers marketing cooperatives already in existence under laws before their appeal by the provisions of Presidential Decree No. 175, and those created pursuant to the same provisions of Presidential Decree No. 175, in order to effectively promote the integrated development scheme of the sugar industry.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, and upon the recommendation of the sugar planters, millers and traders of the Philippines through their associations and cooperatives, do hereby decree and order the creation of the Philippine Sugar Commission as follows:

SECTION 1. Section 4 of Presidential Decree No. 388 is hereby amended to read as follows:

Section 4. Powers and Functions.—The Commission shall have the following powers and functions:

- To establish policies pertaining to all phases of the sugar industry; and to inquire into other aspects of the sugar industry with a view to improving existing methods and system;
- To enter into contracts, transactions or undertakings of whatever nature which are necessary or incidental to its functions and objectives with any natural or juridical person and with any foreign government, private corporation, partnerships, institutions, or private individuals;
- To levy and collect charges, fees and contributions to finance its operation for social amelioration of the workers in the industry, and for such other purposes as the Commission may determine. The amount of the fees, charges and contributions shall be subject to the approval by the President;
- To act as the single buying and selling agency of sugar on the. quedan-permit level, in order to promote the effective merchandising and distribution of sugar;
- To determine the floor-ceiling price of sugar which will insure the planters, millers, traders, wholesalers, and retailers a fair return on their investments: Provided, That such floor-ceiling price of sugar for any crop year shall be the total anticipated cost of production per picul of sugar as determined by the Commission plus a corresponding reasonable margin of profit set by the Price Control Council or any other government agency authorized to regulate prices of commodities and service after taking into consideration the effects of devaluation and other economic factors affecting production, processing, marketing, transportation and other related expenses including the minimum wage for agricultural and industrial workers; Provided, further, That the floor-ceiling price established by the Commission shall be adjusted in direct relation to significant changes in the cost of production as determined by the Com mission and the Consumers Price Index prepared by the Central Bank of the Philippines;

- To promulgate rules and regulations to carry into effect the provisions of this Decree and impose penalties for the violation thereof;
- To assume control and/or supervision of any sugar mill or refinery that has failed to meet its financial and other contracted obligations for two years or has become inefficient in its operation;
- To organize, register, regulate and maintain exclusive control and supervision over sugar planters and sugar producers marketing cooperatives and to restore those existing under laws before their repeal by the provisions of Presidential Decree No. 175; Provided, however, that during the time the Commission under Presidential Decree No. 388 is not officially constituted, the function provided herein shall be exercised by the Sugar Quota Administration;
- To allow sugar planters and/or sugar producers marketing cooperatives to enjoy privileges and incentives heretofore granted under laws of their creation before their repeal by the provisions of Presidential Decree No. 175 and those granted by all government agencies to business organization under existing laws; Provided, that the requirements imposed therein are complied with: Provided, further, that pre-existing sugar planters and/or sugar producer's marketing cooperatives shall be entitled to the same attributes and grant of privileges and incentives as those created under existing laws; and, Provided, finally, That these pre-existing sugar planters and/or sugar producers marketing cooperatives shall apply or petition for re-registration with the Commission within a period of six (6) months from the date of promulgation of this Decree, and its existence shall be deemed to continue until the application or petition is approved or denied;
- To determine the manner and extent by which powers, privileges and incentives provided by existing laws shall be exercised or enjoyed; Provided, that the Commission shall promulgate rules and regulations to govern the promotion, organization, registration, re-registration, control and supervision of all sugar planters and sugar producers marketing cooperatives;
- To suspend the operation or cancel the registration of any sugar planters and/or sugar producers marketing cooperatives after hearing and when in its judgment based on findings, such cooperative is operating in violation of this Decree, rules and regulations, existing laws as well as the by-laws of the sugar cooperatives;
- To perform such other functions as are necessary and incidental to its purposes and objectives.

The Commission shall submit to the President of the Philippines periodic reports of its survey, studies and investigations, together with its recommendations, for appropriate action.

SEC. 2. Repealing Clause—All laws or parts of laws inconsistent herewith are hereby repealed.

SEC. 3. Effectivity—This amendatory provision shall take effect immediately.

Done in the City of Manila, this 24th day of August, in the year of Our Lord, nineteen hundred and seventy-five.

(Sgd.)

FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.)

ROBERTO V. REYES

Acting Executive Secretary

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