

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 371
FIXING THE MAXIMUM SELLING PRICES OF CERTAIN ARTICLES OF
PRIME NECESSITY AND PROMULGATING RULES AND REGULATIONS
FOR THE ENFORCEMENT THEREOF

Pursuant to the authority vested in me by Commonwealth Act No. 600, as amended by Commonwealth Act No. 620, and upon recommendation of the Emergency Control Board, I, MANUEL L. QUEZON, President of the Philippines, do hereby determine and fix the maximum selling prices of articles of prime necessity as specified in the attached schedules Nos. 1 to 65, and prescribe the following rules and regulations for the enforcement thereof:

1. (a) The basic maximum prices set forth in the attached schedules for motor fuel alcohol, reinforcing steel bars, cement, corn, corned beef, wheat flour, corn and tapioca flours (gawgaw), gasoline, vegetable lard, milk, meat, mungo, nails, petroleum, rice, sardines, centrifugal sugar, galvanized iron sheets and plain galvanized wire, shall apply in Manila and other chartered cities, in the various provincial capitals and distributing centers and in the special municipalities of the province of Romblon specified in the aforementioned schedules.

(b) No brand or class of article, the same as, or similar to, any of the basic commodities particularly described in the attached schedules for which a maximum price has not been fixed, shall be sold at prices higher than the maximum prices fixed for the lowest-priced brands or class of the same articles; unless, upon proper application, such other brand or class of article shall have been determined by Special Permit issued by the Emergency Control Administrator to be of a class the same as, or similar to, any of the higher-priced basic commodities.

2. The maximum prices at the various municipalities and municipal districts in each province outside of the provincial capital or distributing centers shall be the basic prices specified in the attached schedules or any other schedule which in the future may be appended hereto, or which may be fixed by Special Permit issued by the Emergency Control Administrator, plus the usual cost of transportation from the provincial capital or distributing centers to the place of sale, until such time as a determination on such usual cost of transportation shall have been made by the Provincial Committee of the Emergency Control Board and such determination shall have been given the publicity required in paragraph 9 hereof.

3. (a) The Committee created in every province by Executive Order No. 233, dated November 8, 1939, composed of the Governor as chairman, and the Provincial Treasurer and the District Engineer as members, shall continue to function with the duties hereinbelow specified and shall hereafter be known as the Provincial Committee of the Emergency Control Board. The Provincial Treasurer shall act as the secretary of the Committee.

(b) It shall be the duty of the Provincial Committee, within three days from the date of receipt of this Executive Order or its amendments or of any Special Permit issued by the Emergency Control Administrator, to determine the usual cost of transportation between the provincial capital or other

distributing center and each of the various municipalities or municipal districts within the province for the purposes of paragraph 2 hereof.

(c) The determination by the Provincial Committee on this matter shall be embodied in a Provincial Emergency Control Order, serially numbered, fixing the maximum retail selling price of each essential article in each municipality or municipal district, for which a basic maximum selling price has been fixed by the Executive Order or Special Permit for the capital of the province or other distributing center. (The form of the schedules to be used in connection with the fixing of maximum selling prices by the Provincial Committee should be patterned after the form attached hereto and marked Appendix A.) The Provincial Emergency Control Order thus issued shall be given the publicity required in paragraph 9 of this Order.

4. (a) The Emergency Control Administrator is hereby empowered to issue Special Permits to importers, producers, manufacturers, wholesalers and retailers to trade at prices higher than those fixed in this Executive Order or in other Executive Orders amendatory hereto, when said importers, producers, manufacturers, wholesalers and retailers submit satisfactory evidence that:

- (i) The c.i.f price Philippine port of the commodity to be traded in has increased over the c.i.f. price Philippine port of the dealers' present stock;
- (ii) That the cost of production has so increased as to allow producers or manufacturers no reasonable margin of profit if required to sell their products and manufactures at the prices fixed for such commodities; and
- (iii) That the stock of the importer, producer, manufacturer, wholesaler or retailer at the time of the issuance of this Executive Order has been exhausted or will soon be exhausted and that new replacement stock must be imported, produced or manufactured at a higher cost.

(b) Upon receipt of satisfactory evidence that the c.i.f prices of any of the commodities mentioned in paragraph 1 of this Executive Order have declined, or are sold in a distributing center or centers at prices far below the maxima fixed in the attached schedule, the Emergency Control Administrator shall have the power to reduce by Emergency Order the maximum selling prices set forth in the attached schedules of such commodities and shall further have the authority to direct the Provincial Committee to reduce proportionately the prices thereof in the municipalities and municipal districts of their respective provinces.

(c) No such Special Permit to sell at prices higher than those fixed in this Executive Order shall authorize a sale in every transaction for a price higher than twenty per cent over the cost price thereof.

5. The Emergency Control Administrator shall also be authorized:

- (a) To appoint agents, or officers or employees of the National, provincial or municipal governments and government-owned or controlled corporations or entities, for the purpose of conducting such investigations and surveys as he may deem necessary; or to designate Internal Revenue agents as his deputies, subject to the approval of the Secretary of Finance;
- (b) To prescribe such forms and issue such preliminary Special Permits or such Emergency Orders as may be necessary to make effective the exercise of the authority herein vested in him;
- (c) To cause the inspection of bodegas, and/or storerooms, of importers, manufacturers, producers, wholesalers or retailers where stocks of essential commodities are stored; and

- (d) To require importers, purchasers, manufacturers, wholesalers and retailers to keep records of their stocks of commodities specified in the attached schedules, subject to inspection by himself, or by his agents or deputies.

6. The prices fixed in the schedules attached to this Executive Order or any subsequent ones, shall remain in force until revoked, altered or modified by Executive Order issued by the President of the Philippines or by Special Permit or Emergency Orders issued by the Emergency Control Administrator and such alteration or amendment shall have been made known to the public as provided in paragraph 9 hereof. The prices herein fixed are maximum retail selling prices, and importers, producers, manufacturers in selling to retailers must allow retailers a reasonable percentage of profit.

7. The maximum prices herein fixed shall not apply to purchases made by the Government of the Commonwealth of the Philippines or by any of its subdivisions, agencies, or instrumentalities, or by the Government of the United States or any of its agencies or instrumentalities, where such purchases call for articles of higher quality or different specifications than those ordinarily required of the articles listed in the attached schedules or in any other schedules which in the future may be appended hereto.

8. All complaints regarding the non-observance of this Order and its amendments, or of any Special Permit or Emergency Order issued by the Emergency Control Administrator, or the improper observance thereof by means of misrepresentation or misleading description affecting the class, weight, gauge or quality of the article being sold and for which a price has been fixed, shall be reported to the City Fiscal or Provincial Fiscal, as the case may be, and a copy of such report shall be forwarded to the Emergency Control Administrator at Manila.

9. (a) This Executive Order or its amendments, together with its schedules, or any Special Permit or Emergency Order issued by the Emergency Control Administrator, shall take effect in any distributing center forty-eight hours after its publication by the posting of the same in conspicuous places in the provincial, city and municipal buildings, school houses and public market or markets. Likewise, Provincial Emergency Control Board's Orders issued by the Provincial Committee and schedules fixing maximum selling prices of essential commodities fixed by it for the various municipalities or municipal districts within its jurisdiction shall also be given due publicity by the posting of such orders and schedules in conspicuous places in the municipal buildings, school houses and public market or markets forty-eight hours after their publication. Governors and mayors of cities, municipalities and special municipalities and municipal districts are hereby instructed to give such portions of this Executive Order or its amendments or Special Permits or Emergency Orders corresponding to their respective province, city or municipality, as the case may be, the widest possible publicity thru "bandillos" or public criers and otherwise.

(b) It shall be the duty of every mayor of any city, municipality, or municipal district to furnish each and every retail store owner selling any of the essential commodities listed herein within his jurisdiction with a copy of the schedules appended hereto or issued by the Emergency Control Administrator or by the Provincial Committee.

(c) All retail store owners throughout the Philippines who handle articles for which prices have been fixed by this Executive Order or its amendments, or by Special Permit issued by the Emergency Control Administrator, are hereby required to post in a conspicuous place at the entrance to their stores complete list of such of said articles as they may be selling to the public with their respective local maximum selling prices.

(d) In addition to its publication in full in the Official Gazette, this Executive Order shall also be published once in a daily newspaper in English, and once in a daily newspaper in Spanish, both of general circulation.

10. Any person, firm or corporation who shall sell any article included in the attached schedules or subsequent ones or in Special Permits or Emergency Orders issued by the Emergency Control Administrator at prices in excess of the maximum selling prices therein fixed, or defy or disobey any lawful order issued by the Emergency Control Administrator or obstruct the Emergency Control Administrator or his agents in the performance of their duties, or fail to post the list as required in paragraph 9(c) hereof, or violate any provision of this Order shall be punished as provided in Article 3 of Commonwealth Act No. 600.

11. This Executive Order supplants and supersedes Executive Order No. 233, dated November 8, 1939, Executive Order No. 236, dated November 29, 1939, and Executive Order No. 237, dated November 29, 1939, and Executive Order No. 248, dated January 2, 1940, but shall not affect any prosecution, suit, action or proceeding already commenced or any act done at the time of or before, the issuance of this Executive Order. As to all such prosecutions, suits, actions, proceedings or acts, the above-enumerated Executive Orders and all other orders issued pursuant to the authority conferred by Commonwealth Act No. 498 are hereby continued in force and effect.

Done at the City of Manila, this 2nd day of October, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

(SGD.) MANUEL L. QUEZON

By the President:
(SGD.) JORGE B. VARGAS
Secretary to the President

Source: Presidential Museum and Library

Office of the President of the Philippines. (1941). *[Executive Order Nos.: 335 - 400]*. Manila: Presidential Museum and Library.