

PHILIPPINE NEWSPAPER GUILD, EVENING NEWS LOCAL, PETITIONER, VS. EVENING NEWS, INC., RESPONDENT.

G.R. No. L-2604. April 29, 1950

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

This is an appeal by way of certiorari by the Philippine Newspaper Guild, Evening News Local, from a partial decision of the Court of Industrial Relations dated September 4, 1948, and from its resolution dated November 2, 1948.

Without reviewing the facts found by the trial court over which there is controversy, we shall state only the facts which are either agreed to by both parties or over which there is no dispute, for the purpose of background, to give an idea of the situation and of the facts that led to the initiation of these proceedings in the Court of Industrial Relations and the determination thereof by said Court.

In and before March 1948, Cipriano D. Cid was working as editor in the Evening News, an afternoon paper published by the Evening News Incorporated, managed by Ramon Roces. It seems that for one reason or another, Roces was not fully satisfied with the services of Cid as editor,—according to Cid, because of his pro-labor activities, but according to Roces, because Cid was not devoting enough time and attention to his editorial duties, as a result of which the interests of the newspaper suffered greatly. Added to this, due to the employment of an American newspaperman named John Grover in the editorial office, which Cid vehemently resented, there developed a serious dissension among the officials and employees of the paper, resulting in the creation of two warring factions,—one headed by Arcellana and Lagdamao on the side of Cid, and the other headed by Aquino on the side of Grover. The position of Cid was, consequently, rendered precarious and his continued rendering of editorial services unwanted by, even intolerable to the respondent and to Roces. Cid and his sympathizers, particularly some members of the petitioner Philippine Newspaper Guild, Evening News Local, of which he was the organizer, suspecting a move by the management to ease him out of his post, took a positive step to forestall the same.

On March 1, 1948, 24 employees of the Evening News, Inc., almost all members of the Philippine Newspaper Guild, Evening News Local, and in its name, addressed a four-point petition or demand (Exhibit A) to Roces as president and publisher of the respondent, the first, and possibly the principal point of the petition being a demand for the retention of Cid as editor of the paper. In the conference had with Roces and a committee composed of some members of the petitioner, the former expressed willingness to study the demands, but refused to consider that one referring to the retention of Cid as editor. Negotiations dragged on for some months and the petitioners being dissatisfied with the outcome, or lack of satisfactory results, filed on July 21, 1948 a new petition signed by 25 employees of the respondent, reiterating their demands presented on March 1, 1948.

On July 22, 1948, a notice was sent to the management giving notice that a strike would be declared on or before 10 a.m., July 23, if the publisher refused to heed the demands made. The next day the announced strike was

carried out.

The Department of Labor intervened, and, subsequently, it certified the case to the Court of Industrial Relations. In this way, that Court acquired jurisdiction and took over the case. Conferences were held and evidence was submitted, specially as regards the status of Cid as editor of the Evening News. On August 30, 1948, the Court of Industrial Relations issued an order requiring the strikers, in accordance with Sec. 19, Commonwealth Act No. 103, to return to work.

At the time of the strike, Cid was not actually working as editor, for it seems that he was on leave. But from the statements and attitude of both parties, the trial court realized that the bone of contention was the status of Cid in the Evening News, Inc., at the time of the strike,—whether he was still its editor, or whether he had already severed his connections therewith.

The lower court, in the course of those conferences, proposed the return of the strikers to work without Cid. Because the strikers were opposed to this arrangement, the trial court again proposed that they return to work with Cid as editor, pending determination of his status, but this proposition was equally opposed by the respondent Evening News, Inc. For this reason, the order above-mentioned, dated August 30, 1948, requiring the strikers to return to work did not include Cid, because, according to the Court, the purpose of the order as contemplated by Sec. 19 of Commonwealth Act No. 103, was only to maintain the parties in their status quo during the pendency of an industrial dispute; since Cid was not one of the strikers, and since he was not actually working at the time of the strike, he could not very well be ordered to return to work, or otherwise included in the order.

About August 31, 1948, however, Cid returned to work as editor and advised Roces thereof by means of a note Annex "J". Because Amadeo R. Dacanay had been designated as acting editor, previously and at the time of the strike, and because he continued as such acting editor even after Cid returned to work, there was created a sad situation, if not a spectacle of two rival editors trying and determined to edit the same paper, giving conflicting orders and assignments. This naturally led to extreme and intolerable confusion, the employees not knowing from whom to receive orders and whom to obey. Because of this situation, the respondent, thru its counsel Atty. Mariano A. Albert, presented an urgent petition with the trial court, praying for the issuance of an order restraining Cid from reporting or attempting to report to work pending final decision on his actual status. Taking immediate action on this petition, the Court of Industrial Relations issued an order on August 31, 1948, directing Cid to desist from assuming the post of editor of the Evening News or in any manner interfering with the operation and publication of said paper, pending final determination of his status.

On September 3, 1948, counsel for the petitioner filed a motion for reconsideration of the orders of August 30 and August 31, 1948, as regards the return of Cid to work for the respondent. Without, however, acting upon and deciding this motion for reconsideration, the Court of Industrial Relations, through Presiding Judge Arsenio C. Roldan, promulgated its partial decision of September 4, 1948, finding and holding that Cid, if he had not resigned, "has been separated from the Evening News, Incorporated, as editor thereof for just cause."

A motion for reconsideration of this partial decision was filed by counsel for petitioner on September 9, 1948, and a reply thereto was filed by the respondent's counsel on September 21, 1948. On November 2, 1948, the Court of Industrial Relations promulgated a resolution, penned by Presiding Judge Arsenio C. Roldan and concurred in by three other Judges of said Court, with Judge Jose S. Bautista dissenting in a separate opinion. The majority resolution found and held that "Mr. Cipriano Cid has resigned and, therefore, severed his connection from the Evening News, Incorporated."

As already stated, the petitioner herein is appealing from the partial decision of September 4, 1948 and the resolution of November 2, 1948.

After a careful study of the case, we are convinced that the issue involved in this appeal is mainly a question of fact,—whether or not Cid had really resigned as editor of the respondent, and incidentally, whether the finding of the Court of Industrial Relations as to the resignation of Cid has any evidence to support it. In order to shed more light on the case and the conclusion reached by the lower court, we permit ourselves to state additional facts, based on portions of the conflicting evidence presented before the Court of Industrial Relations, gathered from the pleadings, annexes and arguments now before us, so as to show that there was considerable and substantial evidence presented by both parties in support of their respective theories, and, at the same time, warrant the conclusion that in making its findings, particularly the separation or resignation of Cid from the Evening News, Inc., the trial court was guided by evidence, weighed and based on the credibility of the witnesses giving the same.

In order to better understand the position taken by the parties, it may be stated that Cid has consistently maintained that Roces wanted to separate him from the Evening News, Inc., or otherwise brought pressure upon him to resign, not because of inefficiency or Incompetence as an editor, but because of his pro-labor activities. The respondent, however, thru Roces, equally claims that the only purpose and desire of the management was to have Cid devote his full time and attention to his duties as editor, but that, because he was unable or refused to do so, and on the contrary because of his actions and attitude he created a situation in the editorial staff and in the office whereby friction, rivalry and confusion ensued to the detriment and damage of the respondent, Roces tried to find a way to have Cid sever his connections with the paper, and do so gracefully, without any reflection on his name or character or any financial disadvantage to him, and, furthermore, that the pro-labor activities of Cid had nothing to do whatsoever with the relations between him and Cid.

As early as July or August 1945, Cid was employed by the Evening News, Inc., as city editor, later promoted to managing editor, and then to full editor upon the resignation of the incumbent Vicente Albano Pacis. At the time of his last promotion, Cid was already the president of the Congress of Labor Organization (CLO), which Cid himself helped organize. He also organized and became the president of the petitioner herein, the Philippine Newspaper Guild, Evening News Local. These labor activities of Cid were well-known to Roces even at the time when the latter first appointed him as city editor of the Evening News.

After the presidential elections in 1946, Roces asked Cid to devote all his time to his editorial work so that the Evening News may become a first class paper. He even offered to buy Cid's time with the CLO; but Cid refused, explaining that he was not being paid by the CLO, and that, besides, his time with it cannot be bought. This refusal of Cid to devote to the Evening News his full or the amount of time wanted by Roces, prompted the latter to employ one John Grover from the Associated Press, which, as already stated, caused resentment on the part of Cid. His resentment mounted when Grover was promoted to general manager, placing him over Cid's head.

There is evidence presented by the respondent to the effect that Cid used to receive many visitors in his editorial office on matters and business which had no connection whatsoever with the paper; that, because he did not devote enough time to his editorial duties, the paper used to come out late, sometimes with poor and slovenly articles and write-ups, and with errors and mistakes, which proved costly to the management, and that all this was the real reason why the management persuaded Cid to leave the paper voluntarily. To upset this theory, the petitioner presented evidence to show that during the incumbency of Cid as editor, the Evening News prospered, substantially increased its circulation, and earned considerable profits for the owners and publisher, thereby showing that Cid, as editor, was not the inefficient, careless and disloyal official and employee he was painted by the management.

There is also evidence to the effect that sometime in October 1947, Roces invited Cid to lunch with him at a restaurant; that during the luncheon, Roces told Cid that he was not satisfied with the way the editorial department

of the Evening News was being run and actually urged him to resign, and that Cid agreed to do so; that Roces later instructed Fabian, then general manager, to make the necessary arrangements for Cid's resignation, the latter to receive two months salary which was actually paid to him; that on October 22, or 24, 1947, Cid left, but, on December 22 of the same year he returned to work and continued with his duties as editor, and that when Fabian reported the matter to Roces, the latter told him to have patience. According to Cid, however, he did not agree to resign and that if he left the office, as he did, it was only to enjoy two months vacation leave with pay to which he was entitled, and that was the reason why he returned to work on December 22, 1947.

Shortly after the filing of the aforementioned petition or four-point demand on March 1, 1948, by the Philippine Newspaper Guild, Evening News Local, asking, among others, for the retention of Cid as editor, there was a rumor that Cid was being considered by the government as its representative to the World Press Conference in Geneva. According to Roces, Cid admitted to him that he had had a conference with the President of the Philippines about his going to Geneva, but that he did not see his way clear to accepting the offer of the government to send him to Geneva because of financial reasons; that Roces urged him to accept the offer, telling him that it was a good opportunity for him to make a graceful exit from the Evening News, at the same time offering to help him financially; that it was later agreed upon between the two men that Cid would go to Geneva, continue receiving his salary of P1,000 a month for a period of three months, plus P3,000 as gratuity, provided that he would sever his connections with the Evening News upon his return to the Philippines. Cid actually went to the conference at Geneva after having received his advance salary of three months, for March, April and May, 1948. While he was in New York on his way home from Geneva, Cid asked the Evening News, Inc. to send him P2,000, which amount was actually sent to and received by him, and, upon his return to the Philippines, he received P1,000 more. Two days after his arrival on June 22, 1948, he went to see Roces to thank him for the financial help given to him. In that meeting, no mention was made about his separation or resignation from the Evening News, Inc. He did not come to the office to collect his salary for the subsequent months; in fact, he did not report for duty until August 31, 1948, when, as already mentioned, the strikers were ordered by the Court of Industrial Relations to return to work.

As regards his trip to Geneva and the supposed agreement on his part to resign upon his return to the Philippines, Cid endeavored to explain that he never agreed to resign from the Evening News, Inc. in return for the undertaking of Roces to help finance his trip to attend that conference; that the money he received from the Evening News, Inc., in connection with said trip, was not exactly or wholly an act of liberality on the part of the management, because he rendered a distinct service to the paper by representing it at the conference, thereby giving publicity and added prestige to the respondent, and that, in fact, all the time he was attending the conference his name was carried at the masthead of the Evening News. Roces explained that it was necessary to keep the name of Cid in the paper so as to make his status at the conference in Geneva unassailable.

There is also evidence to the effect that on or about July 17, 1948, after Cid had returned to the Philippines, he and Dacanay, then acting editor of the Evening News, had a talk relative to Cid's separation from the Evening News, Inc. Dacanay advised Cid that he was going to announce his separation from the paper and asked for suggestions in the write-up which Dacanay had already drafted. According to Dacanay, Cid gave suggestions which were inserted in the draft. Later in the day, Cid sent Dacanay a note, Exhibit 20, which reads as follows:

"Will you please defer for two days, at least the announcement we spoke about this noon."

The announcement or write-up prepared by Dacanay, however, was never published because of the strike of the employees of the respondent which was declared and carried out on July 23, 1948, as already mentioned.

From all that has been stated, it is clear that there was considerable evidence before the Court of Industrial

Relations to support the conflicting theories set up and presented by the parties, as to the resignation or non-resignation, or the separation or non-separation of Cid from the respondent and the reasons behind it. In making its finding that Cid had resigned, there could, therefore, be no basis or foundation for any claim or conclusion that there is no evidence at all to support said finding of the trial court. Without reviewing the whole evidence, we are not, naturally, in a position to say that the finding of the trial court is based on overwhelming or preponderant evidence. But this we can say, that on the basis of the facts to be gathered from the decision and resolution appealed from, including the pleadings and written arguments of both parties, all of which freely reproduced substantial portions of the testimonies of the principal witnesses for either party, there is evidence to support the finding of the Court of Industrial Relations that Cid had resigned. And this is all that is required in order to uphold any decision or resolution of the Court of Industrial Relations which is assailed by any appellant through certiorari proceedings. As long as there is evidence to support a decision of the industrial court, we may not revoke or reverse said decision, just because it is not based on overwhelming or preponderant evidence. This ruling will naturally resolve against appellant the alleged grave abuse of discretion by the trial court in finding that Cid had resigned from the Evening News, Inc. Moreover, we have already ruled, though incidentally, in the case of Manila Trading & Supply Co. vs. Manila Trading Laborers' Association (46 Off. Gaz., L-4874), that where it is alleged that the Court of Industrial Relations has decided a question of fact with grave abuse of discretion, a special civil action of certiorari filed with the Supreme Court would be the proper remedy. Furthermore, according to law (Rule 44, sec. 2, Rules of Court), only questions of law may be raised in an appeal from a decision, order or resolution of the Court of Industrial Relations. (See also: Manila Trading & Supply Co. vs. Manila Trading Laborers' Association, *supra*.; Olaivar vs. Manila Electric Co., 40 Off. Gaz., 14th Supp., p. 73; and, Leyte Land Transportation Co., Inc. vs. Leyte Farmers' & Laborers' Union, (45 Off. Gaz., 4862.) On this basis alone, we could dismiss the appeal or affirm the decision or resolution of the Court of Industrial Relations. But, for the satisfaction of the parties, and without reviewing the evidence, we have extended ourselves, perhaps unduly, so as to help In an intelligent understanding and appreciation of this case.

Before closing, it may be stated that the partial decision of September 4, 1948, strictly speaking, may not be considered as involved in the present appeal. The resolution of November 2, 1948, which was the latest act, finding or conclusion of the trial court, naturally superseded or reversed a previous contrary finding.

In view of the foregoing, the resolution of the Court of Industrial Relations of November 2, 1948, is hereby affirmed, with costs.

Moran, C. J., Ozaeta, Pablo, Bengzon, Tuason, and Reyes, JJ., concur.

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