

LUZON GENERAL MERCHANDISING COMPANY AND MARIANO GARCIA, PETITIONERS, VS. COURT OF INDUSTRIAL RELATIONS, LUZON GENERAL MERCHANDISING WORKERS UNION – ILMUP, AND FILEMON BOCAL, JR....

G.R. No. L-37851. August 05, 1980

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

It is on a procedural due process ground that reliance is placed in this petition for the review of the decision of respondent Court of Industrial Relations.[1] What cannot be denied, however, is that the finding of facts demonstrates quite clearly that the conduct attributed to petitioner cannot be denominated as other than an unfair labor practice. The labored effort, therefore, of petitioner, as will be shown, is quite unavailing. With the modification thereafter to be set forth as to the back wages to which private respondent-claimants are entitled, we affirm.

From the recital of facts as found in the decision under review, it was evident that after the submission by private respondents of their demands for collective bargaining, four to six conferences were held between the parties during the process of negotiations. They could not come to terms. Petitioners were quite adamant in their stand. They were unable to refute the testimony that not a single demand was granted. As could have been expected, a strike was the result. The strike was peaceful, no untoward incident taking place in the picket line. At any rate, it was shown further that on July 10, 1968, the parties agreed to the holding of a consent election on July 13, 1968, with the workers being allowed to return to work within forty-eight hours from the signing of said agreement. Moreover, it was further agreed that the parties would withdraw all cases filed by one group against the other. Had there been good faith compliance with the terms of the aforesaid agreement, industrial peace would have been restored. The subsequent event belied expectations. The responsibility for such failure must be, according to the decision, attributed to petitioner. As stated in the decision under review: "For as pointed out earlier, the conditions precedent to the holding of a consent election were for the strikers to lift their picket and to return to work within 48 hours from the date of the signing of the agreement on July 10, 1968 or else their services be considered terminated. Aware of this consequence, no one in his right senses would certainly gamble his only means of livelihood. But more than this, complainants could not close their eyes to the forthcoming election and simply wait for the day of the election without the slightest intention of campaigning among their co-employees [who were] not members of the union in order to assure themselves of winning the election. As clearly and convincingly narrated by the three (3) witnesses for complainants, on July 11, 1968, the day following the signing of the agreement between Bade and Garcia, the strikers, the herein complainants, reported for work but were told by Vicente Manghay, respondents' bodegero, that they could not yet return to work because they would still have an election. When complainants reported to respondent Garcia the next day, July 12, 1968, they were not admitted and were instead instructed to see first Atty. Aruelo, counsel for respondents. However, when they went to see Atty. Aruelo the following day, July 13, 1968, to their surprise they were told that they could no longer return to

work because they were already dismissed. As a result of this repeated refusal by respondents to allow the complainants to work, no consent election was held on July 13, 1968." [2] It is not surprising, therefore, that petitioners were found guilty of bad faith. Its conduct, to quote anew from the decision, "evinced clearly their intention to bust the complainant union by luring its president into entering into said agreement and signing at the same time the certification to the effect that he interposed no objection to the result of the election, the fact that the consent election would still be on July 13, 1968." [3]

As noted at the outset, this petition for review cannot prosper.

- The commission of an unfair labor practice was thus proven most satisfactorily. The facts that came to life call to mind this excerpt from *E. Lim & Sons Manufacturers, Inc. v. CIR*: [4] "It is almost trite to say that conduct of such character, which on its face betrays a clear failure to abide by what the law commands, is not susceptible of any valid defense. What it deserved, and so it turned out, was condemnation. To repeat, it is apparent why counsel for petitioners had no choice but to scan the records and to try to locate legal infirmities which could serve to render nugatory the adverse decision of the Court of Industrial Relations. To their credit, they worked hard at it. The laborious effort is discernible not only in the petition for review but also in the memorandum submitted. Such industry, worthy not of a better, but of a just cause, avails petitioners naught." [5] It can be said further that there was not even a hint of subtlety in the method employed. It was quite transparent. For petitioners, therefore, to expect any decision other than that rendered by respondent Court of Industrial Relations defies reason. It is worth repeating that the protection to labor mandate of the Constitution would be rendered meaningless if, under the above circumstances, the conclusion would be other than that the acts complained of amounted to an unfair labor practice. [6]

- The decision arrived at finds support in the well-settled doctrine that the finding of facts of a labor tribunal is accorded the utmost respect by this Court and is well-nigh conclusive if supported by substantial evidence. So it has been since *Indias v. Philippine Iron Mines*, [7] a 1957 decision, to *Meracap v. International Ceramics Mfg. Co., Inc.*, [8] decided barely a year ago.

- Petitioner would make much of the alleged agreement that the complainants, who took the witness stand, could only testify for themselves and not on behalf of the other private respondents. Such a stipulation, petitioners ought to have been aware, contravened the authoritative pronouncements of this Court. As was stated in *Sanchez v. Court of Industrial Relations*: [9] "To the reproach hurled against the challenged order in the brief of petitioners, in view of only two of the seven claimants testifying, a statement by this Court in *Ormoc Sugar Co., Inc. v. OSCO Workers Fraternity Labor Union* would suffice by way of refutation. Thus: 'This Court fully agrees with the respondent that quality and not quantity of witnesses should be the primordial consideration in the appraisal of evidence.' " [10] Two other decisions may be cited: *Magdalena Estate Inc. v. Kapisanan ng mga Manggagawa* [11] and *Philippine Land-Air-Sea Labor Union v. Sy Indong Company Rice and Corn Mill*. [12] If it were otherwise, that would be to disregard the statutory mandate that respondent Court in the hearing, investigation, and determination of any question or controversy and in the exercise of any of its duties or powers is to act "according to justice and equity and substantial merits of the case, without regard to technicalities or legal forms and shall not be bound by any technical rules of legal evidence" informing its mind "in such manner as it may deem just and equitable." [13]

- The only question that remains is the amount to be granted private respondents. As was provided for by statute, an unfair labor practice having been proven, petitioners, as required, in the decision of respondent Court under review, had to be "ordered to cease and desist from further committing the same and to reinstate all the herein individual complainants to their former positions with back wages from July 11, 1968 until actually reinstated, without loss of seniority and other privileges." [14] While the literal language of the Industrial Peace Act would

sustain such a ruling, still it has been the settled doctrine of this Tribunal that instead of a labor tribunal having to go through the long and laborious process of determining what exactly is the amount of the back wages subject to whatever deductions could be had for earnings in the meanwhile, a definite sum could be awarded but not based on the total period that had elapsed. From *Feati University Club v. Feati University*,^[15] it has been computed at three years, without qualifications and deductions. To such sum, the complainants in an unfair labor practice case are entitled. So we rule once again. That is merely to abide by a long line of decisions.^[16]

WHEREFORE, with the modification that the amount of back wages to which individual complainants herein are entitled should be computed at the rate of three years, without any need for the examination of the payrolls, vouchers, books and other records and papers as may be necessary or pertinent, the decision of July 6, 1973 of respondent Court of Industrial Relations, as maintained in a resolution of October 30, 1973, where the motion for reconsideration was denied, is hereby affirmed. Costs against petitioners.

Barredo, Aquino, Concepcion, Jr., Guerrero, and De Castro, JJ., concur.

Abad Santos, J., on official leave.

[1] In addition to the labor union, the individual members thereof, as shown in the caption above, were named private respondents.

[2] Petition, Annex E, 12.

[3] *Ibid.*, 12-13.

[4] L-39117, September 25, 1975, 67 SCRA 124.

[5] *Ibid.*, 127.

[6] Cf. *Rustan Supervisory Union v. Dalisay*, L-32891, April 29, 1971, 38 SCRA 500; *Philippine Engineering Corporation v. CIR*, L-27880, Sept. 30, 1971, 41 SCRA 89; *Herald Delivery Carriers Union (PAFLU) v. Herald Publication, Inc.*, L-29966, Feb. 28, 1974, 55 SCRA 713; *People's Bank and Trust Company v. People's Bank and Trust Co. Employees Union*, L-39598, and L-39603, Jan. 13, 1976, 69 SCRA 10; *The Bradman Company, Inc. v. CIR*, L-21434-35, July 21, 1977, 78 SCRA 10; *Progressive Development Corporation v. CIR*, L-39546, Nov. 29, 1977, 80 SCRA 434; *GOP-CCP Workers Union v. CIR*, L-33015, Sept. 10, 1979, 93 SCRA 116.

[7] 101 Phil. 297.

[8] L-48235-36, July 30, 1979, 92 SCRA 412. There are 45 other cases decided between such dates.

[9] L-26932, March 28, 1969, 27 SCRA 490.

[10] *Ibid.*, 497-498. *Ormoc Sugar Co., Inc.*, a 1961 decision, is reported in 110 Phil. 627.

[11] 118 Phil. 238 (1963).

[12] 120 Phil. 693 (1964).

[13] Section 20, Commonwealth Act No. 103 (1936).

[14] Petition, Annex E, 13.

[15] L-31503, August 15, 1974, 58 SCRA 395.

[16] Cf. *Liberty Cotton Mills Workers Union v. Liberty Cotton Mills, Inc.*, L-33987, Sept. 4, 1975, 66 SCRA 512; *E. Lim and Sons Manufacturers, Inc. v. CIR*, L-39117, Sept. 25, 1975, 67 SCRA 124; *People's Bank and Trust*

Company v. People's Bank and Trust Co. Employees Union, L-39598, Jan. 13, 1976, 69 SCRA 10; Insular Life Assurance Co., Ltd. Employees Association NATU v. Insular Life Assurance Co., Ltd., L-25291, March 10, 1977, 76 SCRA 50; Monteverde v. CIR, L-32915, Sept. 30, 1977, 79 SCRA 259; Visayan Stevedore Trans. Co. v. CIR, L-37693, Sept. 30, 1977, 79 SCRA 271; Danao Development Corp. v. NLRC, L-40706 and L-40707, Feb. 16, 1978, 81 SCRA 487; L.R. Aguinaldo and Co., Inc. v. CIR, L-31909, April 5, 1978, 82 SCRA 309; Air Manila, Inc. v. CIR, L-39742, June 6, 1978, 83 SCRA 597; Bachrach Motor Co., Inc. v. CIR, L-26136, Oct. 3, 1978, 86 SCRA 27; Liberty Cotton Mills Workers Union v. Liberty Cotton Mills, Inc., L-33987, May 31, 1979, 90 SCRA 391.

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