

and efficient, and even, as the backbone of the nation. But, that is as far as we go—theorizing. In the concrete, however, that is in actual practice, we often disprove our own theories by stifling the working man's sense of industry, efficiency and independence. In order to maintain our theories and escape the damnation of society, we seek asylum in the widely publicized ventures on charity—the ever reaching hand of mercy. Man has indeed perfected the Roman custom of back-patting or self-praising.

Efforts have been made for the past forty years to put into practice what we have openly declared in theory. Solutions to the ever-existing conflict between capital and labor have been printed many times under different labels. This present article is a report on the proposed solution to that conflict by the Labor Committee of the Twentieth Century Fund. It is the product of thirteen years of continuous and extensive research. The Labor Committee of the Twentieth Century Fund, which includes employers, representatives of organized labor, economists, and members experienced in public affairs, was formed in order to formulate a *new philosophy* of labor-management relations on which both labor and management could agree.

In formulating this *new philosophy*, the Committee found it expedient and necessary to first set up some principles which should guide its search of this *new philosophy*. It has made these as its premises: *First*—Labor has taken its place among the central groups that will guide the destiny of the nation; *Second*—To attain positive industrial peace, what is needed is something more than by-laws and compulsory rules, and that is productive teamwork; *Third*—You cannot legislate harmony into the hearts of men; *Fourth*—Wages are not the only factor to consider in satisfying the laborer's desire.

In its search for a *new philosophy*, numerous questions confronted the Fund Committee. Foremost among the questions raised before the Committee was, "What o'clock is it in labor relation?" The Fund Committee has noticed that the laborers of today have found strength in their numbers, in their leaders and in their beliefs; and that they have learned the art of strategy, which before was the exclusive weapon of management. Hence, today they believe that whatever they ask for is just, and being just must be granted to them. It is true that in the past they had been exploited by capitalists, but now they are unionized and strong. They have now risen in unison to demand their rights. And when the enterprising geniuses in finance have appeared to be unyielding, the traditional result would be nothing but conflict. These conflicts, the Fund Committee noted have taught us this truism: *Capital cannot do away with labor, nor labor with capital!*

As the result of its long laborious investigation, the Committee found that the only lasting solution would be to ring out the bell of harmony: to let man see eye to eye with fellow men; to let them be guided by mutual understanding in this emotionally explosive field. Furthermore, public thinking must be clarified; interests merged, instead of separated; the human will to work,

invested in, rather than disregarded as a bad risk; and both labor and capital must retain to each individual freedom—freedom to work for the former and freedom to manage for the latter.

Clarence Francis, Chairman of the General Food's Board, says, "It has always seemed to me that you can buy a man's time, you can buy a man's physical presence in a given place, you can even buy a measured number of skilled muscular motion per hour or day. But you cannot buy enthusiasm, you cannot buy the devotion of hearts, minds and souls. You have to earn these..." Let management be guided by this wise man's words; words which should be understood by capital in order to maintain their industry's productivity and existence. For man does not live by bread alone, he wants more than this in this world, temporal though it be. He wants security, both for himself and his family; he wants work that recognizes his ability; work that will add to, and not lessen, his dignity.

This solution, in order to understand the struggle between capital and labor, was aptly called a philosophy: A philosophy because it seeks the ultimate 'whys' of the actions and desires of worker and employer. Their ambitions and goals are dissected; weaknesses of each are discarded; natural tendencies of each are directed not to divergent goals, but to one goal—a prosperous business community. Only by being, as the book is labeled, PARTNERS in production, can both penetrate the sea of moss that covers the pathway to progress.

The Fund Committee's *new philosophy* can also be applied to the Philippines. In our search for harmony in labor-management relationship the Committee's findings can be a very great and practical help. Its *new philosophy* can function primarily as a policy program for our labor legislation.

Norberto Villarama

LABOR TODAY AND TOMORROW. By Aaron Levenstein, Borzoi Books, Alfred A. Knopf Publisher, New York.

Among the many potential factors that affect to a great extent the political, social and economic structure of a nation in the twentieth century, LABOR occupies an enviable role. It is not surprising, therefore, that members of the Fourth Estate splash the pages of newspapers with screaming headlines whenever topics as Work, Working Hours and Wages are in question. This growing concern about labor finds a justification considering that drastic and evil consequences may follow if we stay inactive in the defense of those rights which flow from the idea of labor.

In the Philippines, as it now steps into an era of industrialization and progressive business, it is inconceivable to disregard the influence of labor. But, as new industries sprout and multiply, so do labor problems. In solving labor problems which have grown immensely, we are faced by a great want of books and treatises

by Filipino authors on the subject. However, American authorities are ready substitutes and their applicability is not questioned—diversity in labor advancement in the States and in the Philippines notwithstanding.

One of these books is: *LABOR TODAY AND TOMORROW*, by a distinguished American labor lawyer, Aaron Levenstein, member of the editorial staff of the Research Institute of America. The language used is adapted to laymen, who, being neither laborers nor businessmen think that labor problems are not their concern. The book makes reading easy so that even a carefree socialite of the finely-filed-finger type will not find it a dry and boring treatise. The author in his ardent desire to interest his readers picked the famous Montgomery Ward case to depict what he thinks would best promote the object of his work.

A thorough discussion of the relations among management, labor and the government during the war and the potential consequences in the post-war period, through the use of the Montgomery Ward case, is assured. In clear terms, the role of the government in coordinating labor and management is defined.

A study of the character of the president of Montgomery Ward, a portrayal of the aggressive policy of business to bar government from intervention, is made. The author moves in a swift and continuous dramatic style in presenting the Montgomery Ward case, unfolding and revealing a story with a cause never realized. If now reconsidered, both the story and the cause would cast profound influence upon the government's policy towards labor and business.

The author points out that while public attention has been focused on government's growing control over business, the concomitant power of the state over labor has hardly been noticed, least of all by the unions themselves. This view of the author should be underscored, for it is a fact that the Philippine government is always inclined to follow the policies of the American government towards labor.

The author did not fail to note that businessmen looking for "progress" and labor leaders looking for "reform" are torn between fear of government and the desire for its protection against the hardships of economic dislocation. He dealt on the controversies of wartime labor conditions, maintenance of membership, wage levels, union participation in management, worker's resistance to technological changes, internal economic and political dimensions, which he aptly calls "the time bombs which will explode tomorrow."

Levenstein emphasizes that these are the burdens not of abstract business, but of businessmen; not of labor, but of workingmen pursuing their own interest and identifying themselves always with the welfare of the whole nation.

To both lawyer and student—this treatise on Labor is highly recommended.

Benito Sabban

1952 BAR EXAMINATION QUESTIONS

CIVIL LAW

1. (a) In what cases can the husband alienate or encumber, without the wife's consent, real property of the conjugal partnership? (b) What remedy, if any, has the wife in case of abuse of powers of administration of the conjugal partnership property by the husband?

2. *A* executed an affidavit whereby he acknowledged *B* as his natural son. After the execution of the affidavit *A* took no further action to strengthen the acknowledgement of *B* as such natural son. *A* died intestate and *B* claimed a share in the properties left by *A*. Is the acknowledgement of *B* valid and effective for him to be entitled to participate in the intestate of *A*? Give your reason.

3. Juan built a house worth ₱8,000.00 on a land valued at ₱10,000.00 belonging to Pedro who leased the land to the former at an agreed rent for 5 years. At the expiration of the contract of lease, Juan wanted to renew it, but Pedro refused; instead he filed an action to compel Juan to buy the land. Was Pedro's action proper? Give your reasons.

4. State the distinctions between confirmation, recognition or acknowledgement and ratification of contracts.

5. A cow stolen from Pedro was impounded in a city pound for having been caught loose in a street in violation of a city ordinance and later on sold in public auction in order to collect the impound fees and adjudicated to Juan as the best bidder for the sum of ₱30.00. Pedro learned of the sale tried to get back the cow from Juan but the latter refused to surrender it unless he is paid the sum of ₱30.00. Has Pedro the right to recover the possession of the cow without paying Juan on the ground that the cow was stolen from him?

6. *R* is the legatee in the will of *S*, duly executed. *R* died before *S* but the latter did not alter or modify the will with regard to the legacy notwithstanding the fact that he learned of the death of *R*. Upon the death of *S* the heirs of *R* claimed the legacy. Are they entitled to the legacy? State your reason.

7. (a) What is collation? (b) *A* dies intestate leaving two sons, *B* and *C* and a grandchild *D* as his heirs. *E*, the father of *D*, while living, was given several donations of properties by