

THE PRESENT LABOR UNREST

BY ATTY. GEMINIANO F. YAPUT

There are two conflicts raging over the nation today.

The first of these conflicts is a political struggle between the two major political parties in the Philippines for control over our reins of government. Altho politics is a very interesting topic and has the nation wholly engrossed in its many intricacies at the present moment, I have chosen not to comment on it today. In the first place, I confess to my non-partisan status in this quarrel. As you can readily see our buses carry passengers impartially, regardless of party affiliation.

In the second place, it will answer no valuable purpose for me to comment one way or the other. The entire nation will speak on this subject at the polls twelve days from now and resolve this issue more decisively than I can ever attempt to do so.

Suffice it for me to say here that I am confident that the final outcome of this struggle will be the ultimate triumph of the Filipino nation. I have great faith in the wisdom of our people.

The second conflict which rages today and about which I wish to speak a little more at length, is an economic struggle. Pitted against each other are labor and capital — the two strongest mainstays of any progressive economic structure. It is a struggle which has of late successfully vied for prominence with politics in our national news.

I am confident too, about the final outcome of this conflict and that it will be resolved with as much satisfaction as the political struggle I have just mentioned. The danger, however, lies in the fact that too much damage may be inflicted upon our economic and industrial growth, which are the only bright hopes of our future survival as a nation, before we realize the folly of this senseless conflict.

I consider it indeed the greatest folly we can indulge in for labor and capital to be bickering at this stage of our independent national life. It may stunt our economic and industrial growth which we all so urgently need to accelerate.

Frankly, I do not see what there is to bicker about. Two dogs will quarrel over a bone. In this industrial dispute which we are slowly precipitating into a full scale industrial war, what is the bone of contention? Is it wealth? We do not have that in the Philippines today. We have not produced enough wealth over which we should fight! Is it a case of justice where the oppressed and exploited rise up to vindicate their wrongs? I do not believe so. At least, not in industry or business. The Filipino workingman, compared to the rest of his Oriental brothers, receive higher wages and are much better protected in their rights by legislation even before the passage of our more recent labor laws.

Is it perhaps a striving for the ideal — the ideal in working conditions, in wages, in standards of living? If it is, then it is foolish to fight each other. Not only labor but capital, too, have still a long way to go to attain the ideal. Capital in the Philippines still has to find solid footing, to grow and become strong. Capital in our country is weak and timid and is still in its first stages of growth. That is why we have tax exemptions for new industries. That is why we have governmental agencies to help what little capital venture we have circulating around. That is why we are sending out frantic invitations to foreign capital to please come in and start the ball rolling.

Then, too, this economic struggle may be just an experiment in democracy. If it is, I will agree that is worth while going through. My only admonition is that we go slow about it so as not to cause an explosion in the laboratory. I am certain we do not wish that to happen.

There is danger for me to be misunderstood as I am too well identified with one of the contending parties in this conflict. Permit me to make clear my stand.

I am for unionism. I wish to see free unionism grow and attain full stature in the Philippines so it can contribute its indispensable share in the work of building a free society where economic democracy prevails. I pledge to do my utmost to help any true exponent of free

* This speech was delivered at Vigan, Ilocos Sur, before the Rotarians of the province on October 29th, 1953.

BACK TO LAW SCHOOL

BY ATTY. FRANK W. BRADY

There comes a time in the life of every lawyer when he should return to law school to refresh his mind, to catch up with new legislation and to familiarize himself with the new decisions of our appellate courts. In my case, I returned to law school twenty years after graduation. No lawyer, no reputable lawyer who is conscious of his oath of office has the right to hold himself out to the general public with a decadent knowledge of the law. And lawyers, like all aging mortals, *forget*.

Last November, I enrolled in the Francisco Law School as a "regular" student in the second semester of the senior class. Dean Vicente J. Francisco, bewildered and nonpulsed, accepted my application with hesitation, wondering why a practising attorney in good and regular standing with twenty years' active practice, should ever wish to go back to law school. "Wouldn't you prefer to teach law, Mr. Brady?", he eagerly inquired, as he still hesitated to approve my application. "No!", was my answer, "I want to review — I have a great urge to go back to formal classes and *review*. It *cannot* do me any harm."

So the next day I was back in school attending regular classes as a senior in a class of about thirty students. It was to be one of the greatest experiences of my life as a lawyer. My gray hair attracting the attention of one of my "classmates" caused him to ask another, "Hoy, sino ba yong matandang americano?" Hushing him, the second answered, "Sh-h-h, si Atorney Braadee yan, at pilipino citizen." "Ano ang ginagawa niya dito?", the first student continued the inquiry. "Hoy, huag kang maingay, nagrebieu siya dito." And the inquirer gasped, "Siya nga ba?"

I found the classes most interesting. My classmates though youngish were solemnly steeped in their studies and their future, a congenial relationship existing between professors and students that was lacking in the classroom of twenty years ago. The anticipated, nerve-racking system of teaching law by class recitation has given way almost entirely to a frank discussion of the law and the leading cases in a paternalistic way. All students rise when the professor enters and leaves the classroom, the same respect accorded to a judge in a court of justice.

Though it is true that the type of English spoken in class today has retrogressed somewhat, this circumstance, in my opinion, is more than offset by the self-assertiveness of the modern student. He takes no nonsense from anybody. For instance, upon being asked for his authority on a point of law, one of my classmates shot right back to the professor, "Common sense!"

What prompted me to return to law school? What made me go back to daily classes for an entire semester from 5:30 to 8:30 every evening? The answer, the truth is: an unquenchable thirst to return to the source, the fountainhead, of the little law that I know. While self-study is most commendable, it is as rare as hen's teeth. There are not too many Lincolns.

Review, and by this I mean *formal* review, keeps a lawyer young in the profession. For one thing, it enables him to view the whole field of the law in retrospect, to concentrate and specialize in his own chosen branch of the law; and, above all, it teaches him the most important thing a lawyer can ever learn — *humility!* For regardless of any measure of success that he may have attained in his professional career, a return to school is an expression of humbleness — that he does not know all the law and, what is equally important, that he wants to know more than what he presently knows.

Review brings us in contact again with the fundamentals of the law and, as Judge Harold R. Medina has aptly stated, "Fundamentals are truly wonderful things, for they always turn the scales."

A refresher student also learns another lesson of far-reaching effect, i.e., that the law is a living institution with *growth*. By returning to classes, he can actually measure such growth in his own case with fair accuracy. He learns, too, that he who does not grow with the law will soon be outgrown by the law and left helplessly behind in the relentless growth of the law.

How many lawyers can truthfully say that they have *studied* the new Civil Code? How many have actually read that codification once

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labor unionism who possesses demonstrated qualities of selflessness, dependability and honesty of purpose. But it must be unionism that sees and recognizes more than just its own needs. It must be leadership that is responsible and willing to work for the interests of more than just its own people.

The late President Manuel Quezon who saw far ahead of his time had occasion to warn against the brand of leadership which we have prevalent in labor unionism today. He said, "Let us beware of men who deliberately, for political or selfish aims, stir up discontent among the masses. They preach subversive doctrines, speak of evils and abuses that do not exist, or magnify those which are often inevitable in democracies. These men are the worst enemies of society, more dangerous to the community than ordinary criminals. They have no sympathy for the people but are mere self-seekers, intent only in securing either pecuniary or political advantages for themselves. If as a result of their preachings disorders occur, they cowardly disclaim all responsibility for that which none other than themselves had brought about. He who tries to curry favor with the masses by appealing to the passions of the people, stirring up their prejudices, or capitalizing discontent or human suffering is unworthy of public trust." The words of President Quezon never rang truer than they do now.

Men who would exploit the opportunities for self aggrandizement which this present conflict has provided will advance as argument to the principle also laid down by President Quezon in the same speech I have just quoted. It is couched in the following words: "I am a firm believer in the institution of private property. I contend, however, that whenever property rights come in conflict with human rights, the former should yield to the latter. It is thus that we may draw the line between labor and capital and erect an economic structure based on the principle that human life is the measure of all other values, that considerations of possession and profit must give way to the supremacy of human existence."

The question now is this: In this present economic conflict which we are witnessing, have we run counter to this principle that "considerations of possession and profit must give way to the supremacy of human existence" thus bringing down upon our heads the present trouble we are in? I can say in all earnestness that we have not. We have not at any time, in our industries and business enterprises, sacrificed the supremacy of human existence to considerations of possession and profit. I believe that with the present plight our economy in it is quite difficult to find instances where profit was served at the expense of human dignity. On the contrary, we have many instances where considerations of profit and possession were sacrificed in the interest of the preservation of the human personality. Many of our new industries and business had to fold up because the supremacy of human existence had to be upheld. What capital has been doing is to stretch its capacity to sustain as much as it can the burden of human existence. Witness to this is the overstaffing prevalent in many of our industrial firms and commercial establishments. Industries are overmanned to absorb a little the burden of unemployment. Our greatest problem is still unemployment and not anything else.

But this does not go to the core of the present conflict. How serious is it really? According to press reports there have been to date six major strikes called. From official records no less than one hundred eleven (111) unions have filed strike notices against their firms with the Department of Labor. All of these within the short space of three months since the advent of Act 875, the Industrial Peace Act. What is back of all this apparent labor unrest?

I have followed closely the unfolding drama of labor-management relations in our country and have tried to study its various aspects. There is nothing basically wrong in our economic structure, nothing sorely amiss anywhere in the entire framework of labor-capital relations that I have found which should serve as a fuse to start off a really serious industrial war. I have found nothing basically wrong which would require extreme economic measures to correct. On the premise that labor is responsible and cognizant of its duties, I say that our fears of a disruptive general unrest are groundless.

The labor trouble which seems to have gripped the country today

is nothing, more nor less, than what I would call an experiment in economic democracy. Labor wanted to try its new found wings.

The experiment, I will admit, poses a danger to our economic stability and may hamper our industrial growth. But that is a necessary risk that all experiments entail. I have, however, an abiding faith in the innate goodness and justness of our people and I am not alarmed by the danger that this particular economic experiment poses. My view of the situation is one of great optimism.

If the present labor unrest we see fermenting looks ominous it is only because of the following circumstances: First, the experiment was launched at a wrong time, and second, the experiment was badly conducted. Let us examine them for a while.

There exists between labor and capital an attitude of mutual suspicion and antagonism which will do us more harm not to recognize. Management has always been paternalistic in mentality. This is not through any fault of any particular individual but is a deeply rooted characteristic in our past and our culture. Because of this paternalism management cannot help but view with suspicion and hostility any one who would break away from the paternal fold and assert aggressive independence. Labor on the other hand, has fanned the flames of suspicion already engendered with its impatience, lack of sober judgment and over-aggressiveness. Coupled with unscrupulous leadership which we have seen manifested often enough, suspicion has grown into fear, and fear into hate. And it was under this unhealthy atmosphere that the experiment was launched.

Confounding this already taut situation the experiment was most badly conducted. There was a sad lack of maturity in the decisions, a need for sobriety in the thinking. This served to further frighten already apprehensive capital and to build a wall between them.

Mr. Spencer Miller, Jr., United States Assistant Secretary of Labor had occasion to comment on the actuations of some sections of the Philippine labor movement. In a statement before Philippine labor officials and representatives of labor he counseled against unreasonable demands. Refrain from making demands that would look like a "laundry list," he declared.

And so it is these circumstances, ladies and gentlemen, that brought about the second conflict raging over our nation today. I will reiterate here my belief that this conflict at the present stage is not of so serious proportions as to cause grave, apprehension among our people. It should be arrested in time, however. And labor has the responsibility to take the initiative in this direction.

The job of labor at present, as I see it, is to strengthen trade unionism in the Philippines by gaining the confidence of the public and of management. It would be to the best interest of trade unionism if labor concentrated all its efforts for the present in breaking down the existing atmosphere of suspicion and hostility against it. This, labor can do, very easily and simply. Prove that labor is responsible. Demonstrate its capacity for mature judgment. Manifest a little willingness to make sacrifices and not be too impatient.

Most important of all, labor has to forget for a short while, at least, the long list of demands — the laundry list, according to Mr. Miller. Time enough for that when through labor's own efforts a healthy attitude of trust and confidence not of suspicion and antagonism prevails.

Collective bargaining recently introduced in the Philippines by the Industrial Peace Act is our hope of building a secure and prosperous free society under both political and economic democracy. Collective bargaining, however, is unworkable without a sound labor leadership and enlightened management. These are the two indispensable factors that will insure success in collective bargaining. One without the other and collective bargaining fails. It will become a farce where the stronger imposes upon the weaker.

The way seems clear before us. Build up a sound labor leadership that management can trust, and I am certain everything else will fall into line. I am firm in my belief that this is all that we need to accomplish, to assure for us and the nation, the industrial peace we wish, that will serve as the cornerstone of the great industrial economy we will build. Then perhaps prosperity will not be just a hope but a living reality for all our people.