

CREATING THE PHILIPPINE SHIPPERS' COUNCIL

PRESIDENTIAL DECREE NO. 165, March 31, 1973

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WHEREAS, the pressing need for economic growth requires that Philippine exports be more competitive in the world markets and that the cost of imports and domestic production and consumer prices be rationalized;

WHEREAS, these objectives can be obtained faster by facilitating the movement of goods to, from and within the Philippines at reasonable and stable freight rates and other terms of shipment; and

WHEREAS, it is necessary to organize the Philippine shippers into a cohesive group to enable them to promote and protect their common interest and the economy and to negotiate with foreign shipping interests from position of strength for reasonable freight rates and optimum shipping terms;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, in order to effect the desired changes and reforms in the social, economic and political structure of our society, do hereby order and decree as part of the laws of the land the following:

SECTION 1. Title. This Decree shall be known as the Philippine Shippers' Council Decree of 1973.

SEC. 2. Statement of policy; creation and composition of the Philippine Shippers' Council. — It is hereby declared the policy of the State to facilitate the development and growth of Philippine foreign trade and the national economy by enhancing the interest of Philippine shippers. For this purpose, a non-stock corporation to be known as the Philippine Shippers' Council, hereinafter referred to as the Council, is hereby created which shall be composed of all enterprises regularly engaged in the Philippines in the business of exporting commodities, except those firms with efficient chartering operations which shall be given the option to join as members of the Council, as well as other firms which may, in the general interest, be excluded under rules to be promulgated by the Secretary of Trade and Tourism.

SEC. 3. Purposes and powers. — The Philippine Shippers' Council, which shall have its head office in the Greater Manila area, shall have the following purposes and powers:

- a. Promote and protect the common interest of Philippine exporters, importers and other commercial users of water transport, and maintain and foster close cooperation and mutual assistance among them;
- b. Conduct consultations and negotiations, on behalf of the members, with shipping companies, associations of shipping interests, government authorities and other institutions and persons, whether foreign or domestic, in order to secure appropriate vessels for the shipment of their goods, on time and at reasonable rates and other favorable shipping terms;
- c. Facilitate consultations, mediate and/or arbitrate disputes between members and between members and non-members;
- d. Serve as clearinghouse of information on shipping services and other matters of interest to Philippine shippers;
- e. Bring to the attention of the government authorities the laws, policies, rules and practices which hamper the

healthy development of Philippine trade and commerce, especially those which serve to delay or obstruct the speedy, economical and efficient carriage of merchandise, and recommend and work for appropriate legislation and the adoption of remedial measures;

f. Maintain and develop close relationships and enter into mutually-beneficial arrangements with shippers' councils and other related organizations in Asian and other countries for the attainment of the objectives of the Council;

g. Adopt a corporate seal, sue and be sued, receive donations and grants from international and domestic organizations, exercise the general corporate powers, and do all things necessary, suitable or convenient for the accomplishment of any of the objectives stated herein or the promotion, directly or indirectly, of the interest of the corporation; and

h. Attend, participate and/or present its views in meetings concerning promulgation of national shipping policies and government assistance in promoting the export and import trades, in securing reasonable freight rates from international shipping conferences and non-conference lines and trampers and in obtaining favorable tariff and customs treatment for Philippine commodities entering foreign markets.

SEC. 4. Governing board. — The Council shall be governed by a Board of Directors consisting of fifteen members, eight of whom shall be appointed by the President of the Philippines from nominees of major commodity groups into which the members shall be classified. The remaining directors shall be elected by the members of the Council. The term of office of the members of the Board shall be three years and they may be re-appointed or re-elected, as the case may be. The members of the Board shall elect from among themselves a Chairman and a Vice-Chairman: Provided, That, during the first two years of the Council, the Secretary of Trade and Tourism shall serve as Chairman of the Board.

a. The Board shall prescribe guidelines and rules for compliance by the members, which shall enhance the collective strength of the Council, promote ethical conduct among the members and provide for effective management of the affairs of the Council.

b. The Board shall approve an annual and such supplemental budgets as may be necessary for the administration and operation of the Council.

SEC. 5. Sources of funds. — The members shall pay such fees, dues and other contributions as the Board of Directors may determine. However, in order to assist it during its formative years, the amount of Two hundred and fifty thousand pesos is hereby appropriated annually for two years from the general funds of the National Government as counterpart contribution for the administration and operation of the Council.

SEC. 6. Assistance of financial and other agencies. — The Central Bank of the Philippines, the Development Bank of the Philippines, the Philippine National Bank, the Philippine Export Credit Insurance and Guarantee Corporation, the Board of Investments, the Bureau of Customs, the Philippine Coast Guard and other government offices and instrumentalities as well as private financial institutions are hereby enjoined to extend the necessary assistance to the Council and its members, particularly in the extension of incentives, credits, financing and facilities. During its first two years, the Council, while operating as a private corporation, shall be attached to the Department of Trade and Tourism, through the Secretary, for direction and supervision and for coordination of the efforts of government authorities to assist the Council.

SEC. 7. Council Secretariat. — The Council shall have a Secretariat to be headed by an Executive Secretary who shall be appointed by the Board for a term of six years.

SEC. 8. Implementing rules. — The Secretary of Trade and Tourism shall promulgate the necessary rules and regulations to implement this Decree.

SEC. 9. Repealing Clause. — All provisions of existing laws, orders and rules which are contrary to or inconsistent

with this Decree are hereby repealed or modified accordingly.

SEC. 10. Effectivity. — This Decree shall take effect immediately.

Done in the City of Manila, this 31st day of March, in the year of Our Lord, nineteen hundred and seventy-three.

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) ROBERTO V. REYES

Assistant Executive Secretary

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