

## [ Acts No. 4123, December 09, 1933 ]

### **AN ACT TO REGULATE THE NUMBER OF HOURS OF LABOR FOR CERTAIN CLASSES OF LABORERS, ESTABLISH PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF, 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. Except as herein otherwise provided, the legal working day for laborers who habitually do hard work requiring great physical effort or who work under normally difficult, dangerous, or unhealthful conditions, as hereinafter specified, shall be of not more than eight hours daily. When the work is not continuous, the time during which the laborer is not working and can rest completely shall not be counted.

SEC. 2. This Act shall apply to the following laborers and classes of laborers:

- a. Stokers and laborers exposed to the heat of foundries, forges, and boilers or employed in rooms where ordinarily a high temperature is maintained;
- b. Those exposed to the action of deleterious working under conditions injurious to health;
- c. Those using or handling explosives or harmful substances or employed in the production thereof;
- d. Laborers employed in quarries, mines, or underground work.
- e. Those who operate or work with machinery of such size, power or condition that it may cause death or serious injuries in case of an accident;
- f. Those working with steel, iron, and other heavy metals in foundries and construction or repair shops;
- g. Those employed in loading and discharging ships and in similar work in warehouses.

SEC. 3. The Commissioner of Labor, with the advice of two representatives of the employees concerned, designated by the latter, and of two representatives of the laborers concerned, designated by these, shall, at the request of an interested party, decide in each case whether or not it is proper to increase or decrease the number of hours of labor fixed in section one of this Act, either because the organization or nature of the work require it, or because of lack or insufficiency of competent laborers for certain work in a locality, or because the relieving of laborers must be done under certain conditions, or by reason of any other exceptional circumstances or conditions of the work or industry concerned; but the number of hours of labor shall in no case exceed twelve daily or seventy-two weekly.

SEC. 4. Employers or laborers desiring an increase or decrease of the number of

hours of labor shall address an application to this effect to the Commissioner of Labor, stating their reasons. Upon receipt of an application of this kind, the Commissioner of Labor shall call a meeting of the employers and laborers of the establishment or industry concerned, for the designation of advisers as provided in the preceding section hereof. The Commissioner of Labor or his authorized representative, together with the advisers, shall make an investigation of the facts, giving special attention, in the first place, to the human aspect, and in the second place, to the economic aspect of the matter, and he may for this purpose administer oaths, take affidavits, examine witnesses and documents and issue *subpoenas* and *subpoenas duces tecum*. The decision of the Commissioner of Labor may be reconsidered by him at any time.

SEC. 5. If, owing to some fortuitous cause or unforeseen or inevitable delay, or to a casual necessity of avoiding a serious loss which the employer would otherwise suffer, or some other just cause of a similar nature, it should be necessary to increase the number of labor hours on any given day beyond that fixed in section one or authorized by the Commissioner of Labor in accordance with sections three and four of this Act, the laborers may work overtime and shall in that case be entitled to receive compensation for the overtime work performed at the same rate as their regular wages or salary, and at least twenty per centum additional, except laborers who have intentionally caused the accident, delay or necessity of working overtime.

SEC. 6. When an employer and his laborers have by mutual agreement laid off working during ordinary working hours, to celebrate some event or holiday or for any other hours of labor so lost may be recuperated by the same as overtime over several days preceding or following the day on which no work was done. By mutual agreement between the employer and the laborers concerned, hours during which work had to be stopped because of *force majeure*, the condition of the sea or weather, interruption of the motive power or shortage of raw material not due to any fault of the employer, may also be recuperated in the manner above indicated. Payment for hours of labor so recuperated shall be made at the ordinary rate of wages or compensation, without any extra percentage.

SEC. 7. The provisions of this Act shall not be construed as prohibiting overtime work performed in unusual emergencies caused by serious accidents, fire, flood, typhoon, earthquake, or other disaster or calamity, in order to prevent imminent serious damage to life or property or to remedy the damage or harm done by such accidents.

SEC. 8. Any employer having laborers subject to the provisions of this Act who shall require more time than that between the approval of this Act and the date when the same takes effect, for readjusting his labor conditions shall, before this Act takes effect, file with the Commissioner of Labor an application stating the additional time required for making the readjustment above mentioned and the reasons for which such extension of time is requested. The Commissioner of Labor, after investigation by himself or his authorized representative, shall grant or deny the application or grant a shorter extension of time, and if such extension of time is granted, the employer shall during the same be exempt from the obligation to keep the legal hours of labor. If an extension of time has been granted and the same is in the judgment of the employer not sufficient for the purpose specified in this section, said employer may file a new application in the same manner as prescribed for the