HELD: In Sikat v. Canson, 67 Phil. 207, it was held that, since under PI laws divorce can only be granted on the ground of adultery or concubinage, a foreign divorce granted on any other ground cannot be enforced. Such pronouncement is in keeping with the principle of Private International Law which prohibits the extension of a foreign judgment, or the law affecting the same, if it is contrary to the law or fundamental policy of the State of the *forum*. (ARCA *v.* JAVIER, G. R. No. L-6768, July 31, 1954.)

The Enemy, In Taking Private Lands For Uses Demanded By The Exigencies Of War, Is Not Mala Fide Possessor Thereof; Thus, Title To Improvements Made By It Does Not Pass To Landowners.

FACTS: The land in question was occupied by the Japanese during the war and converted by it into an airfield. At Liberation, the U.S. army occupied the airstrip and in 1946 turned it over to the PI Govt. In this expropriation proceedings commenced by the Govt., the landowners are demanding compensation for the airstrip and other improvements constructed by the Japanese on the ground that, as the enemy could not take private property without compensation, the Japanese were possessors in bad faith and thus the improvements made thereon pass to the owners, in accordance with the Civil Code.

HELD: In the first place, the Code does not govern relations between private persons and a sovereign belligerent. Second, while the enemy may not confiscate private property, confiscation differs from temporary use for purposes demanded by necessities of war. Thus, the Japanese occupant is not a possessor in bad faith of the lands since its use thereof was merely temporary, demanded by war exigencies. And while the landowners retained title to the property, the Govt. succeeded to the ownership of the improvements, and is not obliged to pay indemnity therefor. (REPUBLIC OF THE PHILIPPINES *v.* LARA ET AL., G. R. No. L-5080, November 29, 1954.)

LABOR LAW

COURT OF INDUSTRIAL RELATIONS

The Court Of Industrial Relations Has Exclusive Jurisdiction Over Labor Disputes Under The Law.

FACTS: The P.S.U.M.W. union filed an action against the S.M. Co. for the latter's alleged violation of their closed shop agreement. The Co. filed a motion to dismiss on the ground of lack of jurisdiction over the subject matter, claiming that the case should have been properly brought in the CIR. The union contends that the CFI has jurisdiction over the case and that the law, in creating the CIR never intended to supersede the functions of regularly created judicial courts.

HELD: Although not every employer-employee dispute must be brought to the industrial court, yet for the settlement of *labor* disputes, Congress through C.A. 103 gave the industrial court exclusive jurisdiction. The legislative will to grant exclusive jurisdiction—especially with respect to bargaining contracts—is confirmed by R.A. 875 which expressly provides that the CIR's jurisdiction shall be exclusive "to prevent unfair labor practices" which inferentially includes breaches of bargaining contracts. (PAMBUJAN SUR UNITED MINES WOKER *v.* SAMAR MINING CO., G. R. No. L-5694, May 12, 1954.)

Employee's Acquittal In A Criminal Case Does Not Bar CIR From Finding Him Guilty Of Acts Warranting Company's Refusal To Reinstate Him.

FACTS: During a strike of the NOLE, Rivas and Tolentino were found with hand grenades. A criminal action was filed against them but they were acquitted. In the action for their

reinstatement, the CIR found that they intended to sabotage the company through the use of the grenades and held that they were unworthy of reinstatement. NOLE maintains that the judgment of acquittal in the criminal action for illegal possession of firearms bound the CIR and barred it from making its own findings, on which it based its decision.

HELD: An employee's acquittal in a criminal case is no bar to the CIR, after hearing, finding the same employee guilty of acts inimical to the interests of his employer and justifying loss of confidence in him and warranting his dismissal or the company's refusal to reinstate him. The reason is because the evidence required in criminal actions is substantially different from that needed in civil or non-criminal cases. (NATIONAL ORGANIZATION OF LABORERS AND EMPLOYEES [NOLE] *v.* ROLDAN, G. R. No. L-6888, August 31, 1954.)

BONUS

Bonus Though Not Part Of Wage May Be Granted On Equitable Considerations.

FACTS: On April, 1948, Heacock Co. gave all its employees a bonus of 1 month's salary for the year 1947, making a promise that a similar bonus would be given yearly as long as there would be sufficient profits. However, bonuses for 1948 and 1949 were given only to high officials of the company, leaving out low-salaried employees. On petition by the employees, the CIR ordered the company to pay the low-salaried employees the bonus for 1948 and 1949. In this petition for review, the company claims that since the bonus was an act of liberality and was not included in the employment contract, payment of the same lay entirely within its discretion.

HELD: Even if a bonus is not demandable for not forming part of the wage, salary or compensation of the employee, the same may nevertheless be granted on equitable considerations. The payment of the 1947 bonus fixed in the employees' minds the hope of receiving similar concessions, and in equity they should be paid the bonus in those years in which enough profits were earned. (H. E. HEACOCK CO. *v.* NATIONAL LABOR UNION ET AL., G. R. No. L-5577, July 31, 1954.)

The Consideration For The Obigation To Pay Bonus Is The Efficient Service And Loyalty Of The Employee.

FACTS: In this petition to review the CIR's order to the petitioner to pay bonus which it had promised to its employees, petitioner contends that no valid obligation to pay the bonus in question could arise because there was no consideration therefor.

HELD: Any extra concession granted by an employer to his employee is necessarily premised on the need of improving the latter's working conditions to the highest possible level, in return only for the efficiency and loyalty expected from the employee. (H. E. HEACOCK CO. *v.* NATIONAL LABOR UNION ET AL., G. R. No. L-5577, July 31, 1954.)

DISMISSAL

Simple Refusal Of Employee To Comply With Notice To Report To Main Office Is Not Such Disrespect For Employer As To Warrant Dismissal.

FACTS: Peter Paul Corp. obtained authority from the CIR to lay off 319 employees. By virtue thereof, the corp. laid off 3 employees on August and 55 more on September. Upon motion by petitioner, the CIR reduced the number authorized to be laid off to only 55 men but also sustained the dismissal of 3 men on August, finding that the 3 employees dismissed refused to comply with notices sent to them to report to the main office and that their refusal was a serious want of respect to their employer and a lawful ground for their immediate dismissal.

HELD: The simple refusal of the 3 employees to comply with the notices did not amount to serious want of respect and regard for their employer. The names of these employees were included in the general notice of lay-off and they may have refused because they suspected that they were going to be

told that they were to lose their jobs. In the absence of showing that the employer had some other purpose in asking them to report, their summary and outright dismissal is not warranted. (LAKAS NG PAGKAKAISA SA PETER PAUL *v.* COURT OF INDUSTRIAL RELATIONS, G. R. No. L-6491, October 29, 1954.)

DISPUTES

While A Superintendent Is Deemed Part Of Management In A Dispute Between Management And Labor, Yet The Superintendent Is Deemed An Employee Where The Dispute Is Between Him And Management.

FACTS: In the case between the PLASLU union and CEPOC, PLASLU filed an incidental motion asking for the reinstatement of Valencia who had been dismissed without cause. The CEPOC questioned the jurisdiction of the CIR to decide said motion, alleging that Valencia's dismissal was not an industrial dispute since the position of superintendent held by Valencia was not that of an employee but that of a member of management. The CIR having ordered Valencia's reinstatement, CEPOC appeals by certiorari.

HELD: In the incidental case at bar, we are not concerned with the relation between the PLASLU and the CEPOC, but we are with that of Valencia, employee, on one side, as against CEPOC, employer, on the other While a superintendent who has the power to appoint and discharge may be considered as part of the management, in the dispute that arises between it and the laborers, said superintendent is an employee in his own relation to the capitalist or owner of the business, in this case, the CEPOC. (CEBU PORTLAND CEMENT CO. *v.* COURT OF INDUSTRIAL RELATIONS, G. R. No. L-6158, March 11, 1954.)

DAMAGES

Damages Suffered By Employee, While Discharging His Duties, Because Of A Stranger's Act Cannot Be Recovered From Employer; Giving Legal Aid To Employee Charged Criminally Is Not A Legal But A Moral Duty.

FACTS: Cruz, a guard in defendant's theatre, killed a gate-crasher who attacked him after being prevented from gaining entrance. Being criminally charged, Cruz employed a lawyer to defend him and was finally acquitted. He now brings this action to recover from defendant the fees he had paid to his lawyer and other damages. On motion, the court dismissed the case after finding that Cruz had no cause of action. Hence, this appeal.

HELD: The case involves damages caused to an employee by a stranger or outsider while said employee was performing his duties. Unfortunately, there is no law or judicial authority directly applicable to the present case, and, under present legislation, we are neither able nor prepared to decide in favor of the employee. Although it is to the employer's interest to give legal aid to its employee because of the employer's subsidiary liability in case of the employee's conviction, the giving of such aid is not a legal obligation but, possibly, a moral one. (DE LA CRUZ *v.* NORTHERN THEATRICAL ENTERPRISES INC., ET AL, G. R. No. L-7089, August 31, 1954.)

WORKMEN'S COMPENSATION ACT

Sec. 5 Of Workmen's Compensation Act, Regarding Stipulations On The Applicability Of Said Act To Injuries Received Outside PI, Became Mandatory Only With Passage of R. A. 772 On June 20, 1952.

FACTS: Petitioner secured the services of Luceno as cook in one of its ships in 1951. After his death abroad, his wife filed a claim with the Workmen's Compensation Commission which was opposed by petitioner on the ground of lack of jurisdiction over it because it was a foreign corporation not engaged in business in the PI. Decision having been rendered against it, petitioner seeks to enjoin the commission from acting on the claim on the same ground. To sustain the commission's jurisdiction over the case, respondents claim that under the law the commission has jurisdiction to hear and determine compensation cases even if the injury or death occurs outside the PI.

HELD: The provisions of Sec. 5, Act 3428, which say that employers contracting Filipino laborers for work abroad may stipulate that the remedies of the act will apply only to injuries received abroad, are merely directory and can only apply when so stipulated. No such stipulation was made in the present case. These provisions only became mandatory upon the approval of R. A. 772 on June 20, 1952. This mandate of the law cannot therefore apply to the contract in the present case which was executed in 1951. (PACIFIC MICRONICIAN LINE, INC. *v.* BAENS DEL ROSARIO, G. R. No. L-7154, October 23, 1954.)

TENANCY LAW

Agricultural Tenancy Act, R.A. 1199, Passed Aug. 30, 1954, Governs Tenancy Relations In All Agricultural Lands And Places All Agricultural Tenancy Cases Within The CIR's Jurisdiction.

FACTS: Macarandag filed an action with the municipal court against his tenant Mendoza, alleging that Mendoza was cultivating the land, planted to citrus, and had destroyed 56 citrus trees. Said case was filed in 1953. Mendoza filed a motion to dismiss alleging that the CIR, not the municipal court, had jurisdiction over the tenancy case. The motion was denied.

HELD: Since then, specifically on Aug. 30, 1954, R.A. 1199 has been approved, the provisions of which are made to apply to all kinds of agricultural lands, whatever may be their nature or character, whether rice, sugar, corn or coconut, and as all controversies between landlord and tenant are placed within the CIR's jurisdiction, so any controversy between landlord and tenant, or owner and lessee falls under said court's jurisdiction. Thus, at the time this action was filed, the court still had jurisdiction; but upon approval of R.A. 1199 on Aug. 30, 1954, the municipal court's power was revoked and transferred to the CIR. (MENDOZA *v.* MANGUIAT, G. R. No. L-7373, December 22, 1954.)

EIGHT HOUR LABOR LAW

Eight Hour Labor Law Not Applicable To Taxi Drivers Working On Commission Basis.

FACTS: Del Rosario employed Lara as a Taxi driver on commission basis of 20% of the gross earnings of the taxicab. In this action, Lara claims that, as he worked an average of 12 hours a day even during Sundays and holidays, he should be given compensation for overtime work as provided for by the 8-Hour Labor Law.

HELD: Where an employee, such as a taxi driver, has no fixed salary or wages, his compensation for the day being dependent on the result of his work, which in turn depends on the amount of industry, intelligence and experience applied to it, rather than the period of time employed, he is not entitled to extra compensation for work done in excess of eight hours. (LARA, ET AL. *v.* DEL ROSARIO, G. R. No. L-6339, April 20, 1954.)