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pany ten months after the award against the principal obligor had become final."

In the case of National Organization of Laborers vs. Roldan et al. and Rizal Cement Co. (G. R. No. L-6888, August 31, 1954), the Supreme Court reiterated a ruling to the effect that acquittal of a laborer in a criminal case does not prevent the Court of Industrial Relations from conducting its own hearing and finding that the laborer is guilty of acts justifying dismissal or refusal to reinstate him. The Court said:

"xxx we hold that the acquittal of an employee in a criminal case is no bar to the CIR, after proper hearing, finding the same employee guilty of acts inimical to the interests of his employer and justifying loss of confidence in him by said employer, thereby warranting his dismissal or the refusal of the company to reinstate him. The reason for this is not difficult to see. The evidence required by law to establish guilt and to warrant conviction in a criminal case, substantially differs from the evidence necessary to establish responsibility or liability in a civil or non-criminal case. The difference is in the amount and weight of evidence and also in degree. In a criminal case, the evidence or proof must be beyond reasonable doubt while in a civil or non-criminal case, it is merely preponderance of evidence. In further support of this principle we may refer to Article 29 of the new Civil Code (Republic Act 386) which provides that when the accused in a criminal case is acquitted on the ground of reasonable doubt, a civil action for damages for the same act or omission may be instituted where only a preponderance of evidence is necessary to establish liability. From all this, it is clear that the CIR was justified in denying the petition of Rivas and Tolentino for reinstatements in the cement company because of their illegal possession of hand grenades intended by them for purposes of sabotage in connection with the strike on March 16, 1952."

In the case of Cruz v. Del Pilar and Luzon Surety Co., Inc. (G. R. No. L-6671, July 27, 1954), in which a mistake was made in the wording of a bond to lift an attachment by making it read costs and damages to defendant for wrongful attachment, instead of covering loss sustained by plaintiff by reason of lifting the attachment, the Supreme Court held that the title and purpose for which the bond was issued should govern. The Court said:

"Having come to the conclusion that the title and purpose for which the bond was issued, and not its mistaken language, should govern the responsibilities of the parties thereto, we will now determine whether the writ of execution could issue against the defendant surety. The bond was filed evidently under the provisions of Section 12 of Rule 59 of the Rules of Court, because it was filed by the defendant to secure the lifting or discharge of the writ of attachment. Mutual mistake and good faith having attended the drafting of the body of the bond, the terms thereof should be declared, as we hereby declare the same, to be that the defendant and surety are jointly and severally liable for the amount of the judgment, in accordance with the provisions of Section 17 of Rule 59. With this modification of the bond declared and ordered, the validity of the writ of execution ordered against the surety becomes evident."

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Philippine Safety Council

By FRANK S. TENNY

Founder and Executive Director

SAFETY items currently of importance include Civil Defense and Disaster Organization (see article elsewhere in this issue), assistance to the city government in traffic matters, new company safety programs being

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undertaken, increased liaison between business elements and government officials on safety matters, and increased interest in fire protection and arson suppression, as well as labor legislation.

New firms joining the National Safety Movement are the Manila Theaters Association, Pacific Airways Corp., Detective & Protective Bureau, H. Lyons Construction Co., Main Theater Inc., Luxaire Products, and Trans-Asiatic Airlines. Among new individual members are R. J. Gonzales (Myrurgia Perfume), Brice Shafer (A.P.L.), Peter C. Richards (OINIC), newsmen Robert S. Hendry and Manuel Vijungco, Dr. O. Villacorta (Modern Pharmaceutical Products), and Dr. Valdemar Bough, DDS.

Traffic "Stop" signs are being erected about the city, completely faced with "Scotchlite" reflectorized tape. To date, 94 have been donated by the Manila Trading & Supply Co., La Suerte Cigar and Cigarette Factory, Philippine Match Co., Philippine Long Distance Telephone Co., Wm. A. Chittick Co., and San Miguel Brewery, Inc. This campaign has met with considerable interest. The Manila Times Publishing Co. also donated 20 sets of the tape to the Office of the City Engineer, for application to road-rollers and other heavy equipment operating at night.

Conferences have been arranged by the Council between Eleuterio Adevo, Secretary of Labor, and various member associations and companies. This has resulted in better coordination and understanding all around. The Secretary has been very cooperative and receptive to suggestion from business leaders.

Special safety work of one kind or another is now under way in several firms under PSC direction; some of these are Philippine Match Co., Manila Trading & Supply Co., Lyons Construction Co., San Miguel Brewery, Enriquez Private Detective Agency, Luzon Brokerage Co., 7-Up Bottling Co., Army and Navy Club, Fleet Landing at Port Area, Armed Forces of the Philippines, and Caltex (Philippines). The Council technical staff has been retained to handle all safety and security factors in connection with the opening of the Batangas Refinery later this year.

The "Free Car-Safety Check" being conducted by Manila Trading, Fabar Inc., and Ramcar has accumulated the following statistics: Total cars tested, 5,026; cars found in safe condition, 1,097. The remaining 3,929 were found unsafe in one or more ways. However, one encouraging factor noted is that about 40% of the owners take immediate necessary steps to put their cars in safe operating condition.

Manila's new Arson Squad Chief, Capt. Wenceslao Ealdama, was honored by the Council recently at a luncheon attended by members especially interested in arson suppression. Considerable improvement is expected in this problem. Two Manila Police Department lieutenants, Enrique De Leon and Gerardo Tamayo, left for Chicago recently to attend the 1954-55 course in Police Traffic Administration at Northwestern University. Taxicab service has been restored to the Escolta after improvement had been noted in the traffic situation there. An internal security survey has been completed for the American Chamber's new offices in the Elk's Club Building. Many other activities are underway, too numerous to mention here.

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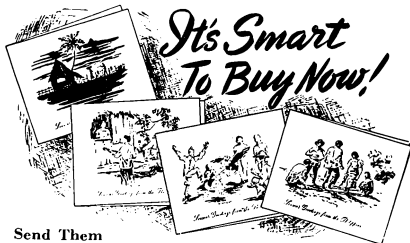


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