Recent Cases

INVOLUNTARY SERVITUDE—EFFECT OF SECTION 19, COMMONWEALTH ACT NO. 103 ON THE RIGHT TO LABOR.

The petitioner, a labor union, declared a strike for refusal by the respondent, Gotamco Saw Mill, to grant certain of its demands. The case was referred by the Department of Labor to the Court of Industrial Relations. Pending action, both parties came to a mutual agreement whereby the petitioner agreed to work in return for respondent increasing the wages and granting minor privileges. This covenant was embodied in a formal order of the court. Subsequently, the respondent filed an urgent motion asking that the union be held in contempt for having staged a strike during the pendency of the main case, in violation of the above order of the court. The court declared the petitioner in contempt and decreed that action be taken against the person or persons responsible therefor; hence this petition for writ of certiorari.

The petitioner alleged that Section 19 of Commonwealth Act No. 103, under which said order was issued, is unconstitutional as violative of the fundamental inhibition against involuntary servitude. They contend that to hold them guilty of contempt for refusing to work is tantamount to coercing or compelling them to work against their will. The pertinent part of Section 19 provides: "when any dispute between employer and employee has been submitted to the Court of Industrial Relations for settlement . . . and pending decision, the employee shall not strike . . and if he has already done so, he shall forthwith return to it upon order of the court, which shall be issued only after hearing when public interest so requires or when the dispute cannot, in its opinion, be promptly decided."

The Supreme Court held that Section 19 of Commonwealth Act No. 103 is constitutional for the following reasons:

(1) An employee entering into a contract of employment after said law took effect voluntarily accepts, among other conditions, those prescribed under said section. The voluntariness of the employee's entering into such contract of employment negatives involuntary servitude.

(2) It was enacted in the exercise by the State of its police power, making it the concern of the State to promote social justice to insure the well-being and economic security of all the people.

(3) The question of involuntary servitude is not involved but

only the workability of settlement of labor disputes. When strikers seek remedy under the Act, they do so on the assumption that their employment is agreeable to them, for as a matter of fact, they claim their right to continue to work. If they find their work is in the nature of involuntary servitude, they would not resort to strike but will simply resign and seek other job.[1]

Liberty, as guaranteed by the Constitution, includes the right to labor and to refuse to labor and the right to contract and to determine such contract. Included in this right to contract, there exists the right to contract for personal service or employment, by which labor and other services are exchanged for money or others forms of property.[2] In the exercise of this right, laborers have the right to organize and to utilize such organization by instituting strikes.[3] While the law recognizes the right to strike [4] the same law creates all means by which resort thereto may be avoided. The creation of the Court of Industrial Relations is aimed to supply an adequate instrumentality to forestall strikes or to minimize or prevent its disturbing effects upon social order and public interest.[5] When laborers strike, it shall be deemed a choice of remedy peculiarly their own and as such, they must accept all risks attendant upon their choice which may mean an order to return to work pending settlement or dismissal for justifiable cause.[6]

The authority and function of the court is active, affirmative and dynamic.[7] It has authority to act according to justice, equity and substantial merits of the case. When a strike is staged pending final determination of the case, the union violates a direct order of the court. The court must assert its authority and uphold its prestige. In this regard, it may include in any order, award or decision any matter deemed necessary and expedient for the purpose of settlement and for the sake of public welfare.[8]

The power conferred upon the Court of Industrial Relations by Section 19 of its organic law to enjoin under the circumstances therein required, a strike or walk out, or to order the return of the striking

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[1] *Kaisahan ng mga Manggagawa sa Kahoy sa Pilipinas v. Gotamco Saw Mill*, G.R. No. L-1573, March 29, 1948.

[2] *People v. Pomar*, 46 Phil. 440.

[3] *Pickett v. Walsh*, 192 Misc. 578; *Iron Molder's Union v. Allis Chalmers Co.* 166 F 45.

[4] Commonwealth Act No. 103; *Red Taxicab Co. v. Court of Industrial Relations*, 40 O.G. 9th Supp. p. 136, Sept. 27, 1941.

[5] *National Labor Union, Inc. v. Philippine Match Factory*, 40 O.G. 8th Supp. p. 134, Sept. 20, 1941.

[6] *Red Taxicab Co. v. Court of Industrial Relations*, 40 O.G. 9th Supp. p. 136, Sept. 27, 1941.

[7] *Ang Tibay & National Worker's Brotherhood v. Court of Industrial Relations*, G.R. 46496, February 27, 1940.

[8] *United Laborer's Employees of the Philippines v. Santos Taxicab Co.*, 40 O.G. [illegible] 4245, Nov. 29, 1941.

workers and correspondingly enjoin the employer to refrain from accepting other employees, unless with expressed authority of the court, and to permit the continuation in the service of his employees under the last term and conditions existing before the dispute arose, is one important virtue of capital-labor legislation.[9] The evident purpose of this section is to maintain the parties in status quo during the pendency of the dispute in order to safeguard the public interest and aid the court in the effective settlement of controversies which threaten to disrupt industrial peace and progress.[10] The power vested upon the court to order the striking workers to return to work means that the very impossibility of prompt decision or settlement of the controversy confers upon the court the power to issue the order for the reason that the public has an interest in preventing undue stoppage or paralyzation of the wheels of industry.[11] The same section also empowers the court to determine whether public interest requires that it order the laborers or employees not to strike or to report to work during the pendency of a controversy, and it is in this obvious spirit of the law that this provision should be construed.[12]

The State has the right to enjoin a strike or other labor activity which interferes with the business life of the community and the production, exchange and transportation of food and other necessaries, endangering public welfare.[13] The fact that a commodity is vital and necessary to the community may warrant interference with labor activity.[14] In the present case, as a result of the destruction wrought by the last war, the economic and social rehabilitation of this country urgently demands the reconstruction of industrial, commercial and residential buildings. Any stoppage or diminution in the production of lumber or allied products so sorely needed in reconstruction work will inevitably tend to paralyze, impede or slow down the country's program of rehabilitation which the government is striving to accelerate as much as it is humanly possible.[15] This

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[9] *Philippine Refining Company Workers Union v. Philippine Refining Co. Inc.*, G.R. No. L-1663, March 29, 1948.

[10] *Manila Trading & Supply Co. v. Philippine Labor Union*, 40 O.G., 10th Supp. October 4, 1941; *Mindanao Bus Company Employees Association v. Mindanao Bus Co. Inc.*, 40 O.G. 10th Supp., p. 114, October 4, 1941.

[11] *Philippine Refining Company Worker's Union v. Philippine Refining Co. Inc.*, G.R. No. L-1663, March 29, 1948.

[12] *Manila Trading & Supply Co. v. Philippine Labor Union*, 40 O.G. 10th Supp. October 4, 1941.

[13] In re Wood, 194 Cal. 49; *People v. United Mine Workers*, 201 p. 54.

[14] Ludwig Teller, *Labor Dispute and Collective Bargaining*, Vol. I, Sec. 54, p. 140, 1940 ed.

[15] *Kaisahan ng mga Manggagawa sa Kahoy sa Pilipinas v. Gotamco Saw Mill*, G.R. No. L-1573, March 29, 1948

is such public interest as will warrant government interference in labor activity.[16]

When strikers seek remedy under the law from the Court of Industrial Relations, the court may impose reasonable conditions, one of them being that provided by Section 19 of Commonwealth Act 103, ordering strikers to return to work. These conditions are considered as voluntarily accepted by the laborers, not only because it is expressly provided in Section 19 of said Act, but because it is a reasonable implementation of the powers of the court to effectively settle a labor controversy.[17] The general welfare clause demands that said provision be upheld and enforced.[18]

Involuntary servitude, together with its corollary, slavery and peonage, denotes a condition of enforced compulsory service of one to another.[19] Early Spanish laws called it "a thing against nature." [20] Rule 2, Title 34 of the Seventh Partida states: "It is a thing which men naturally abhor." [21] The constitutional provision of the Act of Congress of July 1, 1902, that "neither slavery nor involuntary servitude . . . shall exist in said Islands" while operating to nullify any agreement in contravention of it, required suppletory legislation to give it effect criminally.[22] Act 2701 as modified by Section 2 of Act 2300, was the first positive legislation to give effect to the fundamental clause. In the proposed Correctional Code of 1916, intended to implement the provisions of the previous Acts, involuntary servitude was treated as a punishable offense. At present, Articles 272, 273, and 274 of the Revised Penal Code penalize the various form of involuntary servitude in order to give effect to the constitutional mandate against involuntary service.[23]

Our Supreme Court had, on various occasions, the opportunity to deal directly on the question whether a particular contract or statute is productive of involuntary servitude. In the case of De los Reyes v. Alojado,[24] a condition in a contract that the defendant was obliged to render service in the plaintiff's house as a servant without any remuneration whatever and to remain there as long as she had not paid her debt is contrary to law. Domestic service is

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[16] Ludwig Teller, *Labor Dispute and Collective Bargaining*, Vol. 1, Sec. 54, p. 140, 1940 ed.

[17] *Philippine Refining Company Workers Union v. Philippine Refining Co. Inc.*, G.R. No. L-1663, March 29, 1948.

[18] *Idem.*

[19] *Rubi v. Provincial Board of Mindoro*, 39 Phil. 660.

[20] Law 1, Title 21, Fourth Partida.

[21] *U.S. v. Cabañag*, 8 Phil. 64.

[22] *Idem.*

[23] Article 111, Sec. 1, par. 13, *Philippine Constitution.*

[24] 16 Phil. 499.

always to be compensated and agreements that it be gratuitous is invalid. In the case of U. S. v. Cabañag,[25] the practice of certain tribes of Igorots, so far as proved in the case, termed by them the "buying and selling" of children, does not necessarily constitute involuntary servitude, for the mere employment or custody of a minor with the consent or sufferance of the parents or guardians, although against the child's will, cannot be considered involuntary servitude. The confinement in a reservation of natives of wild habitat and nomadic customs in accordance with Section 2145 of the Administrative Code of 1917 does not constitute slavery nor involuntary servitude.[26] Likewise, an Act penalizing acceptance of wages in advance with the intention of refusing to earn them with work is not unconstitutional, the purpose being to punish fraudulent practice.[27]

Not all cases of compulsory service are considered involuntary servitude. Several laws were promulgated in the exercise by the State of its paramount police power. The following are a few of the instances held by our Supreme Court of valid compulsory service.

(a) Requiring all able-bodied male residents of different municipalities between the ages of 18 to 50 to assist, for a period not exceeding five days in one month, in apprehending malefactors and to act as patrols for the protection of the municipality not exceeding one day each week.[28]

(b) Compulsory military service or training in the militia.[29]

—JOSE C. CAMPOS JR.

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[25] 8 Phil. 64.
[26] *Rubi v. Provincial Board of Mindoro,* 39 Phil. 660.
[27] *Ramirez v. Orozco,* 34 Phil. 412.
[28] *U.S. v. Pompeya,* 31 Phil. 245.
[29] *People v. Lagman,* G.R. No. 48592, July 13, 1938.

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DISQUALIFICATION OF JUDICIAL OFFICERS; RULE 126, RULES OF COURT, NOT APPLICABLE TO THE SUPREME COURT.

In an action where the principal question is the legality of the appointment of the petitioner by the Chairman of the Senate Electoral Tribunal, the Solicitor General filed a petition to disqualify three justices of the Supreme Court on the ground that they would in effect be reviewing a decision or ruling of the Senate Electoral Tribunal, of which they are members.

Justice Perfecto, one of the three justices, sought to be disqualified, in a resolution denying the motion in so far as it was addressed to him, stated that "the motion is addressed to the Supreme Court in violation of Sec. 2 of Rule 126 which provides that the objection should be addressed to the official claimed to be disqualified." After citing the grounds for disqualification provided by Sec. 1 of Rule 126, he declared "that said section refers only to any 'inferior court' and only a stubborn refusal to see light can possibly confuse it with the Senate Electoral Tribunal, which, as created by the fundamental law, is supreme and paramount within its exclusive jurisdiction. x x x Rule 126 has no application to members of the Supreme Court and any motion or petition filed seeking their disqualification has no legal basis to stand on. The members of the Supreme Court need no prodding from any party litigant with regard to the performance of their official duties. They inhibit themselves from taking part in the consideration of cases when their sense of justice advises them to do so." (Suanes v. Chief Accountant of the Accounting Division, Senate, et al, G.R. L-2460, Sept. 11, 1948.)

NOTE: Justices Paras and Tuason, the other two justices sought to be disqualified, voluntarily inhibited themselves.

—G. V. J.

QUO WARRANTO; ELECTION; DISQUALIFICATION ON DISLOYALTY.

Quo warranto proceedings to disqualify the respondent on the ground of disloyalty under section 172 Revised Election Code. Respondent judge dismissed the case on the ground that it had no jurisdiction for Regalado was already being prosecuted for treason, based on the same acts, before the People's Court. So this petition for certiorari and mandamus.

In granting the writ of mandamus, the Supreme Court, ruling that the lower court had jurisdiction, declared that "a person may be declared in a special civil action of quo warranto to be disloyal to the Republic of the Philippines x x x and ineligible to hold public office under section 172 of the Revised Election Code, if the preponderance of evidence so shows, although said person has been or will be acquitted of the crime of treason. Because the law provides as a ground of disqualification, not the conviction of the candidate of the crime of treason or any other act constituting disloyalty, but the mere fact of being disloyal. x x x Had the lawmakers intended to require conviction of disloyalty as a ground for disqualification, it would have so expressly provided. x x x To construe section 172 of the Revised Election Law as requiring previous conviction of a crime constituting disloyalty to the government, would be to thwart, partially or in toto, the purpose of the law." (Casin v. Judge Caluag and Regalado, G.R. L-1939, April 19, 1948.)

—G. V. J.

PRELIMINARY INJUNCTION; LIABILITY OF SURETIES.

The plaintiff secured a writ of preliminary injunction conditioned upon the filing of a bond. He filed a bond with two sureties, the bond specifying that it is to answer for costs as well as damages resulting from the issuance of the injunction, should the court finally decide that plaintiff was not entitled thereto. The injunction was dissolved and damages awarded against the plaintiff in a final decision. Upon the plaintiff's failure to satisfy the judgment, the defendant sought to enforce it against the sureties.

The question raised in this case is whether the sureties are, upon their bond, answerable or not, for the damages awarded against the plaintiff. In answering this in the affirmative, Justice Perfecto stated that "there should not be any question that an injunction bond is intended as security for damages in case it is finally decided that the injunction ought not to have been granted. It is designed to cover all damages which the party enjoined can possibly suffer. Forms and conditions of the bond are by no means uniform, but the pivotal purpose in all cases is to protect the enjoined party against loss or damage by reason of the injunction. The dissolution of the preliminary injunction, if tantamount to a

determination that the injunction was wrongfully issued, will entitle the defendant to recover damages resulting from the issuance of the injunction. The sureties in an injunction bond are bound by a judgment against the principal. Even without the express commitment made by the sureties in the bond in question to become parties or quasi parties in the case and that judgment may be rendered against them without previous notice, it is a recognized rule that the sureties upon an injunction bond assume such connection with the suit that they are included by a judgment in it in a suit at law upon the bond, so far as the same issues are involved; and that upon entry of a judgment against the principal, their liability is absolute." (Florentino v. Domadag, C.A. G.R. No. 9047, May 14, 1948.)

—G. V. J.

ELECTORAL PROTESTS; MOTION TO DISMISS.

The petitioner and Monsale had both duly filed certificates of candidacy for mayorship of Miagao, Iloilo. Before the election, Monsale withdrew his candidacy although subsequently he withdrew his withdrawal. The petitioner was proclaimed elected and Monsale protested alleging that had the votes cast for him been counted, he would have been elected. The petitioner moved for dismissal of the protest contending that the court was without jurisdiction for protestant was not a registered candidate voted for in said elections. Respondent judge provisionally refused to dismiss until the protest is adjudged on the merits. So this petition for certiorari.

Justice Bengzon viewing the question from the standpoint of procedure, held that "this petition has no basis, the court not having definitely ruled on the issue of jurisdiction. If petitioner should counter that it was a grave abuse of discretion for the court to postpone definite action on his petition for dismissal, the answer would be that our rules expressly permit judges to defer action on such motions until the trial, if the ground alleged does not appear to be indubitable (Rule 8, Sec. 2)"

Justice Perfecto, in concurring with the denial of the petition, stated that "the filing of a certificate of candidacy is a technicality that should be enforced before the election, but can be disregarded after the electorate has made the choosing. This is only in accordance with the doctrine laid down by the Supreme Court,

to the effect that provisions of the election laws, generally are mandatory before the election and directory after." And going to the democratic spirit, it was stated that "there is no way of brushing aside the universal conviction to the effect that election legal provisions are enacted, never to stifle or defeat the popular will, but give it the freest sway, as an indispensable factor in the existence, functioning, and preservation of democracy." (Nico v. Judge Blanco and Dr. Monsale, G.R. L-2036, June 30, 1948.)

—G. V. J.

PETITION FOR NATURALIZATION; ABILITY TO SPEAK AND WRITE A LOCAL DIALECT.

The petitioner, a Russian refugee who came to the Philippines in 1923 to escape from the Bolsheviks, had filed a petition for naturalization and complied with all the formalities thereof, in 1941. Due to the war, his application was never heard up to 1947, when hearing was conducted on the reconstituted records. The application having been granted by the Court of First Instance, the oppositor appealed alleging that the lower court erred in finding that (1) the petitioner knew how to speak and write the Bicol dialect; and (2) that petitioner was a stateless refugee.

In affirming the trial court, the Supreme Court stated that "the law has set a specific standard of the required ability to speak and write any of the principal Philippine languages. A great number of standards can be set. x x x Perhaps less than one hundred well selected words will be enough for the ordinary purposes of daily life. x x x If appellee with his smattering of Bicol was able to get along with his Bicol comrades in the hazardous life of the resistance movement, we believe that his knowledge of the language satisfies the requirement of the law." As to the other assigned error, the court stated that "the tyrannical intolerance of said dictatorships toward all opposition induced them to resort to beastly oppression, concentration camps and blood purges, and it is only natural that the not so fortunate ones who were able to escape to foreign countries should feel the loss of all bonds of attachment to the hells which were formerly their fatherland's. Petitioner belongs to that group of stateless refugees." (Eremes Kookooritchkin, petitioner v. Solicitor General, oppositor, G.R. No. L-1812, August 27, 1948.)

—G. V. J.