

**THE INSULAR LIFE ASSURANCE CO., LTD. EMPLOYEES
ASSOCIATION-NATU, FGU INSURANCE GROUP WORKERS &
EMPLOYEES ASSOCIATION-NATU, AND INSULAR LIFE BUILDING
EMPLOYEES ASSOCIATION-NATU, ...**

G.R. No. L-25291. May 05, 1977

Ponente: CASTRO, C.J.

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CASTRO, C.J.:

Submitted for consideration is the petitioners' "Motion For Clarification," dated 16 March, 1977, of a portion of the Court's Resolution of March 10, 1977.

The Court's Resolution, among others, directed the payment of backwages in their total equivalent of three years without qualification and deduction, without, however, a pronouncement as to the rates of computation to be used as bases.

The question is whether the payment of the three (3) years' backwages shall be at the pay rates as of June 2, 1958 (date of the act of discrimination, that is, date of discharge) or the current pay rates for positions similar or comparable to those previously held by the petitioners.

We have had occasion to squarely resolve a similar issue. In *Davao Free Workers Front vs. Court of Industrial Relations*, L-29356, October 27, 1975, 67 SCRA 418, the Court held as follows:

"The Court declares that the computation of the said backwages for over 17 years and strike-duration pay for five years is at the rate that the petitioners entitled thereto were actually receiving and being paid at the time of dismissal and strike. This is self-evident from the clear, unambiguous and express emphasis made by the Court in its opinion as well as in the judgment itself that such record full backwages as well as the strike duration pay are awarded 'without deduction and qualification' as stressed by petitioners themselves in their opposition.

"This simply means that the workers were to be paid their backwages fixed as of the time of their dismissal or strike without deduction for their earnings elsewhere during their layoff and without qualification of their backwages as thus fixed, i.e. unqualified by any wage increases or other benefits that may have been received by their co-workers who were not dismissed or did not go on strike.

"Otherwise, the main objective of the judgment, of thereby precisely avoiding the protracted delay in extended post-judgment hearings to prove or disprove such earnings elsewhere and/or increases received by other co-workers in similar positions (which in some cases took as long a time, if not longer, to resolve as the case on its merits) to the grave prejudice of the workers, would be rendered nugatory."

In the case at bar, the respondents notified the petitioners-strikers to report back for work on June 2, 1958, which the latter did. A great number of them, however, were refused readmission because there were criminal charges against them pending in the fiscal's office, although non-strikers who were also facing criminal indictments were readily readmitted. These strikers who were refused readmission on June 2, 1958 can thus be categorized as

discriminatorily dismissed employees as of such date and are entitled to backpay, as we so held. And, in line with the above ruling, the pay rates shall be those which the petitioners were actually receiving and being paid at the time of dismissal, i.e., June 2, 1958.

With the above clarification, there appears to be no more impediment, legal or otherwise, to the immediate payment of the amounts due to the petitioners as backwages.

This resolution is final and immediately executory.

Fernando, Teehankee, Barredo, Antonio, Muñoz Palma, Aquino, and Martin, JJ., concur.

Makasiar, J., no part.

Concepcion, Jr., J., on leave.

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