

AN ACT TO REGULATE THE RELATIONS AMONG PERSONS ENGAGED IN THE SUGAR INDUSTRY

REPUBLIC ACT NO. 809, June 22, 1952

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. In the absence of written milling agreements between the majority of planters and the millers of sugar-cane in any milling district in the Philippines, the unrefined sugar produced in that district from the milling by any sugar central of the sugar-cane of any sugar-cane planter or plantation owner, as well as all by-products and derivatives thereof, shall be divided between them as follows:

Sixty per centum for the planter, and forty per centum for the central in any milling district the maximum actual production of which is not more than four hundred thousand piculs: Provided, That the provisions of this section shall not apply to sugar centrals with an actual production of less than one hundred fifty thousand piculs.

Sixty-two and one-half per centum for the planter, and thirty-seven and one-half per centum for the central in any milling district the maximum actual production of which exceeds four hundred thousand piculs but does not exceed six hundred thousand piculs;

Sixty-five per centum for the planter, and thirty-five per centum for the central in any milling district the maximum actual production of which exceeds six hundred thousand piculs but does not exceed nine hundred thousand piculs;

Sixty-seven and one-half per centum for the planter, and thirty-two and one-half per centum for the central in any milling district the maximum actual production of which exceeds nine hundred thousand piculs but does not exceed one million two hundred thousand piculs;

Seventy per centum for the planter, and thirty per centum for the central in any milling district the maximum actual production of which exceeds one million two hundred thousand piculs.

By actual production is meant the total production of the mill for the crop year immediately preceding.

SEC. 2. The share of the planter fixed in section one of this Act shall not be diminished directly or indirectly by deductions for cost of storage, transportation, and other facilities incidental to the milling process.

SEC. 3. Neither the enforcement of this Act nor anything contained herein shall be deemed sufficient and just can for the reduction of the wages of workers employed in sugar centrals, for the withdrawal or cancellation of any benefits, facilities, privileges, or other concessions heretofore granted to them, or for the temporary lay-off or permanent dismissal of any of the said workers.

The provisions of Commonwealth Act Numbered One hundred and three, and the Rules of the Court of Industrial Relations promulgated thereunder, shall be made applicable to such actions.

SEC. 4. In the event that any central shall be unable to arrive at a milling agreement with a majority of the planters affiliated with it, and shall refuse to mill the sugar-cane of such planters in the absence of such an

agreement, the President of the Philippines shall issue a proclamation declaring that, in the interest of the national welfare, the Government of the Philippines has taken over the central concerned, and thereupon the central shall be operated in the name and under the authority of the Government by an administrator to be appointed in the court proceeding provided for in section seven of this Act.

SEC. 5. In the absence of a milling agreement with the central as referred to in section one hereof, and the planter or plantation owner shall refuse or shall neglect to plant more than two-thirds of his lands previously under cultivation to sugar-cane, unless it shall be for the causes set forth in section four of this Act, the President of the Philippines, in order to avoid a deficiency or delinquency of the national quota, shall issue a proclamation similar to that provided for in the next preceding section, and thereupon an administrator to administer and operate the plantation in the name and under the authority of the Government, shall be appointed in the court proceeding provided for in section seven of this Act.

SEC. 6. The proclamation provided for in the next two preceding sections shall not be issued unless the prevention-interruption, or cessation of the milling of sugar by the central concerned, or unless the refusal or neglect of the cultivation of sugar-cane by the planter concerned, shall in the judgment of the President, lead to a deficiency or delinquency in the filling of the entire national quota for any particular year.

The operation of the central or the administration of the plantation in the name and under the authority of the Government shall continue as long as the central or the planter shall refuse to mill or to cultivate sugar-cane in the absence of an agreement and as long as such refusal shall lead to the deficiency or delinquency fixed in the next preceding paragraph.

SEC. 7. Upon the issuance of the presidential proclamation, the Solicitor General shall file a petition before the Court of First Instance of the province where the central or plantation concerned is situated, praying the court to appoint an administrator for the said central or plantation, as well as to ascertain the just compensation to be paid for the temporary operation or administration of the same. The administrator so appointed shall have the same powers and duties as a receiver, and the provisions of the Rules of Court governing receivers shall be applicable to the said administrator in so far as they are not inconsistent with the provisions of this Act.

The central or planter or plantation owner shall be notified of the petition and shall be entitled to be heard upon the questions raised therein.

In the same proceedings the central or planter or plantation owner may raise, as a preferential question, the legality or propriety of the presidential proclamation, and this issue shall be decided before the ascertainment of compensation is considered: Provided, however, That the presidential proclamation shall be in full force and effect and shall not be interfered with in any way until final judgment is rendered declaring it illegal or unwarranted.

SEC. 8. The compensation to the central, or planter or Plantation owner shall be paid out of the proceeds of the operation which would have corresponded to the said central or planter or plantation owner, with due regard for the costs of operation or administration and such other charges and deductions as the court may deem just and proper.

Nothing in this Act shall be deemed to affect the agreement between the Republic of the Philippines and the United States of America concerning trade and related matters during a transitional period following the institution of Philippine Independence, and the protocol and annexes thereof, as proclaimed on the first day of January nineteen hundred and forty-seven.

SEC. 9. In addition to the benefits granted by the Minimum Wage Law, the proceeds of any increase in the

participation granted the planters under this Act and above their present share shall be divided between the planter and his laborer in the plantation in the following proportion:

Sixty per centum of the increased participation for the laborers and forty per centum for the planters. The distribution of the share corresponding to the laborers. shall be made under the supervision of the Department of Labor.

The benefits granted to laborers in sugar plantations under this Act and in the Minimum Wage Law shall not in any way be diminished by such labor contracts known as "by the piece," "by the volume," "by the area," or by any other system of "pakyaw," the Secretary of Labor being hereby authorized to issue the necessary orders for the enforcement of this provision.

SEC. 10. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 11. In order to secure the correct weight of cane and the accurate sampling and analysis of the juice from which the quantity of sugar due the planters is obtained in the manufacture of sugar, and to insure that the laborers benefited by this law will have the full benefits due them, all mills are hereby required to install automatic equipment for the weighing of sugar-cane and sampling of planters' juice upon approval of this law.

SEC. 12. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 13. This Act may be cited as "The Sugar Act of 1952."

SEC. 14. This Act shall take effect upon its approval.

Enacted without Executive approval, June 22, 1952.

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