

PAMPANGA SUGAR MILLS, PETITIONER, VS. PASUMIL WORKERS UNION, RESPONDENT.

G.R. No. L-7668. February 29, 1956

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/06e329ed02ef/>

LABRADOR, J.:

This is an appeal by certiorari against a decision of the Court of Industrial Relations holding that tourna hauler drivers and their helpers and truck drivers, employed in transporting cane from the field to the "switch" where they are loaded on railroad cars for transportation to the mill, are industrial workers and therefore entitled to 50 per cent for overtime work in excess of 8 hours and whatever they are entitled thereto, from 1947 to 1952.

It is first contended that the work of harvesting the cane; an admittedly agricultural work, should include that of loading it in tourna haulers and trucks and of transporting it in these railroad "switches as the same constitute what is known as the "initial means of transporting the cane. Such work is claimed to be similar to bringing farm products to the roadside. The cases of *American Fruit* (1948) 75 N.L.E.B. 1157 and *L. Maxey, Inc.* (1948) 78 N.L.E.B. 525 are cited in support of this claim. In the first case the nature of the work of grove truck drivers, who were employed by the Fruit Growers, was as follows:

"During the harvesting season, from October or November to May or June, the Employer requires tile services of fine,grave truck drivers. They are hired by the Employer's field superintendent, who, together with the Employer's field foreman, gives them their orders and supervises their work. Paid with the Employer's checks, they drive trucks owned by the Employer. They report daily for work at the Employer's packing house where they punch the time clock used by the employer's packing house employees at the beginning and end of each day. They convey empty fruit containers from the packing house to the groves where fruit is being harvested. The nearest grove serviced by the Employer is about 3% miles from the packing house; the furthest is approximately SE miles away. The time spent by grove truck drivers in transit and at the groves varies considerably. After the boxes have been filed with fruit and loaded on the trucks by the harvest hands, the grove truck drivers bring the trucks back to the Employer's packing house.. Upon their return to the plant, the drivers spend an hour or more at the packing house, unloading the fruit and moving it to the designated location where each grower's fruit is being stored prior to packing-. Grove truck drivers work from1 9 to 11 hours per day, averaging four round trips."

But it was held that said grove truck drivers are not agricultural workers, thus:

"It is also clear from the record that the functions of the grove truck drivers are of a non-agricultural nature. The mere fact that these employees are engaged in handling agricultural products does, not of itself classify them as 'agricultural laborer.' The administrate regulations of governmental agencies and the decision of the Courts interpreting the 'agricultural labor' exemption in various statutes, including National Labor Relations Act, make it clear that there is a differentiation between those engaged in industrial activities connected with the processing and marketing of agricultural products, and those who are engaged in work incidental to ordinary farming operations. As to - the status of workers such as those here involved, the decisions of the Courts interpreting the Agricultural exemptions in the Friar Labor Standards Act of 1938, indicate that they are

not engaged in 'agriculture' as defined in section 3 (f) of that Act, as the employer is not a grower,' and its packing facilities are not located 'on a farm,' * * *."

In the other case, it was held:

"4. The Petitioner seeks a unit of all the Employer's truck drivers at its Frostproof, Florida, plant, excluding supervisors as defined by the Act. The Employer is in general agreement with the unit . sought by the Petitioner, but would exclude therefrom goat-truck drivers and flat bodied truck drivers upon the ground that they are agricultural employees and thus excluded from the benefits of collective bargaining.

"The Employer is engaged in the harvesting, packaging, and marketing of citrus fruit grown in its own orchards and in orchards owned by independent growers. As part of this operation, the fruit is picked and loaded onto trucks by field crews. It is then either hauled by the Employer's goat trucks to the roadside where the fruit is transferred to a semi-trailer for transportation to the plant, or it is hauled directly from the grove to the plant by either goat-or flat-bodied trucks. Except for the operation of hauling the fruit from the orchard to the roadside, the goat and flat bodied drivers have similar duties. However, the record indicates that goat-truck drivers spend part of their time in hauling fruit from the orchard to the roadside as distinguished from the hauling of fruit directly from the orchard to the plant. The evidence is in conflict as to what percentage of their time goat-truck drivers spend on each type of hauling operation,

"The Board has held that the function of goat-truck drivers in hauling fruit from the orchard to the roadside is within the agricultural exemption, and requires that employees thus engaged be excluded from the benefits of the Act. On the other hand, the Board has held that the transportation of agricultural products from farm to processing plant is work which is not covered by the agricultural exemption."

As pointed out by respondent, however, the above cases were decided on questions involving collective bargaining, not the interpretation of the Eight-Hour Labor Law. This notwithstanding, we find nothing therein which can be said to support petitioner's claim; they do hold the truck drivers hauling agricultural produce to a plant are non-agricultural.

If petitioner were a small farmer using tractors and trucks on a small scale, its contention would perhaps merit serious, if not favorable, consideration, because, the very ones engaged in cutting the cane would be the same ones that bring it to the "switches." But petitioner is a highly mechanized industrial concern, with the work of planting and harvesting clearly distinguished from that of transporting the cane from the fields, first to a "switch" and later to the mill. The rule, therefore, should be that all its workers are to be considered industr-j&l workers, except1 those devoted to purely agricultural work. We can perhaps concede that the actual loading of the cane on the trucks and tournahaulers is part of the agricultural operation. This may be done by the laborers cutting the cane themselves. In the case of *Vives vs. Serralles*, 145 F. 2d. 551-554 (cited by petitioner), the workers held to be agricultural workers were those engaged in operating cars, from one place to another. But this case can have no application to the case at bar, which concerns drivers of trucks and tournahaulers. Both drivers and operators of . trucks and tournahaulers are distinct from tho harvesters or from the loaders; they do no other work than hauling. They do no agricultural work of any kind at all; the industry which employs them is a big one permitting specialization for the different phases of the work. With the highly industrialized organization to which they belong, it seems more in consonance with reason to consider them part of the mill organization, not of the agricultural workers as are the planters and harvesters.

It is also contended that it would be unjust to make petitioner liable for overtime of said laborers in view of the fact that the Secretary of Labor had previously been consulted and reliance had been placed in good faith in his opinion. We find nothing in this official's opinion which supports petitioner's contention. The opinion says,

"We agree with you and Mr. A. A. Werner of the Pampanga Sugar Mills that the tractor drivers and their

helpers while in the field engaged in plowing and harrowing and in other activities closely connected with such work are included in the term 'farm laborers' and,' therefore, exempt from the 8-hour requirement under Section 2 of Commonwealth Act No. 444. * * *." (See p. 5 and 114 of the Record on Appeal)

By no stretch of reasoning may the above opinion be interpreted to mean that drivers of trucks and tourna haulers engaged in transporting cane to "switches" are farm laborers. If petitioner had interpreted the above opinion in the sense that tourna haulers and truck drivers are to be considered farm laborers, it can blame no one else therefore, much less the Secretary of Labor, for the latter's opinion contains nothing to justify his belief or inference.

The last argument is that as the Secretary of Labor has not issued the permit required by section 2 of the Eight-Hour Labor Law, the tourna hauler and truck drivers should not be entitled to overtime pay, in accordance with the ruling in the case of Pasumil Workers Union vs. Court of Industrial Relations, 89 Phil., 570, 375-376. The case cited has become obsolete because of the repeal of Acts Nos. 4123 and 4242. Under Commonwealth Act No. 444, only the employer has the obligation to secure authority to perform overtime work. Why should a violation by him of his duty exempt him from liability? This matter has already been settled against the petitioner by Us in Gotamco Lumber Co. vs. Court of Industrial Relations, (85 Phil., 291).

"The decision now under review grants to all workers and employees of the company 50 per cent additional compensation for work performed in excess of eight hours a day including Sundays and Holidays effective October 21, 1947. The petitioner maintains that as the overtime work has been performed without a permission from the Department of Labor, no extra compensation should be authorized. Several decisions of this court were invoked. But those decisions were based on the reasoning that 'as both the laborer and the employer are duty bound' to secure the permit from the Department of Labor, both were in pari delicto. However, the present law in effect imposes that duty upon the employer. (Commonwealth Act No. 444)."

In view of the foregoing considerations, the judgment appealed from is affirmed, with costs against the petitioner.

Parás, C. J., Padilla, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.