

KAISAHAN NG MGA MANGGAGAWA SA LA CAMPANA, PETITIONER, VS. RICARDO TANTONGCO AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G. R. No. L-18338. October 31, 1962

Ponente: PAREDES, J.

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PAREDES, J.:

On January 18, 1957, the respondent Court of Industrial Relations promulgated an Order in Cases Nos. 584 [V], (1), (2), (3), (5) and (6), all entitled "Kaisahan Ng Mga Manggagawa sa La Campana (KKM) vs. La Campana Starch and Coffee Factory, and the Administrator of the Estate of Ramon Tantongco", ordering the reinstatement and payment of back wages of twelve (12) employees involved in said cases. The respondents therein, after their motion for reconsideration had been denied by the Court (CIR), presented a petition for Certiorari with this Court, docketed as case G. R. No. L-12355, entitled "La Campana Starch & Coffee Factory & Ricardo Tantongco, as administrator of the Estate of Ramon Tantongco, Petitioners, vs. Kaisahan Ng Mga Manggagawa sa La Campana (KKM) and the CIR, Respondents". The above petition was dismissed by this Court in a Resolution dated June 12, 1957, for "lack of merit".

On February 18, 1957, the order of the CIR having become final and executory, the Kaisahan filed a motion of Execution on August 13, 1957. The employees who were ordered to be reinstated and whose back wages should be paid, presented themselves for work on August 28, 1957. Upon refusal of the La Campana and/or Ricardo Tantongco to comply with the final order, the Kaisahan on August 30, 1957, presented a petition to cite Ricardo Tantongco for Contempt.

Under date of September 6, 1957, Tantongco presented a "Manifestation" averring therein that he was not anymore the administrator of the Estate of Ramon Tantongco, such estate having been distributed and proceedings closed and his bond as administrator has already been cancelled by the probate court and, therefore, he should not be cited for contempt.

On September 30, 1957, the CIR entered an Order whereby it required the La Campana or its Manager or the person who has charge of the management, and the Administrator of the Estate of Ramon Tantongco, to comply with the Order of February 18, 1957 within five (5) days from receipt, specially to (a) reinstate the persons named in said Order of February 18, 1957; and (b) to deposit the amount of P65,534.01 with the Court. Upon the alleged refusal of the La Campana, more specifically Ricardo Tantongco, to comply with the above order, the Kaisahan filed a manifestation informing the CIR of said refusal. A preliminary investigation was subsequently conducted by the Acting Prosecutor and Attorney of the respondent Court, wherein Ricardo Tantongco appeared with counsel. On November 18, 1957, after the preliminary investigation, a complaint for Indirect Contempt was filed against Ricardo Tantongco, "People of the Philippines vs. Ricardo Tantongco", Case No. V-24. Upon the filing of the contempt case, Ricardo Tantongco presented a petition for Certiorari with Preliminary Injunction, G.R. No. L-13119, entitled "Ricardo Tantongco vs. Kaisahan and the Court of Industrial Relations, praying that the CIR be

enjoined from proceeding with the trial of the contempt case and from enforcing the Order of September 30, 1957, requiring him to reinstate the 12 employees and to deposit P65,534.01. This Court issued the writ of preliminary injunction, and after hearing, rendered a decision on September 22, 1959, holding among others, that the respondent Ricardo Tantongco was "the proper person and official to which the orders of the CIR are addressed and who is in duty bound to comply with the same". The writ earlier issued was accordingly dissolved. The contempt case was subsequently heard and on March 3, 1960, the prosecution rested its case. Tantongco manifested his desire to file a Motion to Dismiss, as in fact he filed same on March 4, 1960. At the subsequent hearings, Tantongco insisted on the resolution of his Motion to Dismiss. The Presiding Judge, however, in open court, deferred resolution of said Motion until after the reception of evidence and re-set the hearing for March 8, 1960, with the warning that should Tantongco fail to appear, the case would be considered submitted for decision. A written Order to this effect was handed down on March 5, 1960. On the scheduled hearing, Tantongco failed to appear and on April 30, 1960, Judge Jose S. Bautista rendered judgment, the pertinent portions of which read:

"From the evidence thus presented, which is unrebutted, it is clear that the accused refused to follow the order of this Court dated February 18, 1957 and September 30, 1957, such action constitutes indirect contempt of Court.

WHEREFORE, the accused is sentenced to be imprisoned until he complies with the orders of this Court dated February 18, 1957 and September 30, 1957."

Tantongco moved for a reconsideration of the above decision to the Court en banc, contending that (1) the order is arbitrary and contrary to law; (2) the order is illegal, because the Court has no power to issue such order; and (3) the order is not supported by the evidence. After hearing, the Court en banc, on March 2, 1961, rendered judgment, the pertinent portions (majority opinion) of which, read:

"* * * The accused insisted that the evidence of the prosecution is not sufficient beyond reasonable doubt to convict the accused of the charge in the complaint. This condition can be seen from the evidence of the prosecution thus presented. It appears from the evidence of the prosecution that the Order dated September 30, 1957, wherein the accused was charged of refusing to comply was never served on the said accused. The testimonies of the different witnesses are mere hearsay and are not therefore of probative value in a criminal complaint where the accused is charged of indirect contempt for alleged refusal to comply with the terms and conditions of a valid order. The witnesses merely said that the accused refused to accept the Order of the Court dated September 30, 1957, without actually proving¹ that such Order was really and actually served upon the accused Ricardo Tantongco. The only direct evidence to show that the copy of such Order was supposed to have been served on the accused was the testimony of the bailiff of the Court, Mr. Penilla; and his testimony in answer to questions therein propounded brings to light the following:

"Q

— I call your attention, Mr. Witness to exhibit "H-1" wherein you have reported the following and I quote: 'I have this day served copy of ORDER in case No. 584-V (1). 1, 2, 3, 5, and (6) to the Manager, or his management incharge, and Mr. Ricardo Tantongco, Luscot Str., Galas, Quezon City, thru Mr. Fernandez, on October 5, 1957', do you know personally Mr. Fernandez whom you have cited in the officers return of service marked as Exhibit "H-1"?

A

— I do not know, sir.

Q

— If you do not know Mr. Fernandez, why did you entrust and deliver the corresponding notice of order of decision which is supposed to be delivered to Mr. Ricardo Tantongco?

A

— Because Mr. Ricardo Tantongco was absent at that time". (T.S.N. Page 61, November 21, 1957)."

It is clear that when the Order of September 30, 1957 was allegedly served on the accused Ricardo Tantongco, he was absent. Consequently, such service of the Order sought to be served, was not actually served on the accused. It is claimed that one Mr. Fernandez received from the bailiff of the court, Mr. Penilla, the copy of the Order of the Court on October 5, 1957, but the said bailiff had no knowledge that the said Mr. Fernandez is a personnel or employee empowered or authorized by the accused to receive documents or communications for and in his behalf. The evidence did not also disclose that the said Mr. Fernandez who claimed to have received the alleged order, copy of the Order in Cases Nos. 585-V (1),(2), (3), (5) and (6) was never presented in court to testify as to what connection he had with the accused, and why he allegedly received such Order. There is no showing that this person is an employee of the accused and if he is not responsible employee or in any way connected in the employ of the accused Ricardo Tantongco, then the service of such order to such person could not be considered in evidence sufficient to serve the purpose of the rules of court that an order has been duly served on the accused.

"Indirect contempt partakes the nature of a criminal action and under the law a person so accused of indirect contempt has the same rights before any court of justice to present evidence in defense of his rights. One of these rights of an accused is to move for the dismissal of a complaint if it is shown that the evidence therein submitted are not sufficient beyond reasonable doubt that the person therein accused has committed the alleged contempt. It is incumbent upon the Trial Court to decide first such motion to dismiss * * *. Under the present situation, there is no direct evidence to show that the Orders of the Trial Court involved were sufficiently and properly served upon the accused Ricardo Tantongco. Now, why shall we put him in prison until he complies with the said Order when he did not receive such Order in the ordinary course of business under the laws of this country?

"* * * Accused, however, refused to submit evidence until after the Trial Court has ruled on his motion to dismiss. Under the situation, the Trial Court considered the case submitted for decision without giving the accused the opportunity to submit his evidence in defense of his rights.

"We believe that the action taken by the Trial Court is way out of beat. The right of an accused to move for the dismissal of a case after prosecution has rested its case is a right recognized in this jurisdiction. * * * (People vs. Moro Manacol, 81 Phil., 543 46 Off. Gaz. [1] 341).

* * * * *

It must be remembered that proceedings in indirect contempt is penal in nature (Villanueva vs. Lim, 69 Phil., 650), and as such the accused is entitled to be heard in evidence * * *.

It is our view that the Order of the Trial Court dated April 30, 1960, deprived the accused of his day in court and denied him due process of law and the equal protection of the laws. It is our honest belief that even in indirect contempt case, the accused should be given ample opportunity to properly defend himself by availing all rights, stages, means and remedies allowed under our democratic processes in a regime where the rule of law is supreme. Considering that the evidence in this case thus presented as basis of the decision and/or order of April 30, 1960 is not the evidence beyond reasonable doubt called for under the law and proceedings criminal in nature, we are constrained to vote for the dismissal of this case."

The trial judge, Hon. Jose S. Bautista dissented, while Judge Baltazar M. Villanueva gave the following vote:

"FOR ALL THE FOREGOING CONSIDERATIONS, without advancing any opinion on the question of sufficiency of the evidence, I hereby hold that the Motion to Dismiss by the accused is a prejudicial question which must be first resolved by the Trial Court before it could force the accused to present his defense should the said motion be dismissed and, therefore, I vote for the reconsideration and setting aside of the order of the Trial Court dated April 30, 1960 and for the remand of the case for further trial in conformity with the foregoing opinion."

The majority opinion is now the subject of the present Petition for Review, the Kaisahan, as petitioner, alleging that the respondent CIR committed a grave error of law in dismissing the case. The basis of the allegation is the decision of this Court in G. R. No. L-13119, *supra* holding that the respondent Ricardo Tantongco was the "proper person and official to whom the orders of the CIR are addressed and who is in duty bound to comply with the same".

Respondent CIR filed a separate Answer, and after the customary admission and denials, advanced, in argument the propriety of the majority decision dismissing the contempt case. It was opined that respondent Tantongco, who was charged with indirect contempt, which partakes of a criminal prosecution, had the right to present a Motion to Dismiss on insufficiency of evidence, after the prosecution has rested and is entitled to a resolution of said motion before he can be compelled to present his evidence in defense; that the trial judge in considering the case submitted, even before evidence in defense was adduced virtually deprived Tantongco of his day in court and denied him of his liberty without due process of law. The answer of respondent Court also invokes the principle that this Court has no authority or jurisdiction to Review the instant case, it appearing that the question involved is dominantly factual. In support of this contention, the respondent Court said:

"In the Resolution En Banc (Annex "J"), findings of fact were made as to whether the accused—respondent herein—had in fact received copies of the orders which he was charged of having refused to comply. In the said resolution, a finding was made that respondent herein did not receive copies of said orders. This is a clear finding of fact and jurisprudence in this jurisdiction is that the issue is not within the corrective jurisdiction of this Honorable Tribunal (Section 6, Republic Act No. 875; and Teodoro Donato case, G.R. No. L-12506). As a matter of fact, in the said Resolution it was there found that "* * * the evidence in this case thus presented as basis of the decision and/or order of April 30, 1960 is not the evidence beyond reasonable doubt called for under the law and proceedings criminal in nature, * * *." From the analysis of the evidence as shown in the Resolution, this is a factual finding."

Respondent Tantongco, in his Answer, after admitting and denying some of the allegations in the petition, and after invoking the same grounds sponsored by the CIR claimed that the petition at bar places him in double jeopardy since the dismissal of the case of indirect contempt against him, admittedly a criminal prosecution, amounted to an acquittal which became final immediately.

There are two issues which we are called upon to determine in the present proceeding, i. e., whether under the facts recited in the petition, this Court can review the case and whether double jeopardy attaches.

There is no doubt that the CIR had the jurisdiction to hear the indirect contempt case (Section 6, Com. Act No. 103). The presiding Judge, who tried the case and sentenced the respondent, had authority to take cognizance of the case and the Court En Banc had also the authority to review his findings, both of facts and of law. The Court En Banc reversed the findings of the trial Judge, both on the issues of fact and law, when the majority opinion found that the record does not show that respondent Tantongco actually received the Orders which he was called upon to comply with, a pivotal point in the matter of evidence, and when it further held that the trial judge should not have considered the case submitted for decision, without first resolving the motion to dismiss and permitting

respondent Tantongco to adduce evidence in his defense, in the event of an adverse resolution.

We share the view expressed by respondent CIR that the case under consideration involves factual findings, which under consistent rulings of this Court, we are not authorized to review, or alter, unless such findings are completely devoid of basis, and there is grave abuse of discretion (*Cristobal Olaivar vs. Manila Elec. Company & CIR*, 71 Phil., 503, and cases cited therein). The findings of fact by the CIR are final and conclusive and are binding upon this Court when (1) the parties were given the opportunity to present evidence (2) the tribunal considered the evidence presented; (3) there is something to support the findings; and (4) the evidence supporting the findings is substantial (*Ormoc Sugar Co., Inc. vs. Osco Workers Fraternity Labor, et al.* 110 Phil., 627). The record of the case at bar and the well considered opinion of the majority of the respondent Court, clearly reveal that all the above requirements concur.

Much emphasis is placed by petitioner on the decision of this Court in case G. R. No. L-13119, *supra*, where we held that respondent Tantongco was the proper person to whom the orders sought to be complied with should be directed. The majority decision of the respondent Court did not, in any way, contradict this finding. It dismissed the contempt case, on the ground that there was no evidence on record, to show beyond doubt, that the orders which respondent Tantongco supposedly refused to obey, were actually received by him. Certainly, the trial judge could not convict an accused of indirect contempt, when he did not receive said orders.

On this score alone, the petition for Certiorari to Review the Order of respondent Court, should be dismissed, thereby rendering unnecessary the further discussion of the other issue of double jeopardy.

Conformably with all the foregoing, the petition is hereby dismissed and the decision sought to be reviewed is affirmed, with costs against the Petitioner Kaisahan Ng Mga Manggagawa sa La Campana.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Dizon, Regala and Makalintal, JJ., concur.

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