

**PHILIPPINE MOVIE PICTURES WORKERS' ASSOCIATION,
PETITIONER, VS. PREMIERE PRODUCTIONS, INC., RESPONDENT.***G.R. No. L-7771-73. May 31, 1955*

Ponente: MONTEMAYOR, J.

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With the view taken by the Court of these cases, there is no need of making a long and elaborate statement of the facts involved. The petitioner in each of these cases, Philippine Movie Pictures Workers Association later referred to as the Association, is a labor organization whose members were employees and laborers of the respondent Premiere Productions, Inc., referred to later as the Company, a corporation engaged in the production of movie pictures. On October 2, 1951, respondent company filed a petition with the Court of Industrial Relations (CIR) for permission to lay-off its personnel working in three of its departments, numbering about 44 on the ground that it was losing in the operation of its business. Judge Arsenio C. Roldan, presiding judge of the CIR after an ocular inspection of the company's premises, and after conferring with the personnel he found therein, granted the petition and the personnel were laid off.

After shutting the studios, the company filed another petition with the CIR for permission or authority to lease its equipment, studios, and other facilities to Eddie Infante, Braulio Calma and others. The association objected to the proposed lease on the ground that it was an attempt by the company to make use of its properties through other persons which would mean disturbance of the status quo while the dispute between the association and the company was pending. Then the company filed a motion to withdraw its petition saying that it was convinced that the lease of its properties was a mere exercise of its proprietary rights, and that court permission was unnecessary. The motion was granted. Thereafter, on February 7, 1952, the company transferred some of its equipment to Polo, Bulacan to be leased and used as in fact they were used by one Artemio Marquez in the filming of the picture "Bakas Ng Kahapon". For this action of the company the association on February 9, 1952, filed an urgent petition with the CIR, incidental case No. 598 V-8, for contempt and for injunction on the ground that the company had no right to remove its equipment from its studios to be leased to Marquez without court authority. Thereafter, the company again leased its equipment and facilities to one Efren Reyes for the filming of the picture "Larawan Ng Buhay". The association again filed another urgent petition, incidental case No. 598 V-10, for contempt and injunction. Again, on March 5, 1952, the company leased its other sound equipment to one Manuel Vistan for the filming of the picture "Troubador" and to Artemio Marquez in filming the picture "Boys Town". The association again filed another petition, incidental case No. 598 V-11, for contempt and injunction.

After the company had answered the three petitions for contempt and injunction, by agreement of the parties, these three incidental cases were heard jointly. During the hearing held before Presiding Judge Roldan and in the presence of one Martin Dolorico, a Commissioner of the CIR, the parties entered into a stipulation of facts and stated therein their respective contention, after which, both parties submitted the cases for decision without further evidence. This was on October 7, 1952. However, no decision was immediately rendered because both parties asked for time to enable them to bargain collectively, the negotiations commencing in January, 1953 and lasting

until July of the same year. In the meantime, on April 18, 1953, the association filed a "Supplemental petition to annul lease contracts and for contempt of court and for injunction", and on June 14, 1953, the association filed a "Motion for production of document" under section 1, Rule 21, of the Rules of Court, alleging that the movie company had in the meantime entered into other contracts of lease, and asking that Dr. Ciriaco Santiago, president of the movie company or his representative produce before the court the contracts referred to for the purpose of inspection, copying or photographing thereof, and to set for hearing the urgent petitions of February 9, 1952 and April 18, 1953 regarding the simulated leases.

Thereafter, Commissioner Martin Dolorico filed his report, which report was approved and completely adopted by Judge Roldan in his decision rendered on July 29, 1953, wherein he found that the leases of the equipment, studios and other properties of the movie company to third parties were not simulated but genuine, and that they were valid; that it was entirely proper for the movie company to lease its equipment which was lying idle because of the shutting down of its studios so as to make money and perhaps enable it to rehabilitate itself financially and to reemploy the same personnel who had been laid off, that the association should not object to these leases because it was the understanding at the time that they were laid off that in case it was later decided by the court that they had been improperly made to stop working, they would not only be reinstated but they would also be given backpay for the entire period of the lay-off. As to the supplemental petition to annul the lease contracts and for contempt of court and for injunction filed on April 18, 1953 and the motion filed on June 14th, Judge Roldan held that they would be heard separately from the incidental cases, for purposes of expediency. The decision ended by denying the three petitions for injunction and for contempt of court.

Upon motion for reconsideration by the association and over the opposition of the 'company, the CIR in banc by resolution dated November 13, 1953, reconsidered the decision aforementioned and set it aside, as premature, saying that before rendering a final decision, the court should have awaited further presentation of evidence on the supplemental petition of April 18, 1953, "so that all ingredients for the proper disposal of the case would have been complete." The resolution was penned by Judge Jose Bautista and concurred in by Judges Castillo and Yanson. Judge Roldan wrote a dissenting opinion concurred in by Judge Juan E. Lanting.

The association has now filed these petitions for review by certiorari, not only of the decision of Judge Rolijan but also of the resolution of the majority of the CIR, to set the same aside, and for the rendition of another decision holding the leases entered into by the movie company to be illegal and that the company and its officers and agents be held to have committed contempt of court in entering into those leases without authority of the CIR.

The majority of the Tribunal believe that it is unnecessary to go into the merits of the present cases, because the resolution of the majority of the CIR setting aside the decision of Judge Roldan, left the cases without any decision to appeal from, and that said resolution is in the nature of a mere interlocutory order, which is not subject to appeal.

In view of the forgoing, these petitions for certiorari are hereby denied, and the cases are ordered remanded to the CIR for further proceedings. No costs.

Pablo, Acting C. J., Bengzon, Bautista Angelo, Labrador, Concepcion, and Reyes, J. B. L. JJ., concur.

CONCURRING OPINION

REYES, A., J., concurring:

For a technical reason the majority want these cases remanded to the Court of Industrial Relations "for further proceeding." To satisfy a rule of procedure I will not object. However, I think the remand should be, not for "further proceedings", but for the specific purpose of having the Court of Industrial Relations, sitting in banc and without further proceeding for the taking of evidence, render a decision to take the place of the one it has set aside, and that court should be so advised. There is need for this caution, because it appears from the resolution appeared from that the court in banc set aside the decision of the trial judge for the reason that it was premature, believing "that the trial court should have waited further presentation of evidence in the aforesaid union's supplemental petition, so that all ingredients for the proper disposal of the case would have been complete." The court in banc thus ruled that further evidence should be taken pursuant to the union's supplemental petition. It should be noted, however, that the union seems to have already waived presentation of further evidence since it has petitioned this Court for an order directing the lower court to decide these cases, thus implying that the cases were being submitted on the evidence already taken. In the circumstances, a decision is now in order without further proceedings.

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