

BENITO NAHAG, ET ALS., PETITIONERS, VS. HON. ARSENIO ROLDAN, AS PRESIDING JUDGE OF THE COURT OF INDUSTRIAL RELATIONS, THE COURT OF INDUSTRIAL RELATIONS, AND DEE C. CHUAN & SONS ...*G.R. No. L-5983. November 28, 1953*

Ponente: REYES, J.

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The petitioners in these two cases challenge the validity and seek the annulment of an order of the Court of Industrial Relations by which that court gave course to a motion for modifications of a judgment that had already become final. Though differing in form—one (G. R. No. L-5983) being an original action for certiorari and the other (G. R. No. L-6265) an appeal by certiorari—the two cases are but one in substance and purpose, and should be adjudicated together. This decision is, therefore, rendered for the adjudication of both.

It appears that, on November 23, 1946, the Court of Industrial Relations awarded wage increases to the laborers of Dee C. Chuan & Sons, Inc., a Philippine corporation in the lumber business, the laborers being then represented by the Kaisahan ng mga Manggagawa sa Kahoy sa Filipinas and the CLO. On July 23, 1948, following a strike staged by the laborers, that court again awarded them wage increases coupled with vacation and sick leave with pay. Taken to the Supreme Court by a writ of certiorari, this latter award was affirmed in toto on January 28, 1950. The company, however, filed a motion for reconsideration, and pending determination of this motion in the Supreme Court, the company filed another motion, dated March 31, 1950, in the Court of Industrial Relations asking for a modification of both the award of November 23, 1946 and that of July 23, 1948, on the grounds that conditions had changed since those awards were made due to losses suffered by the company in 1948 and 1949, the down trend in the cost of living, and the reduction of wages in other lumber companies. This motion for modification was docketed as case No. 71-V (6), but consideration thereof was suspended pending the resolution of the motion for reconsideration in the Supreme Court.

On July 3, 1950, the Supreme Court denied the motion for reconsideration, and its decision having been declared final and executory on July 6, the present petitioners filed a motion in the Court of Industrial Relations asking for the execution of the judgment. The company agreed to the execution with respect to the wage increases for 1947 but objected with respect to the wage increases for 1948, 1949 and 1950 for reasons already alleged in its motion for modification.

The motion for execution and the motion for modification were heard together—each being considered a reply to the other—and thereafter the Court of Industrial Relations, under date of November 24, 1950, rendered an order declaring itself without authority to modify an award for an increase of wages "for the period of the pendency of the appeal in the Supreme Court" and ordering the corresponding writ of execution to be issued "in accordance with the decision of July 23, 1948 * * *." Reconsideration of this order having been denied, the company petitioned the Supreme Court for a writ of certiorari (G. R. No. L-4680) to have the order annulled. But the

petition was dismissed for lack of merit, and the dismissal became final on May 25, 1951.

That was the status of the case when the Court of Industrial Relations, at the instance of the company, issued the order of May 29, 1952, by which that court gave course to the motion for a modification of the award that had already become final by ordering an examination of the company's books of account and other pertinent record to ascertain "its financial condition for the years 1948, 1949 and 1950" so as "to enable the court to determine the justice, equity and substantial merits of the case concerning the modification of the award of July 23, 1948 * * *." It is this order that the laborers brought to this Court for review after the court below, with two of its judges dissenting, had refused to reconsider it.

At the time the order was issued, the award was already on its way to being executed as the amounts due the laborers thereunder had already been computed by the court examiner and were then being discussed in court. The laborers, therefore, maintain that the award could no longer be modified so that the order giving course to the motion for modification was a nullity.

Brushing aside all technicalities, the broad question presented for determination is whether the Court of Industrial Relations may modify an award that has been affirmed by the Supreme Court after an order for the execution of that award has already become final.

Section 17 of Commonwealth Act No. 103, as amended, reads:

"Sec. 17. Limit of effectiveness of award.—An award, order or decision of the court shall be valid and effective during the time therein specified. In the absence of such specification, any party or both parties to a controversy may terminate the effectiveness of an award, order or decision after three years have elapsed from the date of said award, order or decision by giving notice to that effect to the court: Provided, however, That at any time during the effectiveness of an award, order or decision, the court may, on application of an interested party, and after due hearing, alter, modify in whole or in part, or set aside any such award, order or decision, or reopen any question involved therein."

While the above section apparently authorizes the modification of an award at any time during its effectiveness, there is nothing in its wording to suggest that such modification may be authorized even after the order for the execution of the award has already become final—with respect, of course, to the period that had already elapsed at the time the order was issued. To read such authority into the law would make of litigations between capital and labor an endless affair, with the Industrial Court acting like a modern Penelope, who puts off her suitors by unraveling every night what she has woven by day. Such a result could not have been contemplated by the Act creating said court.

Conformably to the above, the order complained of is annulled and set aside insofar as it affects or retards the execution of the award of July 23, 1948 for the years 1948, 1949 and 1950. So ordered.

Paras, C.J., Pablo, Bengzon, Padilla, Tuason, Montemayor, Jugo, Bautista Angelo, and Labrador; JJ., concur.

Order annulled set aside insofar-as it affects or retards the execution of the award of July 23, 1948 for the years 1948, 1949 and 1950.

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