

assembly lines. The week's output topped that of the previous week by more than 4,000 units, despite the fact that cutbacks went into effect at some of the plants.

As of January 22, 1949, United States manufacturers had produced 232,342 passenger cars and 80,119 trucks, or a total of 312,461 units.

The goal for the month of January was set at 446,500 units; up to January 29 the industry has produced a total of 423,898 units.

Prices of motor cars remain high despite the recent reductions of from \$10 to \$40 on certain units of one of the major producers of motor cars.

Price reduction on the various makes will be based on labor demands in the future.

The entire industry is looking forward to a bigger year, barring strikes, and shutdowns due to shortage of materials, than it had in 1948, in which year it produced approximately 5,500,000 cars and trucks. With this greater production, the long waiting-lists and the black-market business should disappear; this has already been realized with respect to some makes and models which are becoming hard to sell in the United States and overseas markets.

Automobile shows seem to be the big thing in the United States, and by late fall most manufacturers will be ready to display their new post-war models. Several of the leading manufacturers plan individual shows to present their models to the public.

This brings up the idea of a local automobile show in the Philippines. It would be a good thing to have a show here, with all the various automobile distributors participating to demonstrate to Philippine buyers just what has been accomplished by the automobile manufacturers since the war.

Textiles

BY JAMES TRAYNOR

THE slump in the local textile market which first showed itself toward the end of January, continued throughout the month of March. Importers report that practically all sales are being made at prices below replacement, and that their inventories are not being reduced due to the continued large arrivals.

During March the arrivals were larger than expected and amounted to about half the average of January and February.

The situation is such that there was practically no new buying from abroad during March.

Food Products

BY C. G. HERDMAN
Director, Trading Division
Marsman & Company, Inc.

THERE has been no change in the Philippine market on imported foodstuffs during the month of March, and remarks in the last two issues of the *Journal* apply in full today.

The market is faced with continued overstocks on major food products staples and importers are forced to continue sales, in most cases, at a loss as

compared with both actual costs and replacement costs, if they are to show any volume sales. There would seem to be no grounds to anticipate any change in this condition for some time to come. As a matter of fact, even worse conditions should be anticipated as goods entering into consumption continue to decrease in volume and cannot be expected to increase before June or July.

Legislation, Executive Orders, and Court Decisions

BY EWALD E. SELPH
Ross, Selph, Carrasco & Janda

IN the case of Li Kim Tho vs. Sanchez & Go Sui Kao the Supreme Court said:

"As the lease to Li Kim Tho is from month to month and the Lessee has not given up the lease, tacit renewal must be presumed until the Lessor gives proper notice to terminate it."

This was a case in which a sublessee tried to avoid ejection by attempting to go around his sub-



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lessor and make a new deal with the owner of the property. The original lessee was sustained in his right to possession.

In the case of Batangas Transportation Co. (L-1706, March 10, 1949) the Supreme Court affirmed the decision of the Court of Industrial Relations in finding dismissal to be too severe a penalty for misconduct of an employee and that suspension during the period from his dismissal to the date of the decision ordering his reinstatement was sufficient punishment. The Supreme Court said:

"Discipline is, indeed, essential to the smooth running of a public service such as that of the petitioners. But the stern rules of discipline must be applied with fairness and justice. This means that a laborer should not be dismissed for unimportant infractions and that before he is deprived of his job he should be given a fair hearing.

"Under the circumstances of this case, we find no ground for disturbing the order of the Court of Industrial Relations which acted within the ample bounds given it by law. There is no showing that said Court has committed an error of law in the selection of a specific measure for the solution of the particular conflict submitted to it. It merely modified the penalty imposed in its original decision in view of a circumstance it had previously failed to consider."

The dissenting opinion of Mr. Justice Perfecto sets forth his view on a norm of conduct for both employer and employee.

Mr. Justice Perfecto said:

"We yield to no one in upholding just rights and privileges of employees and laborers. At the same time, we are not to relieve them from their responsibilities to themselves

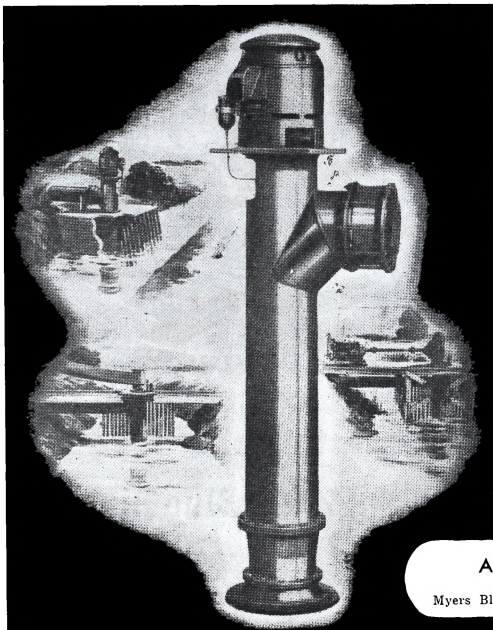
and to society. Employees and laborers have duties to perform, and they should perform them conscientiously if they are to preserve their own rights and privileges and not to disrupt the orderly processes that are essential to keep society a going concern. Violation of those duties would impair the welfare of the community.

"Success of industries and public services is the foundation upon which just wages may be paid. There cannot be success without efficiency. There cannot be efficiency without discipline. Consequently, when employees and laborers violate the rules of discipline, they jeopardize not only the interest of the employer, but also their own. In violating the rules of discipline, they aim at killing the hen that lays the golden eggs. Laborers who trample down the rules set for an efficient service are, in effect, parties to a conspiracy, not only against capital, but also against labor. The high interests of society and of the individuals demand that we should insist in requiring everybody to do his duty. That demand is addressed not only to employers but also to employees."

The Supreme Court rendered another opinion on payments of pre-war debts in Japanese currency. In the case of Araneta vs. Philippine Trust Company, March 17, 1949, the Supreme Court said:

"In the case of A. Laurel v. E. B. Misa, this Court held:

"Considering that, although the military occupant is enjoined to respect or continue in force, unless absolutely prevented by the circumstances, laws that enforce public order and regulate the social and commercial life of the country, he has, nevertheless, all the powers of a de facto government and may, at his pleasure, either change the existing laws or make new ones when the exigencies of the military service demand such action, that is, when it is necessary for the occupier to do so for the control of the country and the protection of his army, subject to the restrictions or limitations imposed by the Hague Regulations, the usages established by civilized nations, the laws of humanity and the requirements of public conscience (Peralt v. Director of Prisons, supra; 1910 U. S. Community of Land Warfare, 76, 77); and that, consequently, all acts of the



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military occupant dictated within these limitations are obligatory upon the inhabitants of the territory, who are bound to obey them, and the laws of the legitimate government which have not been adopted, as well as those which, though continued in force, are in conflict with such laws and orders of the occupier, shall be considered as suspended or not in force and binding upon said inhabitants." (A. Laurel v. E. B. Misa, et al., G. R. No. L-409, pp. 3-4, minute resolution.)

"And in the case of *Haw Pia v. China Banking Corporation* we held that, under the rules of Public International Law, the right of the military occupant, in the exercise of his governmental power, to order the liquidation of enemy banks and the reopening of others in the occupied enemy territory, as well as to issue military currency as legal tender, has never been seriously questioned.

"In view of the foregoing, it is evident that the payment made by the respondent-appellee and accepted by the petitioner-appellant during the Japanese occupation in compliance with the said orders of the Japanese military occupant, can not be considered as made under a collective and general duress, because an act done pursuant to the laws or orders of competent authorities can never be regarded as executed involuntarily or under duress or illegitimate constraint or compulsion that invalidates the act."

OFFICE OF THE PRESIDENT

(Continued from page 152)

the second, but hopes to break even this year. He declares it would be to the interest of the bondholders to allow the Company to rehabilitate itself, but that if they are willing to make a compromise settlement, he believes President Quirino would be receptive. Before the war, he states, they offered to sell their bonds at 80%, but they are demanding 100% today.

Announced that the Central Bank will soon issue a new set of paper currency notes in denominations of from P1 to P500. They will bear the inscription, "This note is a liability of the Central Bank of the Republic of the Philippines", and another one, "This note is a legal tender in the Philippines, for all debts, both public and private".

The Cabinet names the delegation which will represent the Philippines at the Bangkok ECAFE conference, opening March 28, it being composed of I. Coscoluela, PRATRA manager, S.R. Mendinueto, Director of Commerce, Blas Gomez (textile engineer), and J. E. Valmonte (Central Bank).

Under-Secretary of Foreign Affairs F. Neri informs the Cabinet of the report that some 200 Chinese communist troops have occupied Ita Ala, 210 miles from Palawan, but outside Philippine territorial treaty limits. A 3-man U.S. Army grave-registration team made the discovery recently. President Quirino states that when he was Secretary of the Interior before the war he made representations to the United States recommending that both the Karafuto and Turtle Island groups be claimed for strategic and defense reasons; the latter group was ceded to the Philippines last year.

New Import Control Orders and Circulars

Official Sources

February 7, 1949

CIRCULAR 6 (Revised)

Licenses For Articles Used As Samples

Articles under control brought in or sent to importers or indentors in the Philippines as samples shall be allowed to come in without their being charged to quotas. The manner of clearing them is as set forth in Circular 8. There is no need of applying for a license beforehand.

Licenses For Articles For Personal Use

Articles under control for personal use and not for resale shall be allowed to enter the Philippines by mail, air or ship. The manner of clearing them upon arrival in the Philippines is as set forth in Circular 8. When the value of such articles does not exceed P200.00, no application is necessary at the time the order is placed. For orders above P200.00, an application to import the controlled articles must be filed with the Import Control Office so that the license number can be executed with the order and placed on the Consular Invoice as required by Executive Order No. 194.

When the controlled articles are to be brought in by passengers, the applications must be filed with the Philippine Consulates abroad.

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Rayon Price Limits

The price limits set for Rayon fabrics in Appendix "H" of Executive Order No. 193 apply to cloths of single width not to exceed 40". The price limits for cloths with widths over 40" are two times those of single width.

Chandeliers (Item 13.2)

For purposes of the Import Control Law, CHANDELIERS are defined as lighting fixtures with more than six (6) outlets for lights. Chandeliers with six (6) or less number of outlets are not subject to control.

Chandeliers made of cut glass are subject to control irrespective of the number of outlets.

(Sgd.) ERNESTO B. LEDESMA
Executive Officer

March 11, 1949

CIRCULAR LETTER No. 350

TO ALL COLLECTORS OF CUSTOMS,
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