

Textiles

By JAMES TRAYNOR

THE market was very active during the month of December due to the seasonal buying preceding the Christmas holidays. The New York market continued to be steady, but no new orders to speak of were placed in the States during the month.

Arrivals were about the same as during the month of November except that Japan shipped to the Philippines about three times the quantity shipped during November.

Legislation, Executive Orders, and Court Decisions

By EWALD E. SELPH

Ross, Selph, Carrascoso & Janda

Memorandum on the

PRATRA-Liggett & Myers Tobacco Company Case

ON November 15, 1949, the Philippine Relief and Trade Rehabilitation Administration (otherwise known as PRATRA) ordered Liggett & Myers Tobacco Company—

(a) to stop the sale of Chesterfield, Piedmont, and Cycle cigarettes by the Company's salesmen direct to retail stores in the City of Manila and suburbs, and in the provinces;

(b) to submit to PRATRA'S office not later than November 19, 1949, a report of the distribution made by the Company's salesmen in the City of Manila from October 28 to November 15, 1949, of 995 cases of Chesterfield cigarettes;

(c) not to sell any quantity of cigarettes earmarked for distribution among jobbers in the provinces without the prior approval of PRATRA;

(d) not to sell any cigarettes except upon orders of PRATRA;

(e) to submit to PRATRA weekly, every Monday, a report of all the sales of Chesterfield, Piedmont, and Cycle cigarettes made by the Company to its customers as authorized by PRATRA; and

(f) to deduct cigarette purchases made by PRATRA for its branches in the provinces from cigarettes scheduled for provincial distribution.

PRATRA claimed that it had the power to issue the above orders under the provisions of Section 3, paragraph (e) of Executive Order No. 90 of September 10, 1947, which reads, in part, as follows:

"Sec. 3. The PRATRA shall have the following powers, duties, and functions:

"(e) To undertake the prevention of monopolization, hoarding, injurious speculation, manipulation, private control, and profiteering affecting the supply, distribution, and movement of foods, clothing, fuel, and other articles of prime necessity." (Italics ours.)

The Company was not disposed to follow PRATRA'S orders, and on November 18, 1949, it instituted an action in the Court of First Instance of Manila against PRATRA and its General Manager, Ildefonso Coscolluela, in which the Company seeks to have the court declare null and void Executive Order No. 90 under which PRATRA pretends to act; Republic Act No. 51 which created PRATRA; and the orders given to the Company by PRATRA.

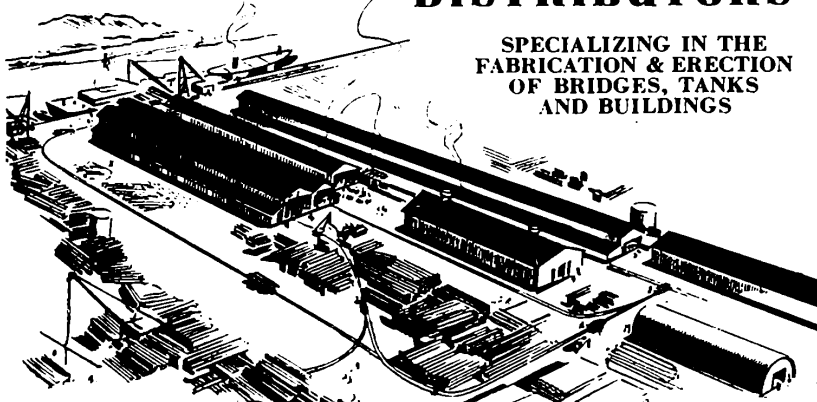
Plaintiff's contention is that Executive Order No. 90 is null and void, the same having been issued under certain powers conferred on the President of the Republic of the Philippines by Republic Act No. 51, which is null and void, this Act constituting an illegal delegation of legislative powers to the President of the Republic of the Philippines, in violation of the Constitution; and that even if Republic Act No. 51 and Executive Order No. 90 are valid, the orders issued by defendant Coscolluela to plaintiff were unreasonable, unwarranted, and illegal, cigarettes not being "articles of prime necessity," as required by the said Executive Order No. 90.

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