

MANILA TRADING & SUPPLY COMPANY, PETITIONER, VS. PHILIPPINE LABOR UNION, RESPONDENT.*G.R. No. 47796. April 22, 1941*

Ponente: MORAN, J.

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The present case is merely a sequel of a prior case (G. R. No. 47653) between the same parties. The questions here raised emanate from respondent's petition for the execution of the order of March 20, 1940, of the Court of Industrial Relations directing the reinstatement of Felix Alcantara. A petition for a writ of certiorari on the aforesaid case having been given due course by this Court, the Court of Industrial Relations issued an order on September 14, 1940, requiring petitioner to file a bond in an amount sufficient to cover the back wages of Felix Alcantara during the pendency of his case. A motion to set aside this order having been denied, petitioner took the instant appeal by certiorari.

Section 14 of Commonwealth Act No. 103, as amended by Commonwealth Act No. 559, provides:

"Enforcement of awards, orders, and decisions.—At the expiration of ten days from the date of the award, order, or decision, in cases brought under the provisions of section four hereof, judgment shall be entered in accordance therewith, unless during said ten days an aggrieved party shall appeal therefrom to the Supreme Court of the Philippines by writ of certiorari as hereinafter provided. The institution of such appeal shall not, however, stay execution of the award, order, or decision sought to be reviewed, unless for special reasons the Court; shall order that execution be stayed, in which event the Court, in its discretion, may require the appellant to deposit with the clerk of the court such amount of salaries or wages due the employees, laborers, tenants, or farm laborers concerned under the award, order, or decision appealed from or require him to give bond in such form and of such amount as to insure compliance with the award, order, or decision in case the same is affirmed."

It is here contended that as enforcement or execution, under section 14 above-quoted, refers to an "award, order, or decision, in cases brought under the provisions of section four" of said Act, the Court of Industrial Relations is without power to decree execution of its order under section 19 of the law. In the first place, the ultimate effect of petitioner's theory is to concede to the Court of Industrial Relations the power to decide a case under section 19 but deny it the power to execute its decision thereon. The absurdity of this proposition is too evident to require argument. In the second place, considering that the jurisdiction of the Court of Industrial Relations under section 19 is merely incidental to the same jurisdiction it has previously acquired under section 4 of the law, it follows that the power to execute its orders under section 19 is also the same power that it possesses under section 4.

It is also contended that the order of the Court of Industrial Relations requiring the filing of a bond is null and void it having been issued after the appeal had already been perfected. It is true that once an appeal has been perfected, the trial court loses its jurisdiction over the case, where there is no express statutory provision to the contrary. But section 14 of Commonwealth Act No. 103, as amended by Commonwealth Act No. 559, expressly

provides that the appeal shall not stay the execution of the award, order or decision sought to be reviewed, unless, for special reasons, the Court of Industrial Relations shall order that the execution be stayed, in which event said court, in its discretion, may require the appellant to deposit with the clerk of court such amount of salaries or wages due the employees, laborers or tenants concerned, or require him to give bond in such form and of such amount as to insure compliance with the award, order or decision.

It is finally contended that the provisions of section 7, Rule 44, of the new Rules of Court, must prevail over the provisions of section 14 of Commonwealth Act No. 103, as amended by Commonwealth Act No. 559. Section 7 of Rule 44 provides:

"Effect of appeal.—The appeal shall stay the award, order or decision appealed from unless the Supreme Court shall direct otherwise upon such terms as it may deem just."

On the other hand, section 14 of Commonwealth Act No. 103, as amended by Commonwealth Act No. 559, provides that the appeal shall not stay the execution of the award, order or decision appealed from, unless the industrial court otherwise provides. The new Rules of Court were approved in December, 1939, and made effective on July 1, 1940. Commonwealth Act No. 559 was approved and made effective on June 7, 1940, or six months after the Rules of Court were approved and twenty-three days before said rules were made effective. When two Acts are inconsistent, that which has been approved in a later date should prevail, although it has been made effective in an earlier date. (*Goodwin v. Buckley*, 54 Cal. 295; *San Luis Obispo County v. Felts*, 104 Cal. 66, 37 Pac. 780; *Mariposa County v. Madera County*, 142 Cal. 55, 75 Pac. 572; *Re K. Sohncke*, 82 Pac. 956, 2 L. R. A. [NS] 813).

"Statutes speak from the time they take effect, and from that time they have posteriority. If passed to take effect at a future day, they are to be construed, as a general rule, as if passed on that day and ordered to take immediate effect. But, as between two acts, it has been held that one passed later and going into effect earlier will prevail over one passed earlier and going into effect later. Thus an act passed April 16th and in force April 21st was held to prevail over an act passed April 9th and in effect July 4th of the same year. And an act going into effect immediately has been held to prevail over an act passed before but going into effect later." (1 Sutherland, *Statutory Construction*, pp. 641-542.)

The question is one purely of legislative intent. The Supreme Court, upon approving the Rules of Court in December, 1939, could not have possibly intended to amend the procedural provisions contained in Commonwealth Act No. 559, which was not yet then in existence, for it was approved six months later, that is, on June 7, 1940. On the other hand, the National Assembly in approving Commonwealth Act No. 559 containing provisions which are repugnant to the Rules of Court, may be presumed to have intended a repeal to the extent of the repugnance. *Leges posteriores priores contrarias abrogant*.

Order is affirmed, with costs against petitioner.

Imperial, Diaz and Horrilleno, JJ., concur.

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