

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE No. 453

ESTABLISHING RULES AND REGULATIONS TO CONTROL, CURTAIL, REGULATE AND/OR PROHIBIT THE EXPORTATION OR RE-EXPORTATION OF CERTAIN ITEMS FROM THE PHILIPPINES, TO IMPLEMENT REPUBLIC ACT NO. 613.

Pursuant to the powers vested in me by section 3 of Republic Act No. 613, I, Elpidio Quirino, President of the Philippines, do hereby promulgate the following rules and regulations governing the exportation or re-exportation of materials enumerated in section 1 of said Act, as follows: machineries and their spare parts, scrap metals, medicines, foodstuffs, abaca seedlings, gasoline, oil, lubricants and military equipment or supplies suitable for military use.

SECTION 1. The Committee created under section 2 of Republic Act No. 613, of which the Secretary of Agriculture and Natural Resources is the Chairman, and the Secretary of National Defense and the Administrator of Economic Coordination are members, shall be known as the Export Control Committee.

SEC. 2. The exportation of all articles included in the list marked Annex A, hereto attached as an integral part of this Order, is absolutely prohibited: *Provided, however,* That licenses issued or authority granted prior to the effectivity of Republic Act No. 613, by the Interdepartmental Committee from February 28, 1951, by the Civil Aeronautics Board or the Civil Aeronautics Administration, and by the Sugar Quota Office on nonferrous metals pursuant to the Cabinet Resolution of November 21, 1950, are valid and subsisting.

SEC. 3. Items included in Annex B, hereto attached as an integral part of this Order, may be exported without the need of application and permit, provided that with reference to items Nos. 5 to 15, the exporter, other than the Philippine Air Lines Inc. with respect to Item 15, shall

give notice to the Export Control Committee at least five days before the closing of the export or shipping contract, indicating the quantity and destination of the products to be exported, for the determination within the same period of the necessity of their control.

SEC. 4. Applications for permit to export or re-export any of the articles included in the List marked Annex C, hereto attached as an integral part of this Order, shall be filed under oath with the Export Control Committee in seven copies and shall contain the following information:

1. Name of Exporter. If applicant is a partnership or corporation, the name of manager or person authorized to sign for partnership or corporation should be stated.
2. Business Address of Exporter
3. Nature of Business
4. Itemized list, description and specifications of materials
5. Quantity and export value of goods
6. Source of materials (How acquired)
7. Present location of articles to be shipped
8. Name, business address and nature of business of consignee
9. Carrier, (Name of vessel or aircraft to be furnished the Committee upon approval of application)
10. Port or ports of embarkation
11. Date of shipment
12. Port of destination
13. Final destination
14. Other information tending to show bone fide of the transaction.

SEC. 5. Applications for permit to export or re-export shall be numbered chronologically in the order in which they are received and shall be considered and disposed of by the Committee in their chronological order.

SEC. 6. In the screening of exports the Committee shall consider, among other things, the following factors:

1. Needs and requirements of government corporations and/or agencies and private entities
2. The reputation and bona fides of the exporter
3. Reputation of the Carrier
4. The bona fides and reputation of the consignee
5. The proximity of the country of destination to Communist or Communist-held areas and/or the possibility of the goods being diverted or resold to said areas.
6. Proper valuation of the articles.

In recommending the issuance of a permit the Committee may require the filing of a bond or such other guarantees to insure that the articles exported will reach their intended destination.

SEC. 7. If after due consideration the said Committee should unanimously find that the article or articles for which a permit is applied may be exported or re-exported without prejudice to the national or to the government's program of economic development and rehabilitation, then it shall recommend, subject to the next succeeding section

hereof, that a permit be issued for the exportation or re-exportation of such article or articles.

SEC. 8. Before the permit is issued, the favorable recommendation of the Committee shall be published at the expense of the applicant once a week for two consecutive weeks in any newspaper of general circulation in the Philippines in which publicity shall be given the following:

- (a) Name of applicant.
- (b) File No. of the application.
- (c) Description, quantity and value of articles sought to be exported or re-exported.
- (d) Name of consignee or consignees and the country or countries to which the articles sought to be exported or re-exported.
- (e) Name of the carrier.

SEC. 9. If within two weeks after the last publication no objection is received by the Committee to the issuance of the permit applied for, the President will order the permit issued.

SEC. 10. If within the said period of two weeks, an objection to the issuance of the permit is filed with the Committee, then it shall set the matter for hearing within five days after notice to the applicant and to the objector and within ten days after receipt of the findings and recommendation of the Committee, the President shall in his discretion issue or disapprove the corresponding permit.

SEC. 11. Commodities not listed in Annexes A, B, and C and personal effects of passengers in transit or going abroad are not governed by the provisions of this Order.

SEC. 12. *Transshipments*.—In order to prevent re-exportation in the guise of transshipments and in the interests of cooperating with other members of the United Nations to prevent diversion of strategic materials to Communists, Communist-held and/or troubled areas, transshipment of cargoes passing through the Philippines shall be allowed by the Bureau of Customs only upon the issuance of a clearance by the Committee. However, publication need not be required and each application for transshipment shall be disposed of by the Committee within three days from the filing of the application. In considering transshipments, the Committee shall look into the genuineness of the transshipment and make sure that no dollars emanating from the Philippines have been used therein.

SEC. 13. All shipments cleared by the Export Control Committee shall be subject to the existing rules and regulations governing exports promulgated by the Central Bank.

SEC. 14. *Charging of fees*.—The Committee shall charge a nominal fee of five pesos (P5.00) for each application filed. A service fee of not exceeding one-fifth of one per cent of the value of the exportation shall be charged for every application approved. The funds accruing from the nominal and service fees shall, subject to the provisions of

the Budget Act, be used to defray the expenses of the Committee in carrying out the provisions of Republic Act No. 613, provided that any unexpended balance shall revert to the General Fund of the National Government.

SEC. 15. The Chairman of the Committee is hereby authorized to ask for the assistance and detail of personnel from the various departments of the government including government-owned or controlled corporations to help carry out the provisions of this Order.

Done in the City of Manila, this 19th day of June, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO

President of the Philippines

By the President:

MARCIANO ROQUE

Acting Assistant Executive Secretary

ANNEX A

I. ARMS, AMMUNITION, AIRCRAFT, VESSELS AND OTHER WAR EQUIPMENT

A. *Artillery and Projectors*

1. Guns
2. Howitzers
3. Cannons
4. Mortars
5. Rocket launchers (of all calibers)
6. Military flame throwers
7. Military smoke, gas or pyrotechnic projectors
8. Barrels
9. Mounts and other components thereof

B. *Bombs, torpedoes and rockets*

1. Bombs
2. Torpedoes
3. Grenades
4. Rockets
5. Mines
6. Guided missiles, depth charges, and components thereof
7. Apparatus and devices for the handling
8. Control
9. Discharge
10. *Detonation or detection thereof*

C. *Fire control equipment and range finders*

1. Fire control equipment
2. Range
3. Position and height finders, spotting instruments
4. Aiming devices (gyroscopic, optic, occoustic. atmospheric or flash)
5. Bombsights
6. Gun sights and periscopes for the arms

D. *Tanks and Ordnance vehicles*

1. Tanks
2. Armed or armored vehicles
3. Armored trains
4. Artillery and small arms repair trucks

5. Military half tracks
6. Tank recovery vehicles
7. Tank destroyers
8. Armor plates
9. Turrets
10. Tank engines
11. Tank tread shoes
12. Tank bogie wheels and idlers therefor

E. Poison gases and toxicological agents

All military toxicological and lethal agents and gases; military equipment for the dissemination and detection thereof and defense therefrom.

F. Propellants and explosives

Propellants for the articles enumerated in C and F military high explosives.

G. Vessels of War

1. Vessels of war of all kinds, including amphibious craft, landing craft, naval tenders, naval transports and naval patrol craft, armor plate and turrets therefor.

2. Submarine batteries and nets, and equipment for the laying, detection, and detonation of mines.

H. Aircraft, spare parts and equipment

1. All types of military aircraft and their spare parts
2. All specialized air corps equipment
3. All airborne signal and ordnance equipment.
4. All Radar equipment and spare parts.

I. Miscellaneous Equipment

1. Military radar equipment, including components thereof, radar countermeasures and jamming equipment
2. Military stereoscopic plotting and phot interpretation equipment
3. Military Phototheodolites, telemetering and Doepolerequipment
4. Military superhigh speed ballistic cameras
5. Military radiosondes
6. Military interference suppression equipment
7. Military electronic computing devices
8. Military miniature and miniature vacuum tubes and photoemissive tubes
9. Military armor plates
10. Military steel helmets
11. Military pyrotechnics
12. Synthetic training devices for military equipment
13. Military ultra-sonic generators
14. All other material used in warfare which is classified from the standing point of military security.

II. Ferrous and Nonferrous scrap metals, Ingots, and articles convertible into scrap, except brass, bronze and copper scraps

III. A. Imported Products

1. Rubber tires and tubes
2. Newsprints
3. Jute & Jute products
4. Sulfa drugs & antibiotics
5. Medical, dental & pharmaceutical instruments & allied equipment

6. Radio instruments & spare parts
7. Tin plates
8. Aluminum, copper, iron, steel, zinc & other metallic products
9. Galvanized iron sheets, steel rods and similar construction materials
10. Sulphur & derivatives
11. Fertilizers
12. Flour
13. Rice
14. Imported meat, fish, poultry, and dairy products
15. Imported canned fruits, beans, vegetables and other farm products preparations
16. Cacao and coffee
17. Gasoline, fuel oil, lubricants and petroleum products.

B. Locally produced

1. Rice
2. Corn
3. Abaca seedlings
4. Cacao and coffee
5. Meat and dairy products

- IV. Machinery (light and heavy), mechanical, electrical, agricultural, construction, engineering, and transportation equipment of all types, including surplus equipment, spare parts, accessories, wires and other allied articles, except those already approved by the Bureau of Customs or NICA or other government agencies as well as licenses covered in section 2 herein.

ANNEX B

1. Perishable fruits like mangoes, bananas, etc.
2. Preserves such as pineapples, guava jelly, cocohoney, etc.
3. Tobacco & tobacco products locally produced
4. Preserved fish products
5. Cordage, abaca and other fibers
6. Copra, coconut oil, dessicated coconut and other coconut products, including containers
7. Locally manufactured fuel oil, lubricants and petroleum products
8. Wine and alcoholic beverages
9. Sugar (refined, centrifugal or muscovado) molasses
10. Enriched rice
11. Logs, lumber and finished products
12. Iron ore, chrome ore, copper ore, manganese ore, barite, sypsum, lime, gold and silver and concentrates thereof, and other mineral products
13. Pharmaceutical products locally produced, cosmetics and other similar preparations
14. Exportation of gas or liquid metal empty containers by a reliable operating gas or waterworks company with intention to return such empty containers after refilling.
15. Exportation or re-exportation of aircraft used in air commerce, spare parts, materials and supplies used in connection with the business of an air carrier to its stations or offices abroad, or to any place outside of the Philippines, for the maintenance, repair and servicing to its aircraft.

ANNEX C

1. Alcohol
2. Electrical products locally produced
3. Hide

4. Cement
5. Commercial aircraft
6. Pre-fabricated forms of steel for assembly outside of the country and which shall be returned to the Philippines upon completion. The Committee may require a bond to insure return of the completed assembly under this category.

7. Machinery (light and heavy), mechanical, electrical, agricultural, construction, engineering, and transportation equipment of all types, including surplus equipment, spare parts, accessories, wires and other allied articles, already approved by the Bureau of Customs or NICA and not yet shipped.

8. Small arms, machine guns and ammunition hereunder enumerated, subject to the specific recommendation of the Secretary of National Defense.

- (a) Rifles
 - (b) Carbines
 - (c) Revolvers
 - (d) Pistols
 - (e) Machine pistols and machine guns (using ammunition of caliber .22 or over)
 - (f) Barrels
 - (g) Mounts breach mechanisms and stocks therefor
 - (h) Ammunition of caliber .22 or over
 - (i) Cartridge cases
 - (j) Powder bags
 - (k) Bullets
 - (l) Jackets
 - (m) Cores
 - (n) Shells (excluding shotgun)
 - (o) Projectiles and other missiles
9. Brass, bronze, and copper scraps