

AMENDING PRESIDENTIAL DECREE NO. 135, ENTITLED "CREATING THE FERTILIZER INDUSTRY AUTHORITY";

PRESIDENTIAL DECREE NO. 669, March 11, 1975

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WHEREAS, recently, there has been a pronounced upsurge in the occurrence of irregularities and anomalies in the sale and/or distribution of food crop fertilizers;

WHEREAS, such irregularities, undermining as they do the government policy of making the nation self-sufficient in agricultural staple foods, constitute economic sabotage requiring immediate and effective positive action on the part of the Government;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order:

SECTION 1. Presidential Decree No. 135 (Creating the Fertilizer Industry Authority) is hereby amended by adding after Section 5 thereof the following sections, which shall read as follows:

"SEC. 6. It shall be unlawful for any manufacturer, producer, processor, trader, dealer, distributor or outlet of food crop fertilizers or for any farmer, planter or end-user of the same as the case may be,—

"(a) To divert food crop fertilizers to any other purpose or use;

"(b) To re-allocate, transfer or resell food crop fertilizers to other persons, corporations, partnerships or entities, without the prior approval of the Fertilizer Industry Authority;

"(c) To alter or otherwise change the contents, quality, quantity, weight or grade of food crop fertilizers or to substitute or change the original containers thereof;

"(d) To impose as a condition for the purchase of food crop fertilizers the simultaneous purchase of pesticides or other articles;

"(e) To purchase, sell or transact any other business in food crop fertilizer coupons; or

"(f) For any farmer, planter or end-user of food crop fertilizers to fail to use the same during the agricultural year when it was duly procured or obtained.

"SEC. 7. It shall likewise be unlawful for any common carrier to accept, load or transport food crop fertilizers without a written permit from the Fertilizer Industry Authority."

"SEC. 8. For the purposes hereof, the following terms shall be understood in the sense hereinbelow indicated:

"(a) 'Food crop fertilizers' shall include all kinds, types or grades of fertilizers from whatever source which are intended for palay, corn, sorghum, soybeans and vegetables;

"(b) 'Divert' or 'diversion' shall refer to any act of varying the purpose or use of food crop fertilizers from that for which they are originally intended as provided for in the rules and regulations issued or promulgated by the Fertilizer Industry Authority."

"SEC. 9. The Fertilizer Industry Authority is hereby authorized to issue or promulgate rules and regulations to implement, and carry out the purposes of this Decree."

"SEC. 10. Any person who violates any of the provisions of this Decree, or any of the provisions of the rules and

regulations issued or promulgated by the Fertilizer Industry Authority, shall be punished by imprisonment of not less than 15 years and 1 day nor more than 20 years if the amount involved is more than P50,000; by imprisonment of not less than 10 years and 1 day nor more than 15 years if the amount involved is more than P10,000 but does not exceed P50,000; and by imprisonment of not less than 5 years and 1 day nor more than 10 years if the amount involved is P10,000 or less, as well as a fine ranging from an amount equal to the value involved to three times such value, but which shall in no case be less than P5,000 nor more than P20,000; provided, that if falsification of a public or commercial document is committed by reason or on the occasion of the commission of any of the acts punishable herein, the offender shall be imposed the maximum fine and term of imprisonment as above prescribed."

"SEC. 11. The prosecution and conviction for violation of any provision of the rules and regulations issued or promulgated hereunder by the Fertilizer Industry Authority pursuant to the provisions of Section 5 hereof."

SEC. 2. Section 6 of Presidential Decree No. 135 is changed to Section 12.

SEC. 3. Section 3, paragraph 13, of Presidential decree No. 135 is hereby repealed.

SEC. 4. This Decree shall take effect immediately.

Done in the City of Manila, this 11th day of March, in the year of Our Lord, nineteen and seventy-five.

(Sgd.)

FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.)

ALEJANDRO MELCHOR

Executive Secretary

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