

Business in general in food products is very quiet and it is unlikely there will be any material improvement in the near future.

Legislation, Executive Orders, and Court Decisions

By EWALD E. SELPH
Ross, Selph, Carrascoso & Janda

DURING the year 1948 only a few decisions of the Court of Industrial Relations reached the Supreme Court.

In Case L-1557, January 29, 1948, the CIR ordered the reinstatement of an employee, stating that the prolonged suspension was sufficient punishment. In affirming this decision the Supreme Court said there was no question of law involved and that the Supreme Court would not review a decision on a question of fact except in an evident case of abuse or the absence of evidence to support the judgment.

The Supreme Court, however, stated that the right of an employer to select or discharge his employees is subject to regulation by the State in the exercise of its police power; that while an employer cannot legally be compelled to continue in his employment any person who is guilty of bad conduct when such continuance may be prejudicial to the interests of the employer, because the law in protecting the rights of the laborer, does not authorize the oppression or destruction of the employer, it is however clear that there are cases in which the suspension or discharge of an employee may be capricious, unjustified, or illegal, in which case the laborer ought to be protected by the State by means of the agency designated by law for the purpose, which in such case is the Court of Industrial Relations.

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In Case 48411, February 24, 1948, the Supreme Court said that whether a company is an industrial organization, taking into consideration its purpose and activities which can only be determined by evidence, is a question of fact, and that only questions of law may be raised on an appeal.

The Court also said agreements for work seven days a week on a monthly salary basis without any extra pay for holidays and overtime, are contrary to law and null and void.

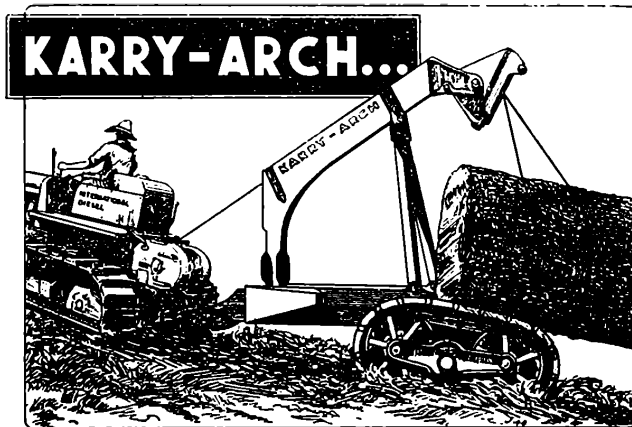
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In Case L-1573, March 29, 1948, the Court had before it an objection to an order of the CIR compelling the strikers to return to work. The laborers claimed the order was unconstitutional and was in violation of the prohibition against involuntary servitude. The Supreme Court said that any employee entering into a contract of employment under the present law, voluntarily accepts the condition that in case of disputes the CIR may proceed in accordance with the law, and that the section of the law authorizing the CIR to make such an order does not offend against the constitutional inhibition against involuntary servitude. The Court also said the public has an interest in preventing undue stoppage or paralyzation of the wheels of industry.

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In Case L-1668, March 29, 1948, the Supreme Court reaffirmed the power of the CIR to enjoin strikes and lockouts and said:

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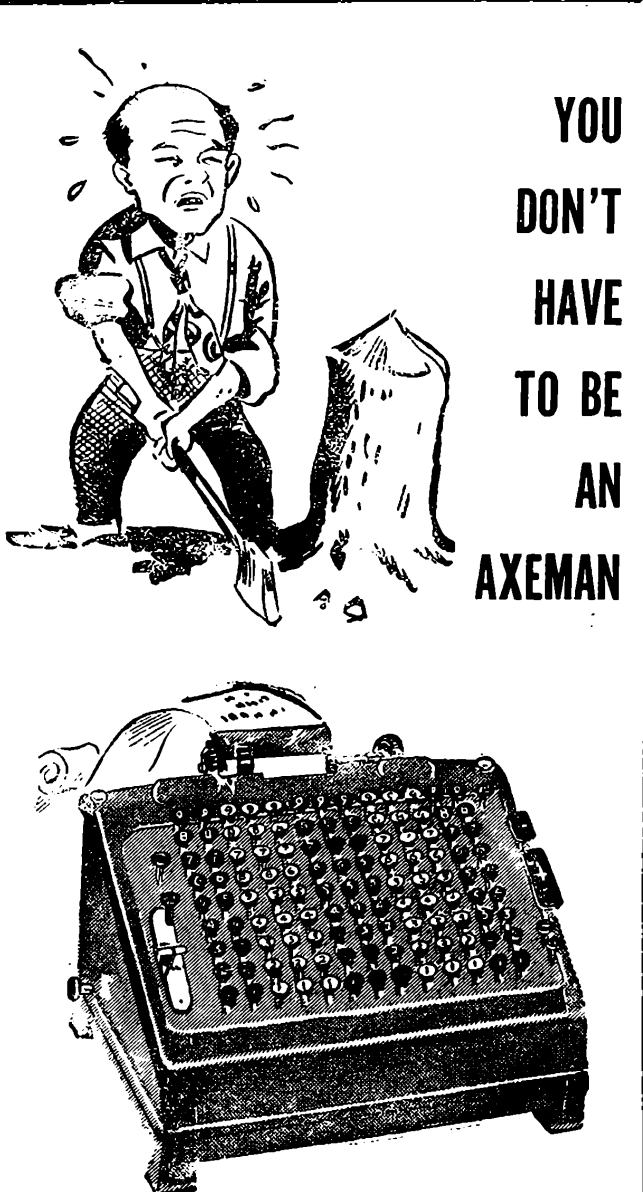
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"... It seems that in this respect our law has achieved an advance not attained by the capital-labor legislation of other countries. And considering that this progressive enactment is evidently aimed at preventing in the public interest an undue stoppage or paralyzation of the wheels of industry, the general welfare requires that it be upheld and enforced."

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In Case L-1377, May 12, 1948, the Supreme Court said that whether the ruling of the CIR will allow the petitioner a fair return on its investment or result in its bankruptcy, is a factual inquiry which the Supreme Court is not authorized to make. The Court also said the authority of the CIR to grant vacation and sick leave with pay is included in its general jurisdiction to deal with and settle labor disputes. In this case the petitioner objected to salaries and wages being fixed higher than those paid by the National Government. The Supreme Court said the comparison is rather sad because the Government, unlike the petitioner, is not established for profit and mainly derives its income from taxes paid by the people, but that, as its finances permitted, the Government was endeavoring to raise the standard, especially for those in the lower brackets.

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In Case L-1309, July 26, 1948, the Supreme Court said that as the CIR has the power to fix wages and salaries for day-work, so it has the power to fix the same with respect to night-work, and that as night-work is considered more onerous than day-work, it merits a greater remuneration.

Philippine Safety Council

BY FRANK S. TENNY
Executive Director

DIS COURTESY and negligence were the greatest contributing factors to the 1948 toll of traffic accidents in Manila, which was the greatest since Liberation. The figures were compiled by Lieut. M. B. Nazareno, Chief of the Accident Investigation Branch of the MPD Traffic Bureau.

The total motor vehicle accidents within Manila city limits has climbed from 5,400 in 1946 and 6,300 in 1947, to a new high of over 6,900 last year, 1948.

The leading causes of the mishaps reflected directly the prevalence of discourteous driving on local roads, the analysis showed. Perhaps the best indication of this was the increase in "failing to yield the right of way", which climbed to the number-two spot with 975 accidents recorded. This violation is conceded by traffic authorities to be a direct result of lack of courtesy behind the wheel.

"Improper passing" retained its three-year leadership of accident causes with an annual total of 1,132 cases. A close tie for third place was registered by "cutting in" and "following too closely" with 694 and 687, respectively; 406 accidents were caused by persons operating defective vehicles. It is believed that this latter cause can be remedied by stricter mechanical inspection of vehicles when application is made for licensing.

"Speeding", or exceeding safe or lawful speeds, was the principal cause of 346 mishaps, although it was undeniably a contributing factor in other categories. Other violations causing accidents running into the hundreds were "passing within an inter-