

various merchants for canned meats and other foodstuffs essential in its work. Unfortunately this exchange of goods was done on such a basis that merchants acquiring milk powder from the S. W. C. were able to sell to consumers at prices far below the cost of regularly imported milk and far below the cost of replacement from the United States, and this caused milk importers to take still further losses. It is understood that the S. W. C. discontinued this dumping of milk on the Manila market when it was advised of the effect of its action.

INFORMATION from California is that the sardine catch in the south during the month of December was extremely disappointing. The pack for the present season will be only a small fraction of the average. With the low stocks available, prices are steadily increasing. Supplies available will probably be exhausted early in the year. Stocks still on hand in the Philippines are far in excess of immediate requirements except in the 5-oz. pack, but it appears probable that during the second quarter of the year and until new-pack fish can be secured, which will not be before August, there will be an acute shortage of canned fish in the Philippines.

Stocks of canned meats, particularly of vienna sausage and potted meats, are more than ample. Canned fruits and vegetables, however, are far from sufficient to satisfy demand. There is very little probability of this condition improving at least until the second semester of the year. Fresh fruits and vegetables, both imported and locally produced, are also in very short supply.

## Textiles

By W. V. SAUSSOTTE  
General Manager  
Neuss, Hesslein Co., Inc.

THE new Import Control Commission, under the chairmanship of Ceferino de los Santos, assumed office on January 2. The other members are Augusto F. Espiritu, of the Central Bank, and Demetrio S. Santos, formerly Executive Officer of the preceding Commission whose chairman was Alfredo Montelibano. Demetrio Santos is temporarily occupying the position of Executive Officer in the new ICC.

It is the consensus that the former ICC Chairman Alfredo Montelibano and Francisco Ortigas, Jr. and Alfonso Calalang, members, discharged their administrative duties in a highly commendable manner. Chairman Ceferino de los Santos of the new ICC has stated that the new Commission will continue the good work of its predecessors.

On January 6 Chairman de los Santos announced that the Central Bank certified \$180,000,000 to be available for imports of controlled essentials and controlled non-

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essentials for the first 6 months of 1952. This is \$32,000,000 less than the Central Bank allocation for the last 6 months of 1951. While the Central Bank has not explained the reason for the reduced appropriation, it is believed that it may be attributed to a report that \$45,000,000 remained unallocated by the former ICC from its appropriation for the last 6 months of 1951.

The New Import Control Commission also announced that government agencies, old importers, and producers are now allowed to apply for advance import licenses for the first 6 months of this year. Producers, it is reported, will be given advance licenses equal to 100% of their total importations and consumption of raw materials for local production during the first 6 months of 1951.

Old importers will be allowed 20% of their imports of critical items under the category of controlled essentials and in the instance of other items under controlled essentials not specified as critical and controlled non-essentials, old importers will be allowed 10% of their imports during 1949. Applications for import licenses from new importers will be received at a later date to be announced by the ICC in the near future. Since no textile commodities appear on the list of critical items, the advance licenses will be for 10% of 1949 imports both in the instance of rayons and denims which are controlled essentials (but not critical) and all other cotton textiles which are controlled non-essentials.

These percentage allowances compare with 20% in the instance of controlled essentials and 10% in the instance of controlled non-essentials which were allowed by the ICC during the last 6 months of 1951.

**D**URING December arrivals from the United States totalled 26,778 packages, representing an increase of about 6,000 packages in comparison with November's arrivals. The arrivals from the United States included 13,477 packages of cotton piece goods, 2,684 packages of rayon piece goods, 4,338 packages of cotton remnants, and 870 packages of rayon remnants. Included also were 2,716 packages of thread.

Arrivals of all textile items, including made-up goods, from countries other than the United States totalled 3,009 packages. Included were 886 packages from China, 455 from Japan, 853 from Europe consisting mainly of cotton sewing thread, and 815 packages from India consisting entirely of Hessian cloth and/or jute bags. Total arrivals from all countries during the month of December amounted to 29,787. This is the largest total number of packages to arrive in a single month for at least 3 years and is about 9,000 packages more than the average annual monthly arrivals of 22,600 packages during 1949.

The heavy December arrivals are mainly against the old PRISCO licenses covering decontrolled cottons. As a consequence, the bulk of the goods against PRISCO licenses has now arrived and while January arrivals are expected to be heavy, there will probably be a noticeable drop in arrivals beginning February.

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THERE were no material changes in prices during December both in the local market and in New York. The seasonal Christmas trade, while substantial, was not accompanied by any increase in local prices due to abnormally heavy stocks.

## Legislation, Executive Orders, and Court Decisions

By E. E. SELPH  
Ross, Selph, Carrasco & Janda

ON December 14, 1951, the Philippine Supreme Court rendered a decision (Tan vs. de la Fuente, G.R. No. L-3925) defining "wholesale" and "retail". The plaintiff was a merchant engaged in the importation and sale of dry goods. The question involved was whether his sales were at retail and subject to the municipal license fee on retail sales. The Court said:

"The test to determine whether a particular sale of goods or merchandise is wholesale or retail is the use made or to be made by the purchaser of such goods or merchandise. If it be for resale at profit, the goods being unaltered when resold, the quantity of the goods sold being large not to be used by the purchaser or in excess of the requirements of his business and the merchant selling the goods being habitually engaged in the sale of such goods in large quantities to his customers, then it may be deemed wholesale. Otherwise, it is retail."

The conclusion to be drawn from this ruling seems to be that if the textiles were bought for resale without being altered or processed, it was "wholesale", but if the textiles were to be made up by the purchaser into suits, or otherwise altered or processed, before being sold, then the original transaction was a sale to a consumer and therefore "retail".

IN another case (Espuelas vs. the People of the Philippines, G.R. No. L-2990, December 17, 1951) the Court ruled that the freedom of speech secured by the Constitution does not confer an absolute right to speak or publish without responsibility whatever one may choose; that while it is the right of each citizen to criticize his Government, such criticism must be specific and constructive, reasoned and tempered, and not a contemptuous condemnation of the entire government set-up.

IN the case of Abeto vs. the People of the Philippines, G.R. No. L-3935, December 21, 1951, the defendant advertised the reservation of sugar and informed a prospective customer the sugar would arrive within a month, and required a deposit. The customer made the deposit required for 300 sacks of sugar. The shipment failed to arrive. The depositor demanded return of his money. He was given a check which was not paid. After dishonor of the check the defendant paid a small amount in cash and gave a promissory note for the balance. The defendant was convicted of estafa. The Supreme Court acquitted, stating:

"It is clear that an advance payment is subject to the disposal of the vendor. If the transaction fails, the obligation to return the advance payment ensues but this obligation is of a civil and not of a criminal nature. The transaction is rather of the character of a token, pledge, or earnest money, contemplated in Article 1454 of the old Civil Code, which only gives rise to civil liability."

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