# REFERENCE DIGEST

**LABOR LAW: WHAT CONSTITUTE COMPENSABLE WORKING HOURS UNDER THE EIGHT HOUR LABOR LAW:** — Under the Eight Hour Labor Law, when the work is not continuous, the time during which the laborer is not working and can leave his working place and can rest completely, is not to be counted as hours worked. On the other hand, under the Minimum Wage Law, hours worked include not only all the time during which an employee is required to be on duty or to be in the employer's premises or to be at a prescribed working place, but also all the time during which an employee is suffered or permitted to work, whether or not he is required to do so. The key in reconciling the two provisions lies in the definition and meaning of the words "continuous work". In other words, under the Minimum Wage Law, "hours worked" are not limited to the time spent in active labor, but include the time given by the employer to the employees even though part of this time be spent in idleness.

The author illustrates his entire article by means of a very effective chart of typical cases under American Law, and then follows this with the typical cases under Philippine Law. The author exhaustively enumerates the instances when time spent by the employee, whether during regular working hours or before or after regular working hours, is compensable. The enumerations clearly point out the interpretation of the courts, both of the United States and the Philippines, of what constitutes continuous work and what constitute compensable working hours. (Juan Gerardo, *What Constitute Compensable Working Hours under the Eight Hour Labor Law*, IX U.M. LAW GAZETTE No. 2 at 91-105 (1959). ₱——, at the University of Manila, Alejandro VI, Manila. This issue also contains: Angeles, *An Annual Survey of Commercial Law;* Dimaampao, *Notes and Comments on the Operation of the Limitations on the Exercise of Religious Beliefs.*)

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**POLITICAL LAW: DID THE COURT ERR AGAIN IN THE CASE OF HEBRON VS. REYES?:** — The article is not intended to renew the discussion on the power of the President to investigate, suspend or remove municipal officials, but is rather intended to restate the cause of the difference of opinion even among brilliant legal minds, regarding the question.

The first case decided by the Supreme Court on the matter was the case





of *Villena v. Secretary of Interior,* wherein the Court upheld the power of the President to investigate and suspend a municipal mayor. The next case was that of *Villena v. Roque,* wherein the Court upheld the power of the President to order the investigation of a municipal mayor. In the case of *Mondaño v. Silvos,* the Court anuulled the order of suspension authorized by the President dwelling on the distinction between the words "supervision" and "control" and on the scope of the power of the President over local governments.

We come to the case of *Hebron v. Reyes.* In this case, the mayor was suspended by the President pending his investigation. The Court ruled that the President had no power of suspension pending investigation on the principal ground that under the Constitution the President is given only the power of general supervision over local governments and that there is a difference between the words "supervision" and "control". The case thus reversed the rulings in the cases of *Villena v. Secretary of Interior* and *Villena v. Roque.*

Recently, however, the Court held in the case of *Ganzon v. Kayanan* that the power of supervision of the President over local governments includes the power of investigation when, in his opinion, the good of the public service so requires. By citing the *Hebron* case in the *Ganzon* case, the Court is again confused and is again causing confusion. By making the broad pronouncement to the effect that the power of supervision includes the power of investigation, the Court is again leaning towards the direction of the rulings in the cases of *Villena v. Secretary of Interior* and *Villena v. Roque.* It needs just one more step to go back to the other ruling: that the power of the President to investigate includes the power to suspend or remove, in accordance with the result of the investigation. (Araceli Baviera, *Did the Court Err Again in the Case of Hebron v. Reyes?,* XXXIV PHILIPPINE LAW JOURNAL No. 4 at 458-463 (1959). ₱2.50 at the University of the Philippines, Diliman, Q.C. This issue also contains: Quiazon and Agpalo, *The Civil Service Law of* 1959; Guevara, *The Social Functions of Private Corporations.*)

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**POLITICAL LAW: THE CIVIL SERVICE LAW OF 1959:** — Congress in its last session enacted Republic Act 2260, otherwise known as the Civil Service Law of 1959. The Act has a twofold purpose, namely, (1) to promote the constitutional mandate regarding appointments in the Civil Service only according to merit and fitness and, (2) to provide within the public service, a progressive system of personnel administration to insure the maintenance of an efficient and progressive Civil Service in the Philippines. This declaration of the general purpose of the law implies that the old law has failed on both counts.

Except for a few changes, Republic Act 2260 preserves the salient feat-

ures of the old Civil Service Law. Notable changes in the law are: regarding security of tenure, suspension or removal only for cause provided by law and with "due process"; decentralization of work, formerly centralized in Manila, through the establishment of regional offices in Mindanao, Visayas and Luzon, and of personnel offices in the different departments and organizations in the government; independence of the Civil Service Commission and the Civil Service Board of Appeals; raising of the Civil Service Commission to the category of a department from that of a bureau and the raising of the rank of the Commissioner to that of a department secretary; and stricter penal provisions for the violation of the law.

For convenience, the authors divided their article into the following topics: namely, The Salient Features of the Law, Scope of the Civil Service, Organization of the Civil Service, Duties and Powers of the Commissioner, Personnel Policies and Standards, Discipline in the Civil Service, Prohibitions and Penalties, and Legal Effects on Special Laws.

In conclusion, the authors make a discouraging note that from a practical and realistic point of view, one can question whether the new Civil Service Law will bring about substantial improvements. The problem of political interference, nepotism and personal attachment, which have attended the execution of the old law, are inevitable in a country where two norms of conduct characterize the official and private actuations of public officials. In the sense that the new Civil Service Law fails to take this into consideration, its implementation may likely suffer the same setback as the old law. (Quiazon & Agpalo, *The Civil Service Law of* 1959. XXXIV PHILIPPINE LAW JOURNAL No. 4 at 435-457 (1959). ₱2.50 at the University of the Philippines, Diliman, Q.C. This issue also contains: Baviera, *Did The Court Err Again in the Case of Hebron vs. Reyes;* Guevara, *The Social Functions of Private Corporations.*)

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**PUBLIC SERVICE: GOVERNMENT REGULATION OF COMMUNICATIONS IN THE PHILIPPINES:** — In the Philippines, geographical barriers, like the thousands of island that compose it, are handicaps to the promotion of national solidarity. With improved communications, however, these natural barriers, can be greatly minimized if not overcome. Also, encouragement of the development of a unified system of communications in the country, promotes not only the national welfare but international understanding as well.

The author, considering the significance of communications in the country, attempts to show how the government regulates this activity.

The author first treats of the scope of governmental regulation over communications. The term "communications" embraces every variety of activity which includes mails, telephone, telegraph, radio, television, motion pictures, and newspapers. Except for newspapers and motion pictures,



the government has virtual monopoly. Other firms operating communication facilities are called public utilities, and they are regulated by the government through the Public Service Commission and the Department of Public Works and Communications.

As an illustration of the fact that since public utilities are affected with public interest and therefore they should be subject to governmental control, the author makes a case study of the Philippine Long Distance Telephone Company.

In conclusion, the author states that while the concept of public interest appears to be the *raison d'etrre* of the regulatory process, the fact remains that in practice "the public" is at best nebulous and wanting of specificity. To a large extent then, "the public" remains a fiction, and becomes emergent only because a few individuals have taken it upon themselves to represent the public interest. This poses a crucial problem in a democratic setting, and the author asks: who should represent the public interest in the regulation of public utilities? — Congress? the Public Service Commission? the Solicitor General? any customer? and in what manner? (Leandro Viloria, *Government Regulation of Communications in the Philippines,* III PHILIPPINE JOURNAL OF PUBLIC ADMINISTRATION NO. 3 at 316-333 (1959). ₱2.00 at the University of the Philippines, Padre Faura, Manila. This issue also contains: Krause, *National Planning for Economic Development;* Peralta, *The Role of Government in Economic Development;* Aziz, *The Interdependent Development of Agriculture and Industries;* Macaspac, *The Role of the Institute of Public Administration;* Lande, *Political Attitudes and Behavior in the Philippines.*)