

AN ACT TO AMEND SECTIONS SIX, NINETEEN, AND TWENTY-FOUR OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND THREE, ENTITLED, “AN ACT TO AFFORD PROTECTION OF LABOR BY CREATING’ A COURT ...

Commonwealth Act No. 355, August 22, 1938

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections six, nineteen, and twenty-four of Commonwealth Act Numbered One hundred and three are amended so as to read as follows:

"SEC. 6. The power to issue subpoena, to punish for direct contempts, etc.—Any of the judges of the court shall have the power to administer oaths in matters connected with the business of the court; summon the parties to a controversy before the court, issue subpoena, require the attendance and testimony of witnesses and the production of such books, papers, contracts, records, statements of accounts, agreements and statements as may be material to a just determination of the matter under investigation, take testimony in any investigation or hearing conducted in pursuance of the provisions of this Act, and delegate all such powers to any board or person who shall act in behalf of the court. Any contempt of the orders of the Court or of any judge thereof in this regard shall be punished by the court itself as in other cases of contempt of Courts of First Instance.

"The Court or a Judge thereof at chambers shall have the same authority to punish and may impose the same penalty as judges of Courts of First Instance, upon any person guilty of misbehavior in the presence of or so near the court or judge as to obstruct its or his proceedings. including the refusal of a person present in court to be sworn as a witness or to answer as a witness when lawfully required."

"SEC. 19. Implied condition in every contract of employment.—In every contract of employment or tenancy, whether verbal or written, it is an implied condition that when any dispute between the employer or landlord and the employee, tenant or laborer has been submitted to the Court of Industrial Relations for settlement or arbitration pursuant to the provisions of this Act or when the President of the Philippines has ordered an investigation in accordance with section five of this Act with a view to determining the necessity and fairness of fixing and adopting a minimum wage or share of laborers or tenants, and pending award or decision by the court of such dispute or during the pendency of the investigation above referred to, the employee, tenant, or laborer shall not strike or walk out of his employment when so enjoined by the court after hearing and when public interest so requires, and if he has already done so, that he shall forthwith return to it, upon order of the court, which shall be issued only after hearing when public interest so requires or when the dispute cannot, in its opinion, be promptly decided or settled; and if the employees, tenants or laborers fail to return to work, the court may authorize the employer or landlord to accept other employees, tenants, or laborers. A condition shall further be implied that while such dispute or investigation is pending, the employer or landlord shall refrain from accepting other employees, tenants or laborers, unless with the express authority of the court, and shall permit the continuation in the service of his employees, tenants or laborers under the last terms and conditions existing before the dispute arose: Provided, That, with the exception of employers engaged in the operation of public services or in businesses coupled with a public interest, employers will not be allowed to engage the services of strike breakers within fifteen days after the declaration of the strike. A violation by the employer or

landlord or by the employee, tenant, or laborer of such an order or the implied contractual condition set forth in this section shall constitute contempt of the Court of Industrial Relations, and shall be punishable by the court itself in the same manner and with the same penalties as in the case of contempt of a Court of First Instance. In the case of corporations, the person or persons responsible shall be the manager or the person who has charge of the management of the business of the corporation and the directors thereof who have ordered and/or authorized the act of contempt; and in the case where the contempt is committed by persons belonging to a labor union or any group of laborers which union or group directs or assumes the representation of such persons, the person or persons responsible shall be the officers and/or leaders of said union or group who have participated in the direction of the movement which resulted in the contempt complained against."

"SEC. 24. Criminal liability.—Any violation of the provisions of this Act, or, of any order, award or decision of the Court of Industrial Relations, shall be punished with a fine not exceeding two thousand pesos or imprisonment not exceeding one year, or both, in the discretion of the court: Provided, That any person who shall induce or cause somebody to violate any provision of this Act or any order, award, or decision of the Court shall be punished with a fine not exceeding four thousand pesos or imprisonment not exceeding two years, or both, in the discretion of the court: Provided, further, That in the case of corporations, the manager or the person who has charge of the management or administration of the business of the corporation and the directors thereof who have ordered and/or authorized the act shall be liable: And provided, still further, That where the offender is a person or corporation holding a franchise or a certificate of public convenience from the Government, such person or corporation shall, in addition, be deemed to have misused his or its franchise or violated his or its certificate and shall be ousted of his or its rights thereunder or declared suspended therefrom for such time as the court may fix, taking into consideration the gravity of the offense, said additional penalty to be imposed in the same criminal action."

SEC. 2. This Act shall take effect upon its approval.

Approved, August 22, 1938.

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