

[Acts No. 4055, February 27, 1933]

AN ACT PROVIDING FOR MEDIATION, CONCILIATION, AND ARBITRATION IN CONTROVERSIES BETWEEN LANDLORDS AND TENANTS AND BETWEEN EMPLOYERS AND EMPLOYEES, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. In the Department of Justice there shall such number of special mediators as may from time to time be available under current appropriations. Such special mediators shall be appointed by the Secretary of Justice.

SEC. 2. Whenever a controversy concerning wages, hours of labor, or conditions of tenancy or employment between landlords and tenants or between an employer and his employees or laborers, or a strike or lockout shall arise, or is imminent and likely to disturb the public peace and order, one or more of the special mediators provided for in section one of this Act shall, when the Director of Labor should deem advisable to terminate his intervention in accordance with subsection (d) of section two thousand fifty-nine of the Revised Administrative Code, and at his own request or when so ordered by the Governor-General, put themselves in communication with the parties to such controversy with all practicable expedition and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts to bring about an amicable adjustment through mediation and conciliate shall be unsuccessful, the said special mediators shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this Act.

SEC. 3. If the parties to a controversy should agree to submit voluntarily to arbitration, a board of three persons shall be chosen in the following manner: one of the special mediators provided for in section one, who shall be the chairman, shall be designated by the Secretary of Justice; one shall be named by the landlord or employer directly interested, and one by the tenants or employees or laborers or labor organization to which the tenants or employees or laborers directly interested belong, or if they belong to more than one, by all of such labor organizations. In the event that the tenants or employees or laborers engaged in any given controversy are not members of a labor organization, such tenants or employees or laborers may select a committee which shall have the right to choose one arbitrator.

SEC. 4. The agreement to arbitrate—

First. Shall be in writing;

Second. Shall stipulate that the arbitration is had under the provisions of this Act;

Third. Shall be signed by duly accredited representatives of the landlord or employer and of the tenants or employees or laborers;

Fourth. Shall state specifically the questions to be submitted to the said board for decision;

Fifth. Shall stipulate that the majority of said board shall be competent to make a valid and binding award;

Sixth. Shall fix a period from the date of the appointment of arbitrators necessary to complete the board, as provided for in the agreement, within which the said board shall commence its hearings;

Seventh. Shall fix a period from the beginning of the hearing within which the said board shall make and file its award: *Provided*, That this period shall be thirty days unless a different period be agreed to;

Eighth. Shall provide for the date from which the award shall become effective and shall fix the period during which the said award shall continue in force;

Ninth. Shall provide that the respective parties to the award will each faithfully execute the same;

Tenth. Shall provide that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions, shall be filed in the office of the clerk of the Court of First Instance for the province wherein the controversy arose, and shall be final and conclusive upon the parties to the agreement unless set aside for error of law apparent on the record;

Eleventh. May also provide that any difference arising as to the meaning or application of the provisions of an award made by the board of arbitration shall be referred back to the same board or to a subcommittee of such board for a ruling, which ruling shall have the same force and effect as the original award; and if any member of the original board is unable or unwilling to serve, and arbitrator shall be named in the same manner as original member was named.

SEC. 5. Every agreement to arbitrate under this Act shall be acknowledged by the parties thereto before a notary public or any other officer by law authorized to take acknowledgment, and when so acknowledged shall be transmitted to the Secretary of Justice to be filed in his office.

SEC. 6. As soon as practicable after their appointment the arbitrators shall qualify and organize. Each of said arbitrators shall before entering upon the discharge of his duties, take and subscribe an oath of office before an officer authorized by law to administer oath wherein he shall declare to faithfully and fairly discharge his duties as member of the board. The board shall make all the necessary rules for conducting its hearing: *Provided*, That all testimony before said board shall be under oath or affirmation and in its awards the board shall continue itself to making findings or recommendations on the questions specifically submitted to it or on matters directly bearing on such questions.

The board or the chairman thereof shall have the power to administer oaths in matters connected with the administration of the board of arbitration, sign *subpoena*, require the attendance and testimony of witnesses and the production of such books, papers, contracts, agreements and documents as may be material to a just determination of the matters under investigation, and to take testimony in any