

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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for the payment of his salary.

Hence, opinion is requested on whether or not the money value of the leaves earned by Justice de la Rosa may be paid out of savings in the appropriations for the inferior courts, pursuant to Section 6(8) of Republic Act No. 906 which reads:

"Sec. 6. Authority to use savings for other purposes -- The President of the Philippines is authorized to use any savings in the appropriations authorized in this Act for the Executive Departments x x x; (8) for the payment of commuted sick and vacation leaves of employees who may be retired under the provisions of Republic Act Numbered Six hundred sixty; x x x."

The Auditor General interposes no objection to the transfer of the savings in question to the Court of Appeals and justifies his stand in the following manner:

"If the provisions of section 6(8) above-quoted were to be strictly adhered to, the savings of P8,000.00 mentioned above could not be transferred to the Court of Appeals under this section. Considering, however, the circumstances of the case as stated above and the fact that Republic Acts Nos. 906 and 910 were approved simultaneously so that Congress could not include the payment of terminal leave of Justices of the Court of Appeals and the Supreme Court who may be retired under Republic Act No. 910 out of the savings that may be realized, and considering further that Justices of the Court of Appeals are entitled to retire under Republic Act No. 660 (Justice de la Rosa could have availed of the benefits of Republic Act No. 660, instead of Republic Act No. 910 had he chosen to do so in which case his terminal leave could be paid out of salary savings pursuant to section 6(8) supra), this Office, in line with section 6(8) of Republic Act No. 906, will interpose no objection to the transfer to the Court of Appeals of the savings of P8,000.00 realized for the Inferior Courts for the purpose of covering a portion of the accumulated leave of former Justice de la Rosa, if approved by the President of the Philippines."

The undersigned concurs in the above-stated view of the Auditor General and agrees with the reasons advanced in support thereof. The query should therefore be answered in the affirmative.

Sgd. PEDRO TUASON
Secretary of Justice

than half its population came to this country. That policy has since been reversed. But in Russia, to this day, there are certain districts to which the Jews are restricted, with the result that vast numbers of them are emigrating to this country. We can hardly believe that the Legislature by the ordinary words in a charter authorizing the aldermen to 'provide for the public welfare' intended to initiate so revolutionary a public policy."

And they also held that such regulations could not interfere unreasonably with vested rights. When the question first arose in the supreme court of the United States, several municipal corporations, from the states wherein the ordinances under consideration were upheld, were permitted through amici curiae to file briefs in the case. That court settled the question and held that segregation ordinances or regulations whereby separate residential sections are provided for particular races are not within the police power of municipal corporations, and that such ordinances or regulations were unconstitutional in violation of the Fourteenth Amendment of the federal constitution."

[§ 296] 2. Statutory provision as to City of Manila. "The Municipal Board shall have the following legislative powers:

"(dd) To regulate, inspect and provide measures preventing any discrimination or the exclusion of any race or races in or from any institution, establishments, or service open to the public within the city limits, or in the sale and supply of gas or electricity, or in the telephone and street-railway service; to fix and regulate charges therefor where the same have not been fixed by national law . . ."

182 State v. Darnell, 166 N. C. 300, 302, 303, 51 LRANS 332.
183 Buchanan v. Warley, 245 U. S. 60, 38 Sup. Ct. 12, 62 L. ed. 149.
184 Sec. 18, Rep. Act No. 409.

in its entirety? How many are familiar with Article 191 of that code? Of the legal requirement of executing a testament before a notary public? How many have a copy of the new code? And how many of my colleagues know that about sixty per cent of this code is new; and when I say new I mean brand new?

There is therefore need, great need in our country, for regular refresher courses for practising attorneys and for other members of the bar. The medics have it. The question, then, is, Which of our law schools will initiate the movement for refresher classes for Ll. B.'s? It's a fertile field!

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