

REPUBLIC ACTS

REPUBLIC ACT NO. 1052

AN ACT TO PROVIDE FOR THE MANNER OF TERMINATING EMPLOYMENT WITHOUT A DEFINITE PERIOD IN A COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL ESTABLISHMENT OR ENTERPRISE.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. In cases of employment, without a definite period, in a commercial, industrial, or agricultural establishment or enterprise, neither the employer nor the employee shall terminate the employment without serving notice on the other at least one month in advance.

The employee, upon whom no such notice was served, shall be entitled to one month's compensation from the date of termination of his employment.

SEC. 2. Any contract or agreement contrary to the provisions of section one of this Act shall be null and void.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 12, 1954.

REPUBLIC ACT NO. 1053

AN ACT TO AMEND REPUBLIC ACT NUMBERED THREE HUNDRED AND EIGHTY-FIVE AUTHORIZING CERTAIN OFFICIALS OF THE GOVERNMENT OF THE UNITED STATES OR ANY AGENCY THEREOF TO ADMINISTER OATHS AND AFFIRMATIONS IN THE PHILIPPINES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section one of Republic Act Numbered Three hundred and eighty-five, which authorizes certain officials of the Government of the United States or any agency thereof to administer oaths and affirmations in the Philippines, is hereby amended to read as follows:

"SECTION 1. Any person employed in the Philippines by the Government of the United States, or any agency thereof, to whom authority is delegated by the said Government or agency, to administer oaths and affirmations, to aid claimants for benefits granted by the United States in the preparation and presentation of their claims, and to make investigations and examine witnesses, shall have authority to administer oaths and affirmations during his employment in the Philippines in any investigation or matter connected with the performance of his duties and functions: *Provided, however,* That for any oath or affirmation administered by him, no fee shall be charged or collected."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 12, 1954.

REPUBLIC ACT NO. 1057

AN ACT TO AMEND REPUBLIC ACT NUMBERED NINE HUNDRED AND TEN ENTITLED "AN ACT TO PROVIDE FOR THE RETIREMENT OF JUSTICES OF THE SUPREME COURT AND OF THE COURT OF APPEALS, FOR THE ENFORCEMENT OF THE PROVISIONS HEREOF BY THE GOVERNMENT SERVICE SYSTEM, AND TO REPEAL COMMONWEALTH ACT NUMBERED FIVE HUNDRED AND THIRTY-SIX" AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Republic Act Numbered Nine hundred and ten is hereby amended by inserting between its sections two and three a new section which shall be known as section Two-A thereof, and which shall read as follows:

"SEC. 2-A. Any Justice of the Supreme Court or of the Court of Appeals who ceased to hold such position prior to the approval of this amendatory Act, to accept another position in the Government or who resigned or retired from said courts after the effectivity of Commonwealth Act Numbered Five hundred and thirty-six, entitled "An Act authorizing the retirement of Justices of the Supreme Court, and making appropriations for the payment of a retirement gratuity", without enjoying the benefits thereunder, shall be entitled to the benefits under the provisions of this Act: *Provided,* That at the time of his cessation in office or retirement as Justice of the Supreme Court or of the Court of Appeals, he possessed all the requirements prescribed by this Act: *And provided, further,* That the benefits authorized hereunder shall accrue only from the date of the approval of this amendatory Act.

SEC. 2. Republic Act Numbered Nine hundred and ten is hereby further amended by inserting between its sections three and four a new section to be known as section Three-A thereof, and which shall read as follows:

"SEC. 3-A. In case the salary of Justices of the Supreme Court or of the Court of Appeals is increased or decreased such increased or decreased salary shall, for the purposes of this Act, be deemed to be the salary which a Justice who ceased to be such to accept another position in the Government was receiving at the time of his cessation in office: *Provided,* That any benefits that have already accrued prior to such increase or decrease shall not be affected thereby."

SEC. 3. The sum necessary to carry out the purposes of this amendatory Act and Republic Act Numbered Nine hundred and ten, is hereby appropriated out of any funds in the National Treasury not otherwise appropriated.

SEC. 4. This Act shall take effect upon its approval.

Approved, June 12, 1954.

DIGEST OF DECISIONS OF THE COURT OF APPEALS (Continued)

having the representation of the partnership, disposes of the conjugal property without her husband's consent (article 1416, old Civil Code), her act is void. *Ibid.*

ID.; ID.; ID.; ID.; NON-JUDICIAL SEPARATION OF SPOUSES, EFFECT UPON POWER OF HUSBAND OVER CONJUGAL PROPERTY. — The fact that spouses are separated without judicial sanction (Civil Code of 1899, article 1432), does not diminish the power of the husband over the conjugal property. *Ibid, Ibid.*

APPEAL; ASSIGNMENT OF ERRORS BY APPELLEE IN CIVIL CASE, WHO HAS NOT APPEALED, NOT COGNIZABLE. — In a civil case, unlike in an election case, the appellee, on appeal, could not assign errors, unless he appealed from the decision of the court *a quo*. Therefore, we cannot take cognizance of his assignment of errors much less his arguments in support thereof. *Marcelo Saltarn, plaintiff and appellee, vs. Pascual*

Manao and Venancia Obdula, defendants and appellants, vs. Nicasio Revistal Morandante et al., third party defendants, No. 4498-R, Feb. 8, 1954; Peña, J.

CRIMINAL LAW; AMNESTY PROCLAMATION NO. 76; CRIMES AGAINST CHASTITY NOT COVERED BY AMNESTY. — Supplementing Amnesty Proclamation No. 76, intended for the leaders and members of the association known as Hukbalahap and Pambansang Kapatiran ng Magbubukid (PKM), the then Secretary of Justice issued Circular No. 27 on June 29, 1948, stating that petitioners under the proclamation should be those accused of the crimes of rebellion, sedition, illegal association, assault upon, resistance and disobedience to persons in authority and/or illegal possession of firearms, committed before June 21, 1948, or any other crime that may be shown to have been committed merely as an incident to or in furtherance of the commission of the crimes of rebellion, sedition, illegal association. (Continued on page 580)