

[REPUBLIC ACT NO. 911, June 20, 1953]

**AN ACT CREATING A TARIFF COMMISSION, DEFINING ITS
POWERS, AND FOR OTHER PURPOSES.**

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

SECTION 1. There is hereby created a Tariff Commission (hereinafter referred to as the "Commission") composed of three members appointed by the President with the consent of the Commission on Appointments. The members of the Commission shall hold office during good behavior unless sooner removed in accordance with law.

SEC. 2. No person shall be eligible for appointment for Commissioner, unless he is a natural-born citizen of the Philippines and in the judgment of the President is possessed of qualifications requisite for developing knowledge of tariff problems. The members of the Commission shall not, during their continuance in office, engage in the practice of any profession, or intervene directly in the management or control of any private enterprise which may, in any way, be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government, or any subdivision or instrumentality thereof.

SEC. 3. The Chairman of the Commission shall receive a salary of twelve thousand pesos per annum while each member shall receive a salary of eleven thousand pesos *per annum*.

The Commission may contract or engage the services of special experts from foreign countries under such terms and conditions as the Commission may determine.

The Commission shall appoint a secretary who shall receive a salary of not more than eight thousand four hundred pesos *per annum*. Only persons who are experienced in, or in their absence those who are fairly qualified to comprehend, tariff problems may be considered for appointment as secretary of the Commission.

With the exception of the secretary, a clerk to each Commissioner and such special experts as the Commission may from time to time find necessary to conduct its work, all employees of the Commission shall be appointed from a list of eligibles to be supplied by the Civil Service Commission in accordance with the Civil Service Law.

SEC. 4. The Commission is authorized to adopt an official seal, which shall be judicially noticed.

SEC. 5. It shall be the duty of the Commission to investigate the administration, fiscal and industrial effects of the tariff laws of this country now in force or which may be hereafter enacted, the relations between the rates of duty on raw materials

and finished or partly finished products, the effects of *ad valorem* and specific duties and of compound specific and *ad valorem* duties, all questions relative to the arrangement of schedules and classification of articles in the several schedules of the tariff law, and, in general, to investigate the operation of customs and tariff laws, including their relation to the national revenues, their effect upon the industries and labor of the country and to submit reports of its investigations as hereafter provided.

SEC. 6. The Commission shall have power to investigate the tariff relations between the Philippines and foreign countries, commercial treaties, preferential provisions, economic alliances, the effect of export bounties and preferential transportation rates, the volume of importations compared with domestic production and consumption, and conditions, causes, and effects relating to competition of foreign industries with those of the Philippines, including dumping and cost of production.

SEC. 7. In order that the President and the Congress may secure information and assistance, it shall be the duty of the Commission to—

- a. Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of the Philippines of articles of the Philippines, whenever in the opinion of the Commission it is practicable;
- b. Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of foreign countries of articles imported into the Philippines whenever in the opinion of the Commission such conversion costs or costs of production are necessary for comparison with conversion costs or costs of production in the Philippines and can be reasonably ascertained;
- c. Select and describe articles which are representative of the classes or kinds of articles imported into the Philippines and which are similar to or comparable with articles of the Philippines; select and describe articles of the Philippines similar to or comparable with such imported articles; and obtain and file samples of articles so selected, whenever the Commission deems it advisable;
- d. Ascertain import costs of such representative articles so selected;
- e. Ascertain the grower's, producer's, or manufacturer's selling prices in the principal growing, producing, or manufacturing centers of the Philippines of the articles of the Philippines so selected; and
- f. Ascertain all other facts which will show the differences in or which affect competition between articles of the Philippines and imported articles in the principal markets of the Philippines.

SEC. 8. When used in this section and in section seven—

- a. The term "article" includes any commodity, whether grown, produced, fabricated, manipulated, or manufactured;
- b. The term "import cost" means the price at which an article is freely offered for sale in the ordinary course of trade in the usual wholesale quantities for exportation to the Philippines plus, when not included in such price, all necessary expenses, exclusive of customs duties, of bringing such imported article to the Philippines.

SEC. 9. The Commission shall put at the disposal of the President of the Philippines, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, whenever requested, all information at its

command, and shall make such investigations and reports as may be requested by the President or by either of said committees or by either branch of the Congress, and shall report to Congress on the first Monday of December of each year hereafter a statement of the methods adopted and all expenses incurred, and a summary of all reports made during the year.

SEC. 10. For the purposes of carrying this Act into effect the Commission or its duly authorized agent or agents shall have access to and the right to copy any document, paper, or record, pertinent to the subject-matter under investigation, in the possession of any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation, and shall have power to summon witnesses, take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation. Any member of the Commission may sign *subpoenas*, and members and agents of the Commission, when authorized by the Commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

SEC. 11. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the Philippines at any designated place of hearing at Government expense. And in case of disobedience to a *subpoena* the Commission may invoke the aid of any municipal or justice of the peace court of the Philippines or any court of competent jurisdiction in the place of hearing requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a *subpoena* issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the Commission, or to produce documentary evidence if so ordered or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 12. Upon the application of the Solicitor General of the Philippines, at the request of the Commission, any Court of First Instance within the city or province in which the inquiry is being made shall have jurisdiction to issue writs of *mandamus* commanding compliance with the provisions of this Act or any order of the Commission made in pursuance thereof.

SEC. 13. The Commission may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person, firm, copartnership, corporation, or association, may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinbefore provided.

SEC. 14. No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the *subpoena* of the Commission: but no natural person shall be prosecuted or