

MAYO LOPEZ CARILLO, HONEY LOPEZ PANGANIBAN, BENITA LOPEZ, ALBINA H. LOPEZ, AND BALBINO BIADO, PETITIONERS, VS. ALLIED WORKERS' ASSOCIATION OF THE PHILIPPINES (AWA), RAFAEL DIDA...

G.R. No. L-23689. July 31, 1968

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2841f244b2e0/>

FERNANDO, J.:

On September 22, 1964, respondent Judge, the Hon. Artemio C. Macalino, of the Court of Agrarian Relations, rendered a decision wherein petitioners Mayo Lopez Carillo, Honey Lopez Panganiban, Benita Lopez, Albina H. Lopez and Balbino Biado, as defendants, were ordered to reinstate now respondents Rafael Didal, Baltazar de Asis, Diego Caballes and Crispin Buenafe, all affiliated with the Allied Workers' Association, also a respondent, to their positions as security guards of Hda. Fara-on, located in Cadiz, Occidental Negros, with back wages computed on weekly basis at the daily rate of Two Pesos and Seventy-five Centavos (P2.75), commencing from May 22, 1963 up to the time of their reinstatement as security guards and to pay the costs. Hence this petition for review.

The facts as found in the decision of respondent Judge follow: "Plaintiffs Rafael Didal., Baltazar de Asis, Diego Caballes and Crispin Buenafe [now respondents] were originally employed at Hacienda Fara-on, Cadiz, Occidental Negros, as farm workers and laborers performing with the other farm workers and laborers thereat varied, work as cutting cane points, weeding and clearing the field, hosing the same, and brushing of boundaries of the field, Sometime later and at different times, these plaintiffs, together with one Sebastian Rizalino, were appointed as security guards in the Hacienda. * * *." [1]

The recital of facts from the decision under review continue: "Sometime in April, 1963, these plaintiffs and Sebastian Rizalino affiliated with plaintiff Union [now respondent Allied Workers' Association]. Later, on May 21, 1963, they were summoned by defendant Mayo Lopez Carillo, a co-owner and the administrator of Hacienda Fara-on, to his office. Thereat, they were told by him that he was aware of their membership in plaintiff Union, but it was necessary that as security guards, they should not be affiliated with it, or, if they desire to continue with their membership and union activities, they would have to be transferred to another department in the Hacienda and perform other kinds of farm work, except that of security guards and other skilled work to which they are not fit. Defendant Carillo then instructed the assistant administrator of the Hacienda, one Ismael Gulmatico, to accommodate them in the field and assign to them any available farm work thereat. This presumably irked herein four plaintiffs and they at once reported the matter to plaintiff Union. And not being agreeable to the condition imposed by the Hacienda, they did not report for work anymore. * * *." [2]

According to respondent Judge, the principal Issue "is whether or not the Hacienda committed an act of unfair labor practice when the security guards were required to relinquish their membership with plaintiff Union or be transferred to another department in the Hacienda should they desire to maintain their union membership and

activities." [3] Such an issue was resolved thus: "Plaintiffs proposed transfer to some other phases of farm work with a wage scale lower than their actual wages as security guards tended to discourage membership with the union of their warn choosing, hence, may be considered an act of unfair labor practice. More so is the requirement imposed by the Hacienda that they relinquish their union membership in order that they may not be divested of their position of security guards." [4] Respondent Judge then decided the case as above set forth.

In the brief for petitioners, three errors were assigned, but the third error, which complained against the reinstatement of respondent security guards to their positions being entitled at the same time to back wages, is the consequence of the other two assigned errors, the first of which is factual in character, namely, that their proposed transfer, to some other phases of farm work amounted to constructive discharge and hence an unfair labor practice, and the second, legal in connotation, the contention being that the provisions of the Industrial Peace Act [5] as well as the Land Reform Code [6] could not be applied to the present case as the acts which gave rise to the same took place before the passage of the latter legislation. Neither the factual nor the legal alleged error committed is meritorious. Consequently, it could not be said that the reinstatement of respondent security guards with back wages was contrary to law.

No further inquiry is called for concerning the alleged grievance that respondent Judge should not have considered as unfair labor practice the proposed transfer of respondent security guards from their positions to some other phases a farm work. This is a finding of fact resting on evidence substantial in character. We are not at liberty to disturb it on appeal. That is a principle that has been affirmed time and time again. One of its latest formulations is that set forth in *Lapina v. Court of Agrarian Relations*, [7] in an Opinion by Justice Dizon, to the effect that its finding of fact must be accepted "unless it is shown that they are unfounded or were arbitrarily arrived at, or that said court had failed to consider important evidence to the contrary."

Neither is the second alleged error that respondent Judge should not have passed on the alleged unfair labor practice of petitioners considering that such provision insofar as tenancy relations are concerned was provided for only in Agricultural Land Reform Code, which took effect on August 8, 1963, seventy nine days after the alleged unfair labor practice committed on May 29, 1963 persuasive. It is to be noted that as far back as 1961, in *Santos v. Court of Industrial Relations*, [8] more than two years before the Agricultural Land Reform Code became a law, the provision of the Industrial Peace Act insofar as unfair labor practice is concerned was held applicable to agricultural laborers. In the language of this Court: "With regard to our conclusion that the present controversy comes under the exclusive jurisdiction of the Court of Agrarian Relations, suffice it to state that the latter court was created for 'the enforcement of all, laws and regulations governing the relation of capital and labor on all agricultural lands under any system of cultivation (Section 1, Republic Act 1267, as amended by Republic Act 1409), and was given exclusive jurisdiction over the entire Philippines 'to consider, investigate, decide, and settle all questions, matters, controversies, or disputes involving all those relationships established by law which determine the varying rights of person in the cultivation and use of agricultural land where one of the parties works the land' (Section 7, mid.). Complainants, therefore, should have lodged their complaint with the agrarian court for the redress of their grievance considering this broad power given to it by law even if nothing is said therein relative to unfair labor practice."

A complication is introduced by our holding in *Dequito v. Lopez* [9] that the work performed by a security guard is not embraced in the term "agrarian relations" and that a matter of this character should be litigated either in an ordinary judicial tribunal or where a reinstatement is sought in the Court of Industrial Relations. [10] Fortunately, such a complication is not necessarily fatal. Petitioners are not now in a position to raise such a question, and if they could do so, the decision under review could still be allowed to stand.

For as was made clear in the aforesaid. *Dequito* decision a motion to dismiss an appeal on the ground that the

record On appeal would not disclose on its face that it was timely perfected, a motion, which otherwise is entitled to serious consideration, would be futile and unavailing if, as was disclosed by the facts therein, while the record on appeal was received by this Court as far back as August 16, 1967 and the brief for defendants appellees was dated January 6, 1968, it was not until the 24th of such month that such a motion to dismiss appeal on that ground was filed. It was considered then as being much too late, defendants appellees having lost their right in view of their tardiness to question the alleged timely perfection of the appeal. So in this case, with the decision under review being rendered on September 12, 1964, the petition for certiorari being dated October 29, 1964 and the brief of petitioners submitted on May 20, 1965, during all, of Which time as a matter of fact, up to now a question of that character was not raised, it would seem that Whatever right to contest the jurisdiction could have been availed of is by now no longer in existence.

It is much too late. A similar implication arises from the ruling in *Tijam v. Sibonghanoy*,^[11] where this Court, through justice Dizon, stated: "The facts of this case show that from the time the Surety became a quasi-party on July 31, 1948, it could have raised the question of the lack of jurisdiction of the Court of First Instance of Cebu to take cognizance of the present action by reason of the sum of money involved which, according to the law then in force, was within the original exclusive jurisdiction of inferior courts. It failed to do so. Instead, at several stages of the proceedings in the court a quo as well as in the Court of Appeals, it invoked the jurisdiction of said courts to obtain affirmative relief and submitted its case for a final adjudication on the merits. It was only after an adverse decision was rendered by the Court of Appeals that it finally woke up to raise the question of jurisdiction. Were We to sanction such conduct on its part, We would in effect be declaring as useless all the proceedings had in the present case, since it was commenced on July 19, 1948 and compel the judgment creditors to go up their Calvary once more. The inequity and un-fairness of this is not only patent but revolting."

Even if, however, petitioners could challenge the jurisdiction of respondent Judge still under the doctrine announced in *Francisco v. City of Davao*,^[12] the need for litigating the matter anew is not unavoidable. In the language of the present Chief Justice: "The ends of justice would not be served, If we now dismiss the case - over nine (9) years after it had been Initiated - and bade the plain-tiffs to start all over again, following the procedure that the defendants had asked the lower court, but which the latter refused, to require. At any rate, since the legal question raised in the pleadings has reached this Court, and the assessment complained of is manifestly violative of the clear and express provision of the law, it is best that we decide said question, instead of further defer-ring its resolution."

Social justice would be a meaningless term if in a situation like the present, an element of rigidity would be affixed to procedural: precepts and made to cover the matter. Flexibility should not be ruled out. Precisely, what is sought to be accomplished by such a fundamental principle expressly so declared by the Constitution^[13] is the effectiveness of the community's effort to assist the economically underprivileged. For under existing conditions, without such succor and Support, they might not, unaided, be able to secure justice for themselves. To make them suffer, even inadvertently, from the effects of a judicial ruling, which perhaps they could not have anticipated, the Dequito decision having been promulgated only last March 28th, when such a deplorable result could be avoided, would be to disregard what the social justice concept stands for.

Moreover, there is equally the obligation on the part of the State to afford protection to labor.^[14] The responsibility is in-cumbent then, not only on the legislative and executive branches but also on the judiciary, to translate this pledge into a living reality. The present case is an appropriate occasion for the dis-charge of such a trust. To preclude-relief under the circumstances herein disclosed would be to fail to submit to the dictates of a plain constitutional command. That we should not allow to happen.

WHEREFORE, the decision of respondent Judge ordering petitioners to reinstate respondents Rafael Didal,

Baltazar de Asis, Diego Caballes and Crispin Buenafe to their positions of security guards at Hacienda Fara-on, located at Cadiz, Occi-dental, Negros and ordering petitioner Mayo Lopez Carillo to cause the payment by the management of Hacienda Fara-on to herein individual respondents their back wages they should have realized had they not been constructively discharged, computed on the weekly basis at the daily rate of Two Pesos and Seventy-five Centavos (P2.75), commencing from May 22, 1963 tip to the time they are actually reinstated to their positions of security guards is affirmed. With costs against petitioners.

Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, and Angeles, JJ., concur.
Reyes, JBL, J., in the result.

[1] Petition, Annex. C, p. 4.

[2] Ibid, pp. 4-5.

[3] Ibid, p. 5-6.

[4] Ibid, p. 9.

[5] Republic Act No. 875.

[6] Republic Act No. 3844.

[7] L-20706, September 25, 1967.

[8] L-17196, December 28, 1961.

[9] L-27757, March 28, 1968.

[10] Centro Escolar University v. Wandaga, L-25826, April 3, 1968 and cases cited therein. See also Price Stabilization Corp. v. Court of Industrial Relations, L-13806, May 23, 1960; Phil. Wood Products v. Court of Industrial Relations, L-15279, June 30, 1961; Tamayo v. San Miguel Brewery, Inc., L47749, January 31, 1964 and Mercado v. Elizalde & Co., L-18962, December 23, 1964,

[11] L-21450, April 15, 1968.

[12] L-20654, December 24, 1964.

[13] Article II, Section 5, Constitution of the Philippines.

[14] Article XIV, Section 5, Constitution of the Philippines.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.