overtime work. To hold otherwise would be to allow an employ... to violate the law by simply, as in this case, failing to provide ... and pay overtime compensation.

Wherefore, the appealed decision, in the form voted by Jud... Lanting, is affirmed, it being understood that the petitioners wat... men will be entitletd to extra compensation only from the da... they respectively entered the service of the petitioner, hereafter ... be duly determined by the Court of Industrial Relations. So ordere... without costs. (MANILA TERMINAL Co., Inc., vs. THE COUR... OF INDUSTRIAL RELATIONS and MANILA TERMINAL RE... LIEF AND MUTUAL AID ASSOCIATION, G.R. No. L-4148...

Rafael Abiera

CIR HAS JURISDICTION TO COMPEL EMPLOYER TO PRACTICE CHECK-OFF UNDER CERTAIN CONDITIONS. FACTS: On September 15, 1950, the Under-Secretary of Labor certified to the CIR ... dispute between the ALATCO [1] and 308 workers affiliated to the BITEMA [2], a legitimate labor organization registered with the De... partment of Labor, upon failure to settle amicably the ALATCO ... employees' strike of September 14, 1950. Included as one of the ... demands of the BITEMA and granted by the CIR in its decision ... was "To continue its (ALATCO) former practice of allowing ... check-off to petitioning union whose affiliates have already file... with the management of the respondent company (ALATCO) the ... corresponding authority to make the necessary deductions from their ... monthly earnings."

ISSUE: The ALATCO filed a petition to set aside that portion ... of the decision of the CIR ordering the continuation of its ... (ALATCO) former practice of allowing check-off to petitioning ... union on the ground that the CIR acted in excess of jurisdiction ... and contrary to law in that "there is no law in the Philippines which ... authorizes the CIR to compel an employee to practice check-off ... against his will" and that the practice is expensive on the part of the ... employer.

RULING: Section 4 of C. A. No. 103 provides that "The Cou... shall take cognizance for purposes of prevention, arbitration, d...

[1] Alatco—A. L. Ammen Transportation Co., Inc.
[2] Bitema—Bicol Transportation Employees Mutual Association.

...ion and settlement, of any industrial or agricultural dispute causing ... likely to cause a strike or lockout, arising from differences as ...gards wages, shares or compensation, hours of labor or conditions ...tenancy of employment, etc." Section 13 provides that "In making ... award, order or decision, under the provisions of Section four ... this Act, the Court shall not be restricted to the specific relief ...laimed or demands made by the parties to the industrial or agri-...cultural dispute, but may include in the award, order or decision ...ny matted or determination which may be deemed necessary or ...expedient for the purpose of settling the dispute or of preventing ...further industrial or agricultural disputes." And by Section 20 ...the Court shall act according to justice and equity and substantial ...merits of the case, without regard to technicalities or legal forms ...and shall not be bound by any technical rules of legal evidence ...but may inform its mind in such manner as it may deem just and ...equitable." It will be seen at once that these powers are com-...prehensive. While Section 4 specifically speaks of wages, shares or ...compensation, and while these are the principal sources of industrial ...and agricultural conflicts, the Court's authority is by no means ...confined to them. "Conditions of tenancy or employment" (Sec. 4) ...and contingencies too numerous to be conveniently detailed in a ...statute or thought of in advance had to be met and settled. To ...settle disputes and prevent crippling strikes and lockouts, besides ...the improvement of labor standards, are the paramount objectives of ...the law, and such conditions and contingencies are the matters ...envisaged by the all-embracing provisions of the aforequoted sections.

Moreover, Republic Act No. 602, otherwise known as Minimum ...Wage Law, was approved on April 6, 1951 which confirms in a ...more explicit fashion the idea that check-off is a legitimate dispute ...for arbitration. The law makes the practice of check-off compulsory ...on the part of the employer under certain conditions [See subpar. ...(3), par. (b), Sec. 10, Minimum Wage Law].

On the economic and practical side, petitioner complains that ...the practice imposes an extra burden on the employer. This alone ...is no reason for opposing the arrangement. Wage increases, reduction ...of working hours, sick leave, hospitalization and other privileges ...granted to the employed entail diminution of profits and additional ...duties and obligations to an extent much greater than the incon-...venience and additional expense involved in the adoption of the ...check-off system. The petitoner operates in four provinces and the ...majority of its employees are affiliates of the respondent labor union ...who are scattered in these provinces. It is not difficult to see how

much easier and less expensive it is for the company to handle the collection of membership dues than it would be for individual members to make remittances to their union's office, or for the union to send out collectors in so wide a territory. The extra work and expense incurred by the company in deducting from its employee's salaries the amounts the employees owe their union are small in comparison with the savings in time and money by the union and the employees, savings which can not fail to affect increased efficiency and redound to the benefit of the employer itself in the long run. In the adjustment of industrial conflicts concessions have to be made and some rights have to be surrendered, not enforced if necessary in the interest of conciliation and peace.

The system of check-off is avowedly primarily for the benefit of the union and only indirectly of the individual laborers. However, the welfare of the laborers depends directly upon the preservation and welfare of the union. Since, without the union, laborers are impotent to protect themselves against "the reaction of conflicting economic changes" and maintain and improve their lot, to protect the interests of unions ought therefore to be the concern of arbitration as much as to help the individual laborers. (*A. L. AMMEN TRANSPORTATION CO., INC. versus BICOL TRANSPORTATION EMPLOYEES MUTUAL ASSOCIATION and COURT OF INDUSTRIAL RELATIONS, G.R. No. L-4941, promulgated July* 25, 1952).

Oscar Herrera

BOOK REVIEWS

THE CHALLENGE OF INDUSTRIAL RELATIONS. Sumner H. Slichter. Cornell University Press. Ithaca, New York. Leather-bound.

In the whole fertile field of labor and management relations few writers have successfully brought their books to flourish, and most of the yield that we reap consists of dried academic seeds. Professor Slichter's book, The Challenge of Industrial Relations, certainly, is not a barren product of this field. It is one of the most challenging book ever written on this field. It offers a truly practical solution to our labor disputes and problems.

Sumner Slichter is a Lamont University professor at Harvard who has been teaching and writing on American economic conditions for nearly thirty years. This long experience in the labor field has enabled him to accumulate facts and figures with which to fortify his assertions and theories and has earned him the distinction of being an authority on labor-management relations.

The author observes that today, the United States has the

largest, most powerful and most aggressive labor movement the world has ever seen. The 190-odd national unions recently had nearly fifteen million members. "This," he pointed out, "is due to the encouragement trade unions are getting from the government. The United States Supreme Court has abandoned antiquated views concerning both the scope of governmental authority to regulate commerce and the extent to which private rights may be restricted. The passage of the Norris-La Guardia Act in 1932, the National Industrial Recovery Act in 1933, the Wagner Act in 1935, the Social Security Act in 1935 and the Fair Labor Standards Act in 1938, have helped trade to spread rapidly. The result is that, trade unions under the leadership of professional labor leaders now control all national industrial enterprises. Unions have, therefore, become more powerful and more aggresive than anyone ever dreamed they would be."

This development of strong labor unions Professor Slichter states, "are obviously bound to be a great influence either for good or for harm. Such organizations are the most powerful economic organizations in the country." What should the government propose to do to control the enormous power of unions and to realize the great constructive potentialities of labor unions? What should the government do about mammoth strikes called in order to compel violations of the law, to force changes in public policy, to force trade unionists to shift their union affiliations, or in order to punish them for joinning the wrong union? The author suggests these methods: regulation, conciliation, mediation, government cooperative policies and arbitration.

This book should be beneficial not only to sociology students and labor leaders but also to those who are interested in the legal aspect of labor-management relations. The doctrines enunciated in this book could well serve as a basis for the enactment of badly needed reforms of Philippine labor laws calculated to govern and foster harmonious relations between management and labor. The solutions the author has proposed could if adapted to our existing conditions solve many of our labor problems. Certainly, his thirty years of experience in the labor field cannot but be productive of good results. However, care should be observed in the consideration of his ideas. We must adopt only such as are suited to our prevailing conditions.

This book is truly a challenge to all those in a position to meet that challenge to join hands in order to bring about harmony and peace in the field of labor-management relations.

Francisco Manabat

PARTNERS IN PRODUCTION. The Labor Committee of the Twentieth Century Fund. The Twentieth Century Fund New York, 1944.

In theory we have often regarded our workers as industrious