

COSMOPOLITAN WORKERS UNION, PETITIONER, V.S. PANCITERIA MODERNA, RESPONDENT.

G.R. No. L-7326. May 11, 1956

Ponente: ENDENCIA, J.

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ENDENCIA, J.:

The petitioner is a legitimate labor organization duly registered in the Department of Labor in accordance with the law of the Philippines.

The respondent is a business entity duly licensed to operate and engage in the business of catering food to the public. It has seventy (70) employees, seventeen (17) of whom are members of the petitioning labor organization, who, not being satisfied with their conditions as employees of the respondent, urged their organization, the herein petitioner, Cosmopolitan Workers Union, to file in their names with the Court of Industrial Relations, on March 26, 1953, a petition to secure vacation and sick leaves, increase in wages, payment of the minimum wage as fixed by law and overtime pay for work rendered in excess of eight hours and on Sundays and holidays.

After being only summoned, the respondent filed a motion to dismiss the petition for lack of jurisdiction in that only seventeen (17) out of the seventy (70) employees of the respondent filed the present petition, which is less than the number required by Section 4 of Commonwealth Act No. 103, as amended by Commonwealth Acts Nos. 254 and 599. Attached to the motion to dismiss was a written "Joint Manifestation" of the fifty-three (53) employees who did not join the petition, Wherein they stated the following:

"That we are satisfied with the conditions of employment in the establishment, the same being; in accordance with law, and the privileges and facilities enjoyed by us being in excess of legal requirements;

"That we are aware of a petition filed by a so-called Cosmopolitan Workers' Union before the Court of Industrial Relations, docketed there in as Case No. 852-V and naming the said Panciteria Moderna as party respondent;

"That we are not members of the so-called Cosmopolitan Workers' Union and refuse to be affected and/or involved in the above-mentioned litigation;

"That in consequence of the immediately preceding paragraph, we irrevocably and specifically declare that we waive and/or renounce the effect of whatever resolution the Honorable Court of Industrial Relations may make on the litigation."

The motion to dismiss was denied by one of the Associate Judges of the Court of Industrial Relations on the ground that in interpreting the aforementioned provision of law, the number required bylaw for the court to acquire jurisdiction over a case is not the number of the laborers or employees that may be affected by the final decree of the court, whose interests are identical to the petitioning employees, even if they did not join the petition. This ruling was however reversed by the majority of the Judges of the Court of Industrial Relations when the same was submitted to the court en banc on a motion for reconsideration. Hence, this petition for certiorari.

In dismissing the petition, the majority of the members of the Court of Industrial Relations ruled as follows':

"This is a case, tie re fore, where seventeen (17) employees presented a petition for concessions while their co-employees numbering fifty-seven (57) in all have categorically refused to be involved in the case because they are satisfied with the conditions of their employment and at the same time they have announced irrevocably and clearly that they will not avail of any benefits which the Court may grant in the premises. If these fifty-seven (57) employees have just kept silent, perhaps it may justifiably be presumed that they would be interested in the outcome of the case and may be considered involved, therein. That would be interpreting very liberally the particular provision of said section 4 requiring the involvement of more than thirty (30) workers in an industrial dispute before it maybe taken cognizance of by this Court. But to include in counting the workers involved those who have categorically and emphatically refused to have anything to do with the case is going too far/and would amount to nullifying, if not changing, a clear legislative mandate. This Court cannot change or suppress a legislative enactment; it can only interpret and apply it.

"Moreover, the decision, in a way, overlooks the principle of majority rule which we cannot now discard without doing violence to the whole philosophy which underlies oar democratic institutions. Just imagine allowing: seventeen (17) persons to drag their fifty-seven (57) co-workers into a dispute which, they did not provoke and with which they refined to have anything to do. Even the recently enacted Industrial Peace Act (R.A. 875) requires that labor organization may act as the exclusive representative of all tie employees in an appropriate collective bargaining unit only if it is this choice of the majority of said employees."

We entirely agree with this ruling, for we find it to be In conformity with the provisions of Section 4 of Commonwealth Act No. 103, as amended which provides:

"Strikes and lockouts.—The Court shall take cognizance for purposes of prevention, arbitration, decision, and settlement, of any industrial or agricultural dispute causing or likely to cause a strike or lockout, arising from differences as regards wages, shares or compensation, dismissals, lay-offs, or suspensions of employees or laborers, tenants or farm-laborers, hours of labor, or conditions of tenancy or employments, between employers and employees or laborers and between landlords and tenants or farm-laborers provided that the number of employees, laborers or tenants or farm-laborers involved exceeds thirty, and such industrial or agricultural dispute is submitted to the Court by the Secretary of Labor, or by any or both of the parties in the controversy. In all such cases, the Secretary of Labor, or the party or parties submitting the dispute, shall clearly and specifically state in writing the questions to be decided. Upon the submission of such a controversy, or question by the Secretary of Labor, his intervention therein as authorized by law, shall cease."

It is our considered opinion that the aforoquoted provision of law should be interpreted to the effect that the court could only acquire jurisdiction over a petition filed by thirty (30) employees who have some quarrel, grievance or dispute against their employer in connection with their, labor, condition and that a petition filed by less than thirty (30) employees cannot be acted upon or entertained by th3 court. For, a contrary interpretation would give a single employee right to file a petition against his employer, even against Idle will of Ms co-workers, if the result of the petition may affect all of them, which interpretation, we believe, is beyond the purview of the afore-quoted provision of law.

WHEREFORE, the petition under consideration is hereby denied, without any pronouncement with regard to costs.

Paras, C.J., Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., and Endencia, JJ., concur.

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