

LUZON BROKERAGE CO., INC., PETITIONER, VS. LUZON LABOR UNION, JUDGES ARSENIO ROLDAN, JUAN LANTING AND MODESTO CASTILLO, RESPONDENTS.

G.R. No. L-2069. May 30, 1949

Ponente: TUASON, J.

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TUASON, J.:

It appears that on October 16, 1947, the Court of Industrial Relations handed down a decision in case No. 59-V (2), entitled "Luzon Labor Union vs. Luzon Brokerage Co., Inc.," finding that Eduardo Lineses, dismissed or suspended employee of the Luzon Brokerage Co., had not committed any irregularity in the performance of his duties and ordering that he be "reinstated to his previous positions as driver with back pay from the day of suspension until actual reinstatement." On January 13, the Luzon Labor Union filed a motion for the execution of the above decision. As no evidence had been introduced and the judgment was silent on Lineses' wages and number of working days a week before his suspension or dismissal, the motion for execution was set for hearing, with timely notice to both parties, for the purpose of determining these data. After the hearing on February 7, 1948, which was attended by the counsel for the Labor Union but not by any representative of the Luzon Brokerage Co., the court, under date of February 12, 1948, issued an order embodying the following finding and judgment: "That the daily wage of Lineses is P7.50 a day on the basis of eight hours work; and it appearing, furthermore, that his regular working days in the company is from Monday to Saturday; or a total, therefore, of 188 days from June 7, 1947 to January 16, 1948, exclusive of holidays and/or Sundays, let a writ of execution be issued against respondent company for the total amount of P1,410."

The question that emerges from these facts is the power of the Court of Industrial Relations to amend or modify its decision on the date and in the manner and form above set forth. It is the contention of the respondent that the said decision had become final and that the court had lost jurisdiction to alter, modify or change it.

We do not think that the Court of Industrial Relations acted without or in excess of jurisdiction. The hearing and the taking of evidence was necessary to carry into effect the decision. The change is in reality not a modification but a confirmation of the judgment.

Even if the order complained of were out of harmony with the original decision, the same would still be within the authority of the court to make under sections 17 and 18 of Commonwealth Act No. 103 which read:

"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 of 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.

"Interpretation of award.—Whenever a doubt shall arise as to the meaning or interpretation of an award, order or decision of the Court of Industrial Relations, any interested party may petition the Court to determine such meaning or interpretation and the Court, upon receiving such petition, shall set a date for the hearing of the case and shall dispose of the same as soon as practicable."

The court's action was, in our opinion, in entire conformity with these provisions.

The petition is denied with costs against the petitioner.

Ozaeta, Paras, Feria, Pablo, Perfecto, Bengzon, Montemayor, and Reyes, JJ., concur.

TUASON, J.:

I certify that the Chief Justice concurs in this decision.

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