The inequitable appeal by management in labor proceedings: Does it violate the equal protection clause of the Philippine Constitution?

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ABSTRACT

This study analyzes the execution of decisions pending appeal against management in favor of workers with monetary awards and reinstatement claim from a decision of the National Labor Relations Commissions to the higher court. It presents the seeming lack of protection on the part of the management on labor cases where the national labor relations commission rule in favor of the employees. Despite pending appeal by the management or the employer, and while the case is being deliberated in the appeal court either or both by Court of Appeals or Supreme Court), the employees may file for execution pending appeal, the monetary award and the reinstatement therefore is implemented against the employer. It will also show that despite the appeal of the management or the employer being granted or the decision for monetary award and reinstatement reversed by the Appeal Court, the management or the employer has no recourse to recover what was paid to the employees even if the appeal court rules that the national labor relations commission committed error in its decision and/or even if its decision is characterized with grave abuse of discretion. In the light of such unfairness or inequity the main issue being addressed in this paper is whether or not, such inequity is a violation of the equal protection clause provided by the Constitution. In support of the discussion and conclusion on the issue, this study utilized actual decided cases by the Court in relation to the issue, which constitutes jurisprudence on the matter.

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INTRODUCTION

Appeal as used in this paper means the elevation of decisions for the review of higher courts. Both judicial and administrative proceedings contain provisions with regard to the filing of an appeal, although there are slight differences in the procedural aspect of appeal proceedings among civil, criminal, and administrative proceedings. Ordinarily, an appeal shall prevent the execution of a decision of a lower court; the decision becomes final only after the higher court affirms the

appealed decision, after entry of final judgment then execution processes set in. Simply stated, until the appeal is decided the decision is not considered final, and if it is not yet final, the decision cannot yet be implemented against the losing party. However, appeal in a labor proceeding is different, because implementation or execution of the monetary award against the management or the employer can be done despite the existence of the employer's appeal to the higher court, which pertains to the Court of Appeals or the Supreme Court. Even if the appeal is granted and therefore the decision by the National Labor Relations Commissions is found erroneous or one characterized with grave abuse of discretion, by the higher Court, there is no provisions in the law or even in the decisions by the higher court to allow management or employer to recover what was paid based on the erroneous decision.

The apparent unfairness resulting from the appeal procedure with regard to filing an appeal in relation to decisions of labor arbiters or the National Labor Relations Commission (NLRC) to the higher court will be shown by revisiting and analyzing the substantive and procedural aspect of the appeal in labor cases.

In revisiting the substantive and procedural aspect, the reader is requested to understand the concept of jurisdiction as a starting point. Jurisdiction is the authority to decide a case, and not the decision rendered therein, while appellate jurisdiction is the authority of a superior tribunal to revise, reverse, correct, or affirm the decisions of an inferior court or quasi-judicial agency, that is, the NLRC, having the attributes of court in certain cases where such decisions are brought before the superior court pursuant to law. The superior court as already emphasized, refers, of course, to the Court of Appeals and/or to the Supreme Court. The decision of the higher court should revise and correct the proceedings in a cause already instituted, and should not create the cause.

The highlight of the paper is the issue of whether the substantive and procedural aspect of the appeal, i.e. the execution pending appeal by the employer or the management in a case where monetary award or reinstatement order is ruled by the National Labor Relations Commissions violates the right to equal protection of the laws under the Constitution. The research objective is to find out and analyze why up to now despite the seeming unfairness and inequity, there has been no amendment or change in the substantive and procedural aspect of the appeal in labor proceedings and why the higher court particularly the Supreme Court recognize such execution pending appeal

This study will emphasize that the element of **employer-employee relationship** is necessary for cases to fall under the jurisdiction of the Labor Arbiters or the National Relations Commissions in an appeal in labor proceedings. As any controversy outside of the employer–employee relationship will not be relevant to the problem statement considering the ordinary appeal does not involve implementation of the decision while the appeal is pending. In fact, "The requirement of employer-employee relationship is jurisdictional for the provisions of the Labor Code to apply."

To understand the substantive and the procedural aspect the laws relating to labor and appeal therein, it is important to review what the laws or statues provide.

LAWS GOVERNING THE APPELLATE PROCEDURE FOR LABOR CASES

The laws or statutory provisions governing appellate procedure are found in Presidential Decree No. 442, also known as the Labor Code of the Philippines, as well as the 2005 Revised Rules of Procedure of the National Labor Relations Commission (NLRC), which took effect on January 6, 2006, hereinafter referred to as the NLRC Rules of 2005 for brevity. Some provisions of the Rules of Court may also be applicable in labor cases, as the NLRC Rules of 2005 provide for the suppletory application of the Rules of Court in the absence of applicable provisions from the NLRC Rules.

A labor case has its beginnings under the jurisdiction of the Labor Arbiter. A Labor arbiter is similar to a judge of a lower court, while the proceedings under him are not necessarily adversarial as that of an ordinary court. In fact, a non-lawyer may appear before a labor arbiter when the person is the party to the case; when he represents a legitimate labor organization, as defined under Article 212 and 242 of the Labor Code, as amended, which is a party to the case; when the person represents a member or members of a legitimate labor organization that is existing within the employer's establishment, who are parties to the case or when the person is the owner or president of a corporation or establishment which is a party to the case. Just like the Judge in ordinary court, the Labor Arbiter will aim at amicably settling the case upon a fair compromise; (2) determining the real parties in interest; (3) determining the necessity of amending the complaint and including all causes of action; (4) defining and simplifying the issues in the case; (5) entering into admissions or stipulations of facts; and (6) threshing out all other preliminary matters. This is normally done during the mandatory conciliation and mediation conference, which is called for the purpose by the Labor Arbiter.

The labor arbiter is the one "clothed with the original and exclusive authority to conduct compulsory arbitration. Under Article 217" of the Labor Code, the jurisdiction of the labor arbiters and the commissions are as follows:

JURISDICTION OF THE LABOR ARBITERS AND THE COMMISSION

(a) Except as otherwise provided under this Code, the Labor Arbiter shall have original and exclusive jurisdiction to hear and decide within thirty (30) calendar days after the submission of the case by the parties for decision without extension, even in the absence of stenographic notes, the following cases involving all workers, whether agricultural or non-agricultural:

1. Unfair labor practice cases;
2. Termination disputes
3. If accompanied with a claim for reinstatement, those cases that workers may file involving wages, rates of pay, hours of work, and other terms and conditions of employment;
4. Claims for actual, moral exemplary, and other forms of damages arising from the employer-employee relations;

5. Cases arising from any violation of Article 264 of this Code, including questions involving the legality of strikes and lockouts;
6. Except claims for Employees Compensation, Social Security, Medicare, and maternity benefits, all other claims arising from employer-employee relations, including those of persons in domestic or household service, involving an amount exceeding five thousand pesos (P5,000.00) regardless of whether accompanied with a claim for reinstatement.

(b) The Commission shall have exclusive appellate jurisdiction over all cases decided by Labor Arbiters.

(c) Cases arising from the interpretation of collective bargaining agreements and those arising from the interpretation or enforcement of company personnel policies shall be disposed of by the Labor Arbiter by referring the same to the grievance machinery and voluntary arbitration as may be provided in said agreements.

As part of the jurisdictional power of the Labor Arbiter, he is expected to take full control and personally conduct the hearing or clarificatory conference and may ask questions for the purpose of clarifying points of law or facts involved in the case. The Labor Arbiter, just like in ordinary court proceedings, may allow the presentation of testimonial evidence with right of cross-examination by the opposing party and shall limit the presentation of evidence to matters relevant to the issue before him/her and necessary for a just and speedy disposition of the case.

Once the hearing or clarificatory conference is terminated within thirty calendar days from the date of the initial clarificatory conference, the Labor Arbiter makes a decision.

EFFECT OF THE DECISION OF THE LABOR ARBITER

The decisions, awards, or orders of the Labor Arbiter are considered final and executory within ten (10) calendar days from receipt of such decisions, awards, or orders by any or both parties, unless appealed to the Commission. Here we find a practice similar to that of the regular courts, where the filing of an appeal concerning a decision in a labor case prevents the said decision from becoming final and executory. However, unlike in the regular courts where a motion for reconsideration is usually submitted before an appeal, a motion for reconsideration of a Labor Arbiter's decision is not allowed. Section 15, Rule V of the NLRC Rules of 2005, provides such:

Motions for Reconsideration/Petition for Relief from Judgment

No motions for reconsiderations/petitions for relief from judgment of any decision, resolution, or order of the Labor Arbiter shall be allowed. However, when one such motion for reconsideration is filed, it shall be treated as an appeal, provided that it complies with the requirements for perfecting an appeal. In the case of a petition for relief from judgment, the Labor Arbiter shall elevate the case to the Commission for disposition.

As stated, a motion for reconsideration regarding a decision by the Labor Arbiter is prohibited; however, it is not without effect, for it can be treated as an appeal itself. It should be noted that in civil cases covered by the rules on summary procedure, the filing of prohibited pleadings like motions for reconsideration will not give any relief to the party, while the act of doing so in a regular civil cases other than one covered by the rules on summary procedure is a step allowed before making an appeal.

The Appellate Procedures in the Labor Code

As for the provisions for filing an appeal in relation to labor cases, the same can be found in the Labor Code as well:

> Art. 223. Appeal
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> Decisions, awards, or orders of the Labor Arbiter are final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt of such decisions, awards, or orders. Such appeal may be entertained only on any of the following grounds:
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> (a) If there is prima facie evidence of abuse of discretion on the part of the Labor Arbiter;
> (b) If the decision, order, or award was secured through fraud or coercion, including graft and corruption;
> (c) If made purely on questions of law;
> (d) If serious errors in the finding of facts are raised which would cause grave or irreparable damage or injury to the appellant.
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> In case of a judgment involving a monetary award, an appeal by the employer may be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the Commission, in the amount equivalent to the monetary award in the judgment appealed from.
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> In any event, the decision of the Labor Arbiter reinstating a dismissed or separated employee, insofar as the reinstatement aspect is concerned, shall immediately be executory, even pending appeal. The employee shall either be admitted back to work under the same terms and conditions prevailing prior to his dismissal or separation, or, at the option of the employer, merely reinstated in the payroll. The posting of a

> bond by the employer shall not stay the execution for reinstatement provided herein.
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> To discourage frivolous or dilatory appeals, the Commission or the Labor Arbiter shall impose reasonable penalty, including fines or censures, upon the erring parties.
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> In all cases, the appellant shall furnish a copy of the memorandum of appeal to the party who shall file an answer not later than ten (10) calendar days from receipt thereof.
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> The Commission shall decide all cases within twenty (20) calendar days from receipt of the answer to the appellee. The decision of the Commission shall be final and executory after ten calendar (10) days from receipt thereof by the parties.
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> Any law enforcement agency may be deputized by the Secretary of Labor and Employment or the Commission in the enforcement of decisions, awards, or orders.

The appeal of the decision of the Labor Arbiter to the National Labor Fealations Commissions requires the following: (1) Timeliness of appeal – filing of the appeal within the ten (10) calendar days period; (2) Payment of appeal fees; and (3) in case of a monetary award, the posting of a cash or surety bond. Such appeal fees and the memorandum of appeal must be filed within the ten-day reglementary period.

Once an appeal is filed, the Labor Arbiter loses jurisdiction over the case. All motions or pleadings pertaining thereto shall thereafter be addressed to and filed with the Commission. The general rule is that the perfection of an appeal to the NLRC shall prevent the execution of the Labor Arbiter's decision, and there is nothing objectionable at this stage. It is only when the decision includes an order of reinstatement of a dismissed or separated employee that a situation where inequity is evident arises. This is because the Labor Arbiter, who has supposedly lost jurisdiction over a case due to the perfection of an appeal pertaining to it, will issue a partial writ of execution even while the appeal is pending. Said writ will direct the employer to immediately reinstate the dismissed employee either physically or in the payroll only and to pay the reinstated employee his corresponding salary.

The immediate order of reinstatement of a dismissed or separated employee either through actual reinstatement or if not possible because of strained relationship between management and the worker, by payroll reinstatement, notwithstanding the fact that such decision is being questioned in the higher court is the focal point of this paper. Hence:

The Issue: Does execution of monetary award and reinstatement pending appeal in favor of the worker violate the equal protection clause of the Constitution?

The equal protection is provided in second paragraph of Section 1 of Article III of the 1987 Constitution:

> " No Person shall be deprived of life liberty or property without due process of law, **nor shall any person be denied equal protection of laws."**

The guarantee of this constitutional right shall mean that all persons or things similarly situated should be treated alike, both as to rights conferred and responsibilities imposed. It is the view of many that execution pending appeal against the management in effect does not give equal protection of laws to the latter because the procedure as discussed above almost ignore whatever will be the decision of the higher court since decision of the labor arbiter even if found erroneous in the end shall have been executed already.

While this issue might have been raised in various petitions to the highest court, the jurisprudence seems to disfavor the observation that there is unfairness on the side of the management in the execution pending appeal in labor case.

A leading case where the unfairness of the compulsory reinstatement of a dismissed employee as an issue has been raised is the case of Aris (Phil.) Inc. v. NLRC, et al., where the petitioner argued against the execution of the order of reinstatement pending appeal. According to his arguments, it is oppressive, unreasonable, and is a violation of due process and the employer's self-protection which will result in the following: (a) the employer would be compelled to hire additional employees or adjust the duties of other employees simply to have someone watch over the reinstated employee to prevent the commission of further acts prejudicial to the employer; (b) reinstatement of an undeserving, if not undesirable, employee may demoralize the rank and file; and (c) it may encourage and embolden not only the reinstated employees but also other employee to commit similar, if not graver, infractions.

The response of the Supreme Court to this contention, in an en banc resolution, was to justify the constitutionality of a provision for reinstatement pending appeal. The Court maintained that it is a **valid exercise of police power of the State** and the contested provision "is then police legislation." The Court also reasoned that: "The execution pending appeal is interlinked with the right to appeal. One cannot be divorced from the other. The latter may be availed of by the losing party or a party who is not satisfied with a judgment, while the former may be applied for by the prevailing party during the pendency of the appeal. **The right to appeal, however, is not a constitutional, natural, or inherent right. It is a statutory privilege of statutory origin and therefore, available only if granted or provided by statute.** The law may then validly provide limitations or qualifications thereto or relief to the prevailing party in the event an appeal is interposed by the losing party. Execution pending appeal is one such relief long recognized in this jurisdiction. The Revised Rules of Court allows execution pending appeal and the grant thereof is left to the discretion of the court upon good reasons to be stated in a special order."

As for the appellate procedure pertaining to the elevation of an NLRC decision to the Court of Appeals, the Labor Code does not provide for such. To fill this void, the Supreme Court came out with a decision in the landmark case St. Martin Funeral Homes v. NLRC where it ruled that the way to appeal the decisions of the NLRC is through a special civil action of certiorari (under Rule 65 of the Rules of Court) to the Court of Appeals instead of the Supreme Court, in line with the doctrine of the hierarchy of courts. Speaking through Justice Regalado, the ponente of the decision, the Court held that:

> "The Court is of considered opinion that ever since appeals from the NLRC to the Supreme Court were eliminated, the legislative intendment was that the special civil action of certiorari was and still is the proper vehicle for judicial review and addressed to the appellate courts"

"All references in the amended Section 9 of B.P. 129 to supposed appeals from the NLRC to the Supreme Court are interpreted and hereby declared to mean and refer to petitions for certiorari under Rule 65 - consequently, all such petitions should henceforth be initially filed in the Court of Appeals in strict observance of the doctrine on the hierarchy of courts as the appropriate forum for the relief desired."

Generally, the appeal to the CA of decisions of the NLRC necessitates the filing of a motion for reconsideration corresponding to the principle of exhaustion of administrative remedies. Of course, motion for reconsideration may be dispensed with when it is deemed useless or, as decided by the Supreme Court, "(1) when the issue raised is one purely of law; (2) where public interest is involved; (3) in case of urgency; and (4) where special circumstances warrant immediate or more direct action. On the other hand, among the accepted exception to the rule of exhaustion of administrative remedies are: (1) where the question in dispute is purely legal one; and (2) where the controverted act is patently illegal or was performed without jurisdiction or in excess of jurisdiction."

The perfection of an appeal of the decision of the Labor Arbiter to the NLRC will stay the execution of said decision, except when an order of reinstatement of a dismissed employee is involved. The Supreme Court has already established the constitutionality of mandatory reinstatement as previously mentioned. But the appeal of a decision of the NLRC to the Court of Appeals is a different story.

As mandated by the 2005 Revised Rules of Procedure of the NLRC, unlike the situation wherein the perfection of an appeal of the Labor Arbiter's decision will suspend the execution of a questioned ruling, except in cases where the reinstatement of a dismissed employee is mandatory, a petition for certiorari with the Court of Appeals or the Supreme Court shall not stay the execution of the assailed decision unless a restraining order is issued by said courts. This, then, is what legal practitioner; those on the side of management in particular, are concerned about, because it is where the possibility for inequity on the part of management arises.

Suppose, for instance, that there should be case wherein the ruling of the NLRC is unfavorable to management. Of course, the losing party will elevate the matter to a higher court by way of a petition for certiorari under Rule 65 of the Rules of Court. However, if the assailed NLRC ruling includes a monetary judgment, then despite the filing of the petition for certiorari, management can be compelled to pay said monetary judgment to the other party because their appeal will not stay the decision. The NLRC Rules of 2005 provides that the execution of such judgment be immediate upon demand, and should there be failure or refusal by the losing party to do so, then the Sheriff is authorized to immediately proceed against the cash deposit or surety bond posted by the losing party. Given all these, it would seem that whatever be the decision with regard to the appeal, the same will become moot and academic.

It is not unusual that a Labor Arbiter will dismiss baseless money claims of a laborer against her employer. However, upon appeal of the matter to the NLRC, the same might be set aside by the latter and even award the monetary claims of the worker. Subsequently, the Labor Arbiter shall issue a Writ of Execution on the decision of the NLRC in favor of the laborer thru garnishment of the bank account of management. Now, despite the appeal filed by the management pending in the Court of Appeals and despite favorable ruling in favor of the management, and even despite finality of the favorable ruling in the Supreme Court, the monetary judgment had already been executed, hence, there was no way for the management to recover the monetary claims garnished from them.

The Supreme Court, in a recent case of **Bergonio v. Southeast Asian Airlines, G.R. No. 195227, April 21, 2014** speaking through Justice Brion reasoned that execution of the reinstatement order pending appeal is also an exercise of the Constitutional right of an employee to security of tenure. The highest Court said:

"In Pioneer Texturizing Corp. v. NLRC, et. al., 26 decided in 1997, the Court clarified once and for all this self-executory nature of a reinstatement order. After tracing back the various Court rulings interpreting the amendments introduced by Republic Act No. 671527 on the reinstatement aspect of a labor decision under Article 223 of the Labor Code, the Court concluded that to otherwise "require the application for and issuance of a writ of execution as prerequisites for the execution of a reinstatement award would certainly betray and run counter to the very object and intent of Article 223, i.e., the immediate execution of a reinstatement order.

In short, therefore, with respect to decisions reinstating employees, that is, for the laborers to report back to work, the law itself has determined a sufficiently overwhelming reason for its immediate and automatic execution even pending appeal. The employer is duty-bound to reinstate the employee, failing which, the employer is liable instead to pay the dismissed employee's salary. The Court's consistent and prevailing treatment and interpretation of the reinstatement order as immediately enforceable, in fact, merely underscores the right to security of tenure of employees that the Constitution protects."

Appeals are given great importance because it provides a venue for parties dissatisfied with decisions of lower courts and other bodies for arbitration to bring the matter to the attention of the higher courts, so that justice,

sometimes impeded by the human conditions of the people involved in a case, may be served. As such, the procedural rules corresponding to appeals, including those for labor cases, should be established in pursuit of this noble goal as well. But as seen in execution pending appeal in labor cases a favorable ruling for management, such is a Pyrrhic victory because they have been compelled to pay for a monetary judgment, which subsequently, was proven to be unjust. In such a case, management is justified in raising the issue of inequity.

Non–application of judicial courtesy

Judicial courtesy is recognized in our jurisdiction wherein even if there is no writ of preliminary injunction or temporary restraining order issued by the higher court, it would be proper for a lower court or court of origin to suspend its proceedings in view of the pending appeal or petition for review in a higher court. The application of judicial courtesy has been modified by the Supreme Court in various cases particularly when the appeal involves a petition for review on certiorari, that is, it questions the agency's grave abuse in its exercise of jurisdiction on the case, from NLRC's decision to the Court of Appeals. As pronounced by Supreme Court in case:

"xxx an application for certiorari is an independent action which is not part of continuation of the trial which resulted in the rendition of the judgment complained of. Impliedly, a petition for certiorari pending before a higher court does not necessarily become moot and academic by continuation of the proceedings in the court of origin."

In Sapphire Securities Phils., et.al. vs. Kevin Khoe, G.R. No. 186020 . March 24, 2010, the court pointed that:

"Besides, the principle of judicial courtesy has already been abandoned for unnecessarily stalling the regular course of proceedings. Section 7, Rule 65 of the Rules of Court, as amended, directs the lower court or tribunal to proceed with the principal case within 10 days from the filing by a party of a petition for certiorari with the higher court, absent the issuance of a temporary restraining order or a writ of preliminary injunction against it. In fact, the undue failure of the lower court to proceed with the principal case is a ground for imposing an administrative charge on the presiding judge. The lower court or tribunal which is the object of the petition for certiorari can no longer use judicial courtesy as an excuse for suspending the proceeding in the principal case."

Some authorities argue that there is nothing wrong with the issue of execution pending appeal or contend that there is no issue in the first place. After all, the aim of labor legislation is social justice—for laborers in particular—which is attained by ensuring, among others, the elimination of social, cultural, and political inequalities between social classes. However, while labor laws are construed so as to favor the labor sector, the Supreme Court in the case of Sosito v. Aguinaldo Development Corporation (L-48926, December 24, 1987) also recognized the right of management in the application of labor laws:

"While the Constitution is committed to the policy of social justice and the protection of the working class, it should not be supposed that every labor dispute will be automatically decided in favor of labor. Management also has its own rights, which, as such, are entitled to respect and enforcement in the interest of simple fair

play. Out of its concern for those with less privilege in life, this Court has inclined more often that not toward the worker and upheld his cause in his conflicts with the employer. Such favoritism, however, has not blinded us to the rule that justice is in every case for the deserving, to be dispensed in the light of the established facts and the applicable law and doctrine."

That being said, the interpretation of the Supreme Court is clear: that while the policy established by the Constitution is to provide full protection to labor, it does not mean the oppression or destruction of management. Neither should the noble aim of elimination of inequalities between social classes brought about by differences in economic or political status be taken to mean that one should be given an advantage which, by law, he does not deserve. Labor laws should be construed to favor the side of labor only when doubt exists; where it does not, the law has to be applied as it is.

OBSERVATIONS AND RECOMMENDATIONS

There is no doubt that the principle of execution pending appeal in labor laws must have been well-intentioned; however, it is overly protective of labor such that management is left with no remedy whatever the outcome of their appeal may be. Given the situation as discussed above, perhaps it is only right for our lawmakers to review and seriously contemplate revising or amending the provisions on execution pending appeal. Any amendment on the provision allowing the execution pending appeal will not be easy, as the same might also require constitutional amendment. A constitutional amendment will be an issue given the parameters and jurisprudence that execution pending appeal in favor of the worker is part of the social justice provision and protection to the labor sector. Moreover, an amendment which will change the scenario of benefit due to labor sector might be perceived as diminution of whatever they have been provided in the law, which in effect can result of a negative impression on the labor sector. Since the labor sector constitutes a large portion of the constituency of the lawmakers and therefore significant for their political backing, it will be difficult for the lawmakers to go against the status quo of the labor sector having the privilege of exercising the right to execution pending appeal. The issue of the unfairness to management of this execution pending appeal will always be overshadowed by the constitutional protection to labor sector, although the real reason for it not being amended is the lack of political will on the part of the lawmakers because of fear of labor sector's political backlash.

A careful scrutiny of the appeal in labor proceedings as discussed in this paper clearly shows that it would be more prudent to execute said judgment only upon affirmation by the Court of Appeals or the Supreme Court. However, it is expected though that the labor sector will not readily welcome the idea of amending the provisions of execution pending appeal with regard to NLRC decisions, aside from reasons already mentioned, but also due to time constraints in Philippine courts, final judgment by the higher courts cannot be rendered as swiftly as the parties would like it to be. The author of this paper believes that there are different paths which could be taken by the amendatory process, paths which do not include the total removal of the relief of execution pending appeal, so as to be acceptable to both the side of management and the labor sector. This will require

the participation of both labor and management in an environment where each side will not doubt the intent of the one another, and where a strong and politically mature lawmakers or key players in society are extant.

It can be said that it is but natural for sympathies to be directed to the party which is perceived to have less; however, efforts to alleviate their difficulties, no matter how well-meant, should not come at the cost of unjust disadvantage to the other party. Involved as we are in the field of law, the fundamental principle which governs our discipline, that of justitia nemini neganda est—justice is to be denied to none--is never to be compromised.

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