

EMBASSY MOTORS WORKERS UNION (PAFLU), PETITIONER VS. COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.

G.R. No. L-18685. September 13, 1963

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

The Embassy Motors Workers Union (PAFLU) filed this petition before this Court seeking to compel the Court of Industrial Relations to execute its resolution of February 14, 1959 which set aside the order of the court a quo authorizing the layoff of the 15 laborers sought by the Embassy Motors, Inc. Incidentally, it is prayed that since said employees were laid off prematurely they should be reinstated with back wages.

Sometime in 1957, the Embassy Motors Workers Union (PAFLU) filed a complaint for unfair labor practice before the Court of Industrial Relations against the Embassy Motors, Inc. for having dismissed 15 of its employees due to alleged union activities. Judge Emiliano C. Tabigne, who was assigned to try the case, found the company guilty as charged and as a consequence ordered the reinstatement of the dismissed employees with payment of their back wages. The decision was affirmed by the court en banc, and the case having been taken to this Court on a petition for review, the appeal was dismissed for lack of merit.

On April 1, 1958, or barely three weeks after the re-instatement of the 15 employees, the company filed a petition before the same court as an incident of the original case seeking authority to lay off the same employees on the alleged ground that they had no work to perform due to the fact that the company was suffering losses as a result of general business recession, lack of materials, and reduced dollar allocation. The case was again as signed to Judge Tabigne for hearing.

The union moved to dismiss the petition on the ground of lack of jurisdiction since it cannot be considered as an incident of the original case, but without apparently acting thereon, the trial judge set the petition for hearing on the merits. And after the reception of the evidence, the trial court issued an order on November 20, 1958 holding that the court has jurisdiction to take cognizance of the petition pursuant to Section 17, Commonwealth Act No. 103, as amended, while it ruled that the company could lay off the 15 employees who had been previously reinstated on condition that if the company should return to its normal business situation in view of the restoration of its original dollar allocation, the laid off employees would be given priority of employment. Without waiting for this decision to become final, the company proceeded to immediately lay off the employees above-referred to.

On November 28, 1958, the union filed a motion for reconsideration of the decision of Judge Tabigne, which, on February 14, 1959, was reversed by the court en banc by a split vote as follows: Presiding Judge Jose S. Bautista, concurred in by Judge Baltazar Villanueva, voted to reverse the decision on the merits, while Judge Arsenio I. Martinez concurred in the result on the ground of lack of jurisdiction. Trial judge Tabigne dissented in a separate opinion. The company moved to have the resolution clarified considering that the same apparently appears to be merely supported by the vote of two members since the third vote is based on different ground, contrary to Section 1 of Commonwealth Act No. 103, as amended, but the industrial court denied the motion stating that it is

clear from its disputed resolution that the same is supported by the votes of three judges. "The fact that the concurring opinion of one of the Associate Judge is based from (upon) different reason is of no consequence to the present issue." Whereupon, the company took the case to this Court on a petition for certiorari raising the same issue raised by it in its motion for clarification. Again, this Court dismissed the petition for lack of merit.

The resolution of February 14, 1959 having become final and executory, the union asked the trial court for its execution with a view to the reinstatement of its laidoff employees with payment of back wages. On April 28, 1960, Judge Tabigne, to whom the motion was assigned, denied the motion reasoning that the resolution which is sought to be executed is ineffective because it only finds support on the votes of two judges contrary to the requirement of Section 1 of Commonwealth Act No. 103, as amended. And on motion for reconsideration filed by the union, the industrial court en banc sustained the order also in a split resolution. As a consequence, the union interposed the present petition for review.

The main issue to be determined hinges on the legal effect of the resolution of the Court of Industrial Relations dated February 14, 1959 which set aside the order of the trial judge of November 20, 1958 authorizing the layoff of the 15 reinstated employees as requested by the company considering that the same appears supported only by the affirmative vote of two judges while the third judge merely concurred in the result, contrary to the requirement of Section 1, Commonwealth Act No. 103, as amended.

The section above-referred to provides:

"Should any party aggrieved by a ruling or decision of any of the Judges, request a reconsideration thereof, or at the request of any of them, the Judges shall sit together, and the concurrence of at least three of the five Judges shall be necessary for the pronouncement of a decision, order, or award. * * *"

It would appear that in order that there may be a decision, order, or award it is enough that the judges composing the court sit together and that the concurrence of at least three of the five judges be obtained. It is not necessary that the requisite number of judges should agree on the issues raised or on the reasons that each may advance in support of their findings or conclusions, it being sufficient that they concur or agree on the result. The issues may vary, the reasons may differ, but if the judges arrive at the same conclusion, or agree on the same result, there is decision. This may happen when in addition to the majority opinion, some judges write concurring opinions expressing their views on some matters discussed or on issues raised, or when each writes separate or individual opinions, but if they agree on the result, the law is satisfied. This is what happened in this case. Judges Bautisia and Villanueva found the order under consideration erroneous considering the nature of the evidence presented and the merits of the questions involved, while Judge Martinez found it untenable on the issue of jurisdiction. In substance, therefore, the three agreed that the trial judge acted erroneously in issuing the order appealed from and so they decided to have it set aside. We therefore hold that the resolution of February 14, 1959 is valid and effective because it finds support on the affirmative votes of three judges as required by law.

As a corollary to our ruling, it should be stated that the voiding of the order of the trial judge which authorizes the layoff of the 15 reinstated employees has the concomitant effect of a directive to reinstate them since they were laid off prematurely. It appears that, even before said order had become final, because the period to appeal had not yet expired, the company proceeded to decree their layoff. Since the layoff was unauthorized it is imperative that the employees be reinstated with payment of back wages.

Wherefore, petition is granted. The Court of Industrial Relations is hereby ordered to immediately issue an order of execution of its resolution of February 14, 1959 with the directive that the laid off employees be immediately reinstated with back wages. No costs.

Bengzon, C.J., Padilla, Labrador, Conception, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ.,

concur.

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