

**DETECTIVE AND PROTECTIVE BUREAU, INCORPORATED,  
PETITIONER, VS. UNITED EMPLOYEES' WELFARE  
ASSOCIATION, RESPONDENT.**

*G.R. No. L-8175. February 29, 1956*

Ponente: LABRADOR, J.

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**LABRADOR, J.:**

This is an appeal by certiorari against the decision of the Court of Industrial Relations granting twenty-six employees and laborers who are members of the United Employees' Welfare Association an additional compensation of 50 per cent for night duty during the period from January 1, 1950 to December 31, 1952. The decision was rendered after trial of Case No. 244-V, instituted by the said. United Employees' Welfare Association against the Detective and Protective Bureau, Inc.

Two defenses were set up in the court below, namely, (1) that the defendant corporation had ceased to exist by reason of its insolvency and a new corporation organized distinct from the original one, with which last corporation petitioner had no labor relations or dispute, and (2) that the employees asking for additional compensation for night duty were made to understand that they would not be paid additional compensation for work at night time because salaries were fixed for such work at night.

The court below found that the defendant corporation is the same as the former respondent corporation; it therefore held it to have assumed the obligations and liabilities of the former. No fact or circumstance is given on this appeal why this finding of fact by the court a quo is incorrect. On the contrary, it may be added that as the former corporation had not filed insolvency proceedings, its defense of bankruptcy and insolvency can not be sustained.

The second defense was also correctly overruled by the court a quo. The decision is based on our ruling in the case of *The Shell Co. vs. National Labor Union*, 46 Off. Gaz., Sup. to No. 1, 97, July 26, 1948, where we held that work done at night is more strenuous than that performed during the day time; that it is attended by innumerable inconveniences for hygienic, medical, moral, cultural and sociological reasons and, therefore, deserves more compensation than work done during daytime; and that the Court of Industrial Relations has the right to consider these circumstances and grant for night work additional compensation amounting to 50 per cent.

We find no reason for modifying the decision appealed from and we hereby affirm the same in toto, with costs against the petitioner.

Parás, C. J., Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Concepcion, Reyes, J. B. L. and Endencia, JJ., concur.

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