

PAN AMERICAN WORLD AIRWAYS, INC., PETITIONER, VS. PAN AMERICAN EMPLOYEES ASSOCIATION, COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-25094. April 29, 1969

Ponente: FERNANDO, J.

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FERNANDO, J.:

The failure of the respondent Court of Industrial Relations to indulge petitioner Pan American World Airways, Inc. in its plea to exclude from a return-to-work order five union officials of respondent Pan American Employees Association on the ground of having led an illegal strike, in itself, according to petitioner, a sufficient cause for dismissal thus resulting in their losing their incentive and motivation for doing their jobs properly with the consequent fear that they could cause grave injury to it, is challenged in this special civil action for certiorari as constituting a grave abuse of discretion. Whatever may be said against such order complained of respondent Court of Industrial Relations, the refusal to grant the prayer for such exclusion cannot be characterized as an abuse of discretion, much less as one that possesses an element of gravity.

So it must be unless we are prepared to restrict the broad scope of authority possessed by respondent Court of Industrial Relations in discharging its power of compulsory arbitration in cases certified to it by the President, and what is worse, unless an undeserved reflection on the quality of leadership in the labor movement, indicative of management refusal to accord to it the presumption of responsibility, is countenanced. The petition thus carries on its face the seeds of its own infirmity. It cannot hope to succeed.

It was set forth in the petition, after the usual allegation as to the personality of the parties, that on August 25, 1965, respondent union filed a notice of strike with the Department of Labor and on August 28, 1965, the same respondent union declared and maintained a strike against the herein petitioner.[1] Then, on September 17, 1965, the President of the Philippines certified the strike to the respondent Court of Industrial Relations as being an industrial dispute affecting the national interest, the parties being called to a conference on September 20, 1965.[2]

Several conferences were held between petitioner and respondent Union before the Honorable Amando C. Bugayong, Associate Judge of respondent Court on September 20, 21, 23, 24 and 25, 1965. It was the position of the Union that its members would not resume the performance of their duties unless its officers were likewise included in the return--to-work order. Petitioner was of a different mind. It was agreeable to having the workers return to work but not the five officials of respondent Union. It alleged that the strike was illegal, being offensive to a no-strike clause of an existing collective bargaining agreement the result being that the officials could, as the responsible parties, be liable for dismissal. Consequently, it was not agreeable to their being allowed to return to the positions held by them prior to the strike as they would not be only lacking in "incentive and motivation for doing their work properly" but would likewise have the opportunity to cause "grave and irreparable injury to petitioner." [3] Management did offer, however, to deposit their salaries even if they would not be working, with

the further promise that they would not even be required to refund any amount should the right to remain in their positions be considered as legally terminated by their calling the alleged illegal strike.

Nonetheless, on September 28, 1965, Judge Bugayong issued an order requiring petitioner to accept the five union officers pending resolution on the merits of the dispute involved in the strike.[4] There was a motion for reconsideration which was denied by the court on October 8, 1965.[5] Hence, this petition, alleging a grave abuse of discretion, consisting in the failure to grant petitioner's rather unorthodox demand.

As already noted, the inherent weakness of the petition cannot escape attention.

1. Considering that this is a case certified by the President, with respondent Court exercising its broad authority of compulsory arbitration, the discretion it possesses cannot be so restricted and emasculated that the mere failure to grant a plea to exclude from the return--to-work order the union officials could be considered as tantamount to a grave abuse thereof. The law is anything but that.

As far back as 1957, this Court, speaking through Justice Labrador, categorically stated: "We agree with counsel for the Philippine Marine Radio Officers' Association that upon certification by the President under Section 10 of Republic Act 875, the case comes under the operation of Commonwealth Act 103, which enforces compulsory arbitration in cases of labor disputes in industries indispensable to the national interest when the President certifies the case to the Court of Industrial Relations. The evident intention of the law is to empower the Court of Industrial Relations to act in such cases, not only in the manner prescribed under Commonwealth Act 103, but with the same broad powers and jurisdiction granted by that Act. If the Court of Industrial Relations is granted authority to find a solution in an industrial dispute and such solution consists in ordering of employees to return back to work, it cannot be contended that the Court of Industrial Relations does not have the power or jurisdiction to carry that solution into effect. And of what use is its power of conciliation and arbitration if it does not have the power and jurisdiction to carry into effect the solution it has adopted. Lastly, if the said court has the power to fix the terms and conditions of employment, it certainly can order the return of the workers with or without backpay as a term or condition of the employment." [6]

Only recently this Court, speaking through Justice Sanchez, emphasized: "The overwhelming implication from the quoted text of Section 10 is that CIR is granted great breadth of discretion in its quest for a solution to a labor problem so certified." [7] Hence, as was announced at the outset of this opinion, there can be no legal objection to the mode of exercise of authority in such fashion by respondent Court of Industrial Relations. The allegation as to the grave abuse of discretion is clearly devoid of merit.

2. That should conclude the matter except for the fact that the question presented possesses an element of novelty which may require further reflection.

The situation thus presented is the validity of the return-to-work order insofar as five union officers are affected, petitioner airline firm rather insistent on their being excluded, arguing that since the strike called by them was illegal, and that in any event there was enough ground for dismissal, there was present a factor which might make them "lose all their incentive and motivation for doing their work properly" and which would furnish them "the opportunity to cause grave and irreparable injury to petitioner."

To be more specific, the apprehension entertained by petitioner was in the petition expressed by it thus: "The five officers of the union consist of three (3) Passenger Traffic Representatives and a reservation clerk who in the course of their duties could cause mix-ups in the reservation and accommodation of passengers which could result in very many suits for damages against petitioner such as the case of Nicolas Cuenca vs. Northwest Airlines, G. R. No. L-22425 promulgated August 31, 1965 in which this Honorable Court required the airline to

pay P20,000.00 as nominal damages alone. The other union officer who is in the cargo department could underweigh or overweigh cargo to the great detriment of the service or even of the safety of petitioner's aircraft." [8]

Petitioner would attempt to remove the sting from its objection to have the union officers return to work by offering to deposit the salaries of the five officers with respondent Court to be paid to them, coupled with what it considered to be a generous concession that if their right to return to work be not recognized, there would be no need for refund.

Petitioner, perhaps without so intending it, betrayed an inexcusable lack of confidence in the responsibility of union officials and ultimately in the validity of the collective bargaining process itself. For it is the basic Premise under which a regime of collective bargaining was instituted by the industrial Peace Act that through the process of industrial democracy, with both union and management equally deserving of public trust, labor problems could be susceptible of the just solution and industrial peace attained. Implicit in such a concept is the confidence that must be displayed by management in the sense of responsibility of union officials to assure that the two indispensable elements in industry and production could work side by side, attending to the problems of each without neglecting the common welfare that binds them together.

The moment management displays what in this case appears to be a grave but unwarranted distrust in the union officials discharging their functions just because a strike was resorted to, then the integrity of the collective bargaining process itself is called into question. It would have been different if there were a rational basis for such fears, purely speculative in character. The record is bereft of the slightest indication that any danger, much less one clear and present, is to be expected from their return to work. Necessarily, the union officials have the right to feel offended by the fact that, while they will be paid their salaries in the meanwhile, they would not be considered as fit persons to perform the duties pertaining to the positions held by them. Far from being generous, such an offer could rightfully be considered insulting.

The greater offense is to the labor movement itself, more specifically to the right of self-organization. There is both a constitutional and statutory recognition that laborers have the right to form unions to take care of their interests vis-a-vis their employers. Their freedom to form organizations would be rendered nugatory if they could not choose their own leaders to speak on their behalf and to bargain for them.

If petitioner were to succeed in their unprecedented demand, the laborers in this particular union would thus be confronted with the sad spectacle of the leaders of their choice condemned as irresponsible, possibly even constituting a menace to the operations of the enterprise. That is an indictment of the gravest character, devoid of any factual basis. What is worse, the result, even if not intended, would be to call into question their undeniable right to choose their leaders, who must be treated as such with all the respect to which they are legitimately entitled. The fact that they would be paid but not be allowed to work is, to repeat, to add to the infamy that would thus attach, to them necessarily, but to respondent union equally.

Apparently, respondent Court was alive to the implication of such an unwarranted demand, the effect of which would have been to deprive effectively the rank and file of their freedom of choice as to who should represent them. For what use are leaders so undeserving of the minimum confidence. To that extent then, their constitutional and statutory right to freedom of association suffers an impairment hardly to be characterized as inconsequential.

Fortunately, respondent Court was of a different mind. It acted according to law. It had a realistic concept of what was in store for labor if its decision were otherwise. Nor did it in the process disregard the rights of management. There is no occasion then for the supervisory authority of this Court coming into play.

WHEREFORE, this petition for a writ of certiorari is denied. With costs against petitioner.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Sanchez, Capistrano, Teehankee, and Barredo, JJ., concur.

Dizon, J., in the result.

Concepcion, C.J., and Castro, J., on official leave.

[1] Petition, par. 2.

[2] Ibid, par. 3.

[3] Ibid, par. 4.

[4] Ibid, par. 5.

[5] Ibid, pars. 6, 7 and 8.

[6] The Phil. Marine Radio Officers' Assn. v. Court of Industrial Relations, 102 Phil. 374, 382-383 (1957).

[7] Bachrach Transp. Co., Inc. v. Rural Transit Shop Employees Association, L-26764, July 25, 1967.

[8] Petition, par. 4.

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