

METROPOLITAN WATER DISTRICT, PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS AND METROPOLITAN WATER DISTRICT WORKERS' UNION (CLO), RESPONDENTS.

G.R. No. L-4488. August 27, 1952

Ponente: PARAS, C.J.

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PARAS, C.J.:

On June 16, 1949, the Metropolitan Water District Workers' Union addressed to the board of Directors of the Metropolitan Water District a petition, demanding among others that all laborers who have rendered six months of continuous, faithful and satisfactory service should be given permanent appointments. Failing to settle amicably the dispute, the Secretary of Labor certified the same to the Court of Industrial Relations. The Metropolitan Water District opposed this demand, on the ground that its concession would work undue financial hardship to the District which will be obliged to keep the laborers in its payroll whether or not there is work for them to do. After hearing, the Court of Industrial Relations rendered on September 25, 1950, a decision which ordered the Metropolitan Water District to give permanent appointments to all its employees and laborers who have rendered six months of continuous, faithful and satisfactory service, with the privilege granted by Commonwealth Act No. 186, section 4 (e). The Metropolitan Water District has filed the present petition for review on certiorari of said decision.

It is argued for the petitioner that the decision of the Court of Industrial Relations is contrary to law, because the Metropolitan Water District comes within the scope of the Civil Service Law; and the filling and tenure of the positions of its officers and employees are subject to and covered by said Law. It appears, however, that the demand of the respondent Union is merely to the effect that all laborers who have rendered six months of continuous, faithful and satisfactory service should be given permanent appointments. Since the only objection of the petitioner to this demand is the alleged fact that the granting thereof would cause financial hardship to the District, because it will thus be obliged to employ the laborers whether or not there is work for them to do, and not the fact that said laborers are not civil service eligible or that they cannot be given permanent appointments as laborers because of any civil service rule, it is in material whether or not the Metropolitan Water District falls under the Civil Service Law.

Permanent appointment, in the sense spoken of in this decision and in the decision of the Court of Industrial Relations, does not of course guarantee permanent availability of items or appropriations, so that the petitioner cannot argue that it would be required, by issuing permanent appointments to the laborers in question, to maintain them in its payroll whether or not there is work for them to do. Indeed, the Court of Industrial Relations expressly observed that "if there is no work, they cannot continue working." This is logical, because except perhaps with regard to constitutional officers, any position in the government service, whether permanent or temporary, may be abolished for lack of usefulness or funds. But as long as a laborer is in the service of the petitioner, and it is not shown that he cannot be given a permanent appointment because of any civil service requirement, he should be made to feel secure not only in the expectation of receiving a permanent income but also in the enjoyment of all

benefits extended to all other government personnel. In this particular case, it is noteworthy that the demand has been prompted merely by a desire on the part of the laborers to have the benefit of the government insurance, and there is no reason why said laborers who, according to the facts, have rendered service ranging from six months to twenty years, may be discriminated against our constitution contemplates that all protection within the power of the state should be extended to labor.

In its amended petition dated August 22, 1951, the petitioner added the contention that the Court of Industrial Relations had no jurisdiction over the petition of the respondent Union, because the petitioner is not engaged in agriculture or industry within the meaning of section 4 of Commonwealth Act No. 103, as amended, the Metropolitan Water District having been created and organized not for profit or gain but to, furnish an adequate water supply and sewerage service, a purpose which is governmental both in character and scope. The contention is without merit. We have already held that the court of Industrial Relations has jurisdiction over controversies or disputes affecting employees and laborers of government-owned or government-controlled corporations. (*Manila Hotel Employees Association vs. Manila Hotel Company and the Court of Industrial Relations*,^[1] 40 Off. Gaz., 4173), although it may not have jurisdiction over mere offices or agencies of the government, unincorporated and not possessing juridical personalities under the law, for that would be permitting suits against the State without its contents (*Metran vs. Paredes et al.*,^[2] 45 Off. Gaz., 2835). The Metropolitan Water District, as created by Act No. 2832, as amended by Act 4079 and Commonwealth Act No. 384, is of course an independent juridical personality which may sue or be sued.

With respect to the contention that the petitioner is not engaged in industry, we may point out that there is authority to the effect that in determining the jurisdiction of labor courts, the term "industrial relations" refers "to affairs relating to industry and involving government departments devoted to public service". (*State vs. Howat*, 198 Pac. 686, 693.) The business of providing water supply and sewerage service may for all practical purposes be likened to the industry engaged by coal companies, companies, power plants, ice plants, and the like.

The petitioner also calls attention to the fact that in the decision of the Court of Industrial Relations dated June 13, 1950, it dismissed the petition of the Philippine Government Employees' Association, asking that the District be removed from the pale of the Civil Service Law, and it is argued that the decision in the case at bar is in conflict with said decision of June 13, 1950. In view of our conclusion that the issuance of permanent appointments to the laborers in question has neither been alleged nor shown to be in violation of the Civil Service Law, the argument is without any basis.

Wherefore, the appealed decision is affirmed, in so far as it has reference merely to the demand of the respondent Union that "all laborers who have rendered six months of continuous, faithful and satisfactory service to the District should be given permanent appointment." So ordered without costs.

Pablo, Bengzon, Padilla, Bautista Angelo, and Labrador, JJ., concur.

[1] 73 Phil., 374.

[2] 79 Phil., 819.

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