

[Act No. 3247, December 01, 1925]

AN ACT TO PROHIBIT MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same.

SECTION 1. Every agreement, contract, conspiracy, or combination in the form of trust or otherwise, in restraint of trade or commerce or intended to prevent or preventing by artificial means free competition in the market, is hereby declared to be illegal, and any person who shall make any such contract or engage in any such combination or conspiracy shall be punished by fine not exceeding five thousand pesos, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize by artificial means restraining' free competition in the market, any part of trade or commerce, shall be punished by fine not exceeding five thousand pesos, or by imprisonment not exceeding one year, Or by both such fine and imprisonment, in the discretion of the court.

SEC. 3. Every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons either of whom, as agent or principal, is engaged in importing any article from any foreign country into the Philippine Islands, and when such combination, conspiracy, trust, agreement, or contract is' intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the Philippine Islands of any article or articles imported or intended to be imported into the Philippine Islands, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this Act, or who shall combine or conspire with another to violate the same, shall be punished by fine not exceeding five thousand pesos, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. The Supreme Court and the Courts of First Instance shall have concurrent jurisdiction to prevent and restrain violations of this Act; and it shall be the duty of the Attorney-General, the Fiscal of the City of Manila and the provincial fiscal, or whoever may act in their stead, to institute proceedings to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.