

BOOK REVIEW

THE MINIMUM WAGE LAW. By Emiliano Morabe. Published by M. Colcol and Company, July, 1954. Pp. 499. P18.00.

In the face of renewed agitation, led by the Secretary of Agriculture and Natural Resources, to amend the Minimum Wage Law,¹ the book under review comes out at a most opportune time. It enables all those who are affected by the law—and certainly they constitute almost the entire bulk of the working population—to weigh the merits and demerits of any move to amend or scrap it altogether.

The authorship of the book lends it persuasive authority in this jurisdiction. Atty. Morabe was a labor reporter of a defunct Manila daily, the *Manila Post*, when he was appointed public relations officer of the Department of Labor in 1947. In his later capacity as a member of the department's technical staff, he was sent to the United States as a labor pensionado and there he specialized in labor law administration, with special emphasis on labor relations. Upon his return, and after the enactment of the Minimum Wage Law in 1951, he was appointed chief of the Wage Administration Service, the agency to which was entrusted the task of administration and enforcement of the measure. He remained as such until early this year when he was assigned on special detail with the Senate Committee on Labor as technical adviser.

On the whole, Morabe's book suffers from faulty editing and lack of compactness. What he had to say could have been compressed into about one half of the total number of pages devoted to text. However, if we are to consider the author's end in writing the book—that it be useful not only to members of the bench and the bar, but also to the administrators of the law, employees and employers—the objection to the style loses much of its force. Be that as it may, it would have been more to the author's credit had he kept in mind that those who attempt to please everyone succeed only in pleasing nobody.

Writing in simple expository, if somewhat journalistic, prose, Morabe takes pains to explain the rights and duties of labor and management under the law. He starts off with the legislative history of the law and proceeds painstakingly to the tedious task of analyzing each provision, interspersing here and there administrative rulings and judicial interpretations, both here and in the United States,² of the more controversial ones.

Morabe settles one of the perplexing problems posed by the Minimum Wage Law: whether or not the said labor legislation should be made to cover farm tenancy, since two portions of the law³ present slightly opposite views, considered in the light of the *Quirino-Foster Agreement*.⁴

¹ Republic Act No. 602, approved April 6, 1951.

² The Minimum Wage Law having been patterned after the Fair Labor Standards Act of 1938, as amended by Public Law 898, 81st U.S. Congress, judicial construction and administrative interpretations in the United States have persuasive force in the Philippine jurisdiction.

³ Section 3(d) of the Minimum Wage Law, which reads, "This Act shall not apply to farm tenancy . . ." would seem to exclude farm tenancy; but Section 3(b) makes an operator of a farm enterprise comprising more than 12 hectares liable for the payment of the agricultural rates.

⁴ An agreement signed on November 4, 1950, by President Quirino in behalf of the Philippine government and William C. Foster in behalf of the U.S. government in order to put into effect recommendations of the American economic survey mission known as Bell Mission, after its head, Jasper W. Bell. The pertinent provision in the Quirino-Foster Agreement reads:

Another noteworthy feature of the book under review is the discussion of a piece of labor policy which has so far not presented any question in this jurisdiction but which, the author expects, might pose more questions of the sort in the future. This policy is governed in the United States by the so-called Portal-to-Portal Act, enacted in 1947.⁵ The act settles more definitely what is considered to be an employee's compensable working time; whether the time spent by the employee in changing clothes or washing at the beginning or end of the workday could be considered as part of his principal activity entitled to a full "workday" pay.

A valuable chapter in the book is that which deals on the bringing of actions under the law against the employer who might have committed any of the following offenses: (1) underpayment of wages; (2) non-payment of wages; (3) violation of record-keeping requirements; (4) illegal discharge and discrimination; (5) illegal deduction; and (6) disobedience to a subpoena issued by the Wage Administration Service.

Everything considered, Morabe's book would serve as a good handbook in any office.

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"4. To this end and in considering the time and essence, the Council of State shall forthwith formulate a legislative program of the following measures for prompt consideration by the Congress of the Philippines:

"b. A minimum wage for all agricultural workers as the first step towards labor and legislation designed to raise the level of wages specially in agricultural areas and to improve the living conditions of agricultural and industrial workers."

⁵ See Additional Provisions of Fair Labor Standards Amendments of 1949. (Public Law 393, 81st U.S. Congress).