

## The Proposed Nationalization of Labor: A Preview

Rodolfo C. General

10 ATENEO L.J. 286 (1961)

SUBJECT(S): LABOR

KEYWORD(S): NATIONALIZATION, LABOR, EMPLOYEES

The Article examines the proposed nationalization of labor for which a bill is pending in Congress. Primarily, the issue hinges on whether the proposed measure passes the test of constitutionality. At the onset, the Author notes that the proposal to nationalize labor by excluding aliens to a major extent from the country's labor force affects not only the alien's right to labor but the employer's right to hire labor, whether the employer is a Filipino or not. Those in favor of the proposal may back it up by invoking the police power of the state. By contrast, those who oppose it may argue on the lines of due process and equal protection of the law, which are regarded as the traditional safeguards of citizens against invalid use of police power. In balancing the two views, General cited both Anglo-American and Philippine authorities alike. *Ichong v. Hernandez* (101 Phil. 1155 (1957)) is also singled out as that one most important occasion for the Court to rule on the constitutionality of nationalization, in the said case, of retail trade. The Author asserts that there is no reason to deviate from the ruling in *Ichong* because a similar intent can be attributed to the Constitutional Convention in that it has effectively authorized Congress to pass such nationalization law. As a final and vital point, he makes the observation that the practical aspect of the issue must not be left unconsidered. Thus, while self-determination may be ideal, caveat must be taken as foreign aid may prove to be indispensable for a young nation as the Philippines.