

## **BULAKEÑA RESTAURANT &#038; CATERER AND/OR CONSUELO S. DE GARCIA, PETITIONERS, VS. COURT OF INDUSTRIAL RELATIONS AND UNITED EMPLOYEES WELFARE ASSOCIATION, RESPONDENTS.**

*G.R. No. L-26796. May 25, 1972*

Ponente: BARREDO, J.

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### **BARREDO, J.:**

Appeal by way of certiorari from: (1) the decision of Associate Judge Amando C. Bugayong of the Court of Industrial Relations in its Case No. 1265-ULP, sustaining the charge of unfair labor practice private respondent union lodged with it against petitioners, the dispositive part of which reads thus:

"FOREGOING PREMISES CONSIDERED, the Court finds substantial evidence to sustain the charge against respondents in violation of Sections 3 and 4(a), paragraphs 1 and 4 of the Industrial Peace Act. Respondents and their officials or agents are, therefore, hereby ordered to:

"1. Cease and desist from committing such unfair labor practices; and

"2. Reinstate the above-named six (6) complaining members of complainant union to their former or equivalent positions in respondent firm with back wages from the date of their respective dismissals up to December 31, 1960 considering that the resolution of this case has been delayed by complainant's failure to file its promised memorandum up to this time, while respondents, although equally remiss with its duty to submit their memorandum on time, nonetheless, have partially complied with the same on November 7, 1960, and with all the rights and privileges appertaining thereto, minus their earnings elsewhere, if any.

"In order to facilitate the proper payment of back wages due the complainants, the Chief of the Examining Division of this Court and/or his duly authorized representative or assistant is hereby directed to examine the payrolls, daily time records and other pertinent documents relative to complainants' services with respondents, and to submit the corresponding report for further disposition.

### **"SO ORDERED."**

and (2) the en banc resolution of the court a quo denying said petitioners' motion seeking the reconsideration of the abovementioned decision.

The material background facts are related in the appealed decision as follows:

"From the evidence on record; the undisputed fact of the case discloses that complainant union which was registered with the Department of Labor, under Registration No. 513-IP on February 26, 1954 (Exhibit 'H') was organized among the workers of respondent Bulakeña Restaurant and Caterer, an establishment engaged in catering foods and refreshments at its place of business at 2102 Dewey Boulevard, Pasay City, sometime in January, 1956; that on January 26, 1956, the six (6) complaining members formally affiliated therewith (Exhibits 'A', 'B', 'E' and 'F'); that on January 31, 1956, a letter of grievance signed by more than sixty (60) employees of respondents (Exhibit 'G-1'), who were members of complainant union, and among them were the

six (6) complaining members, was forwarded to their supreme head, Higinio H. Mangiliman, requesting the latter's intercession to bring to respondents' attention the sad plight of the conditions of their employment, such as the collection of P1.00 a day from their tips given by customers to be given as salaries to captain-waiters; the imposition of P20.00 fine for being seen playing bowling anywhere, even though done during their off hours and the many other fines imposed on them for minor infractions, and as a consequence thereof, they demanded the return of these collections and fines. Likewise, thru this letter, they aired their gripes for not being paid their differential pay and overtime pay and their simultaneous request for the payment thereof and payment of their salaries in accordance with Republic Act 602. They also requested their supreme head to make representation with respondents for the purposes of according recognition to complainant union in order that it can negotiate and enter into a collective bargaining agreement with respondents. Pursuant to this grievance letter, complainant union's supreme head wrote and endorsed this letter to respondent Mrs. Consuelo S. de Garcia, the owner and manager of respondent firm on February 14, 1956 (Exhibit 'G') the receipt of which, is admitted by respondents' counsel (t.s.n. pp. 11 and 21, April 15, 1958) and also borne by the return card (Exhibit 'G-3'); and that on April 11, 1956, a petition for certification election, Case No. 359-MC (Exhibit 'C'), was filed by complainant union and attached therewith is a list of its supposed 70 members, among which were the herein six complaining members, for the purpose of determining the majority status of complainant union; that there-after, from May 24, 1956 to August 24, 1956, the six complaining members were separated one after the other from the service by respondents; that in November, 1956, or about three months from the last ouster from their jobs, some of the complaining witnesses filed claims for illegal deductions, vacation and sick leave with pay, separation pay, differential pay for work performed on Sundays and legal holidays and extra compensation for night work (Exhibits '1', '2', '13' and '14') with the Department of Labor, most of which were dismissed; that the six (6) complaining witnesses were employed with respondent for a number of years; and that there was no other union existing at respondent firm at that time, except complainant union.

"All the six complaining members of complainant union, who were the only witnesses presented by complainant union both in the presentation of its evidence in chief and rebuttal evidence, are unanimous in claiming that their dismissals were prompted by their refusals to sever their memberships with complainant union, which was demanded of them by respondent owner-manager, Mrs. Consuelo S. Garcia, a day or two before their respective separation from the service. And while they admitted some of the supposed infractions, violations and/or negligence attributed to them, they nevertheless, are very vocal and persistent that despite those offenses, they would not have been dismissed or would have been re-accepted had they complied with this wish of respondent, owner-manager, to disaffiliate from complainant union, when they were called back by said respondent, to know their decision as to whether they would continue with their jobs and secede from complainant union or would rather stay with complainant union and be dismissed from their work.

"Respondents, on the other hand, consistent with their stand that the six (6) complaining witnesses were separated from the service not because of their membership with complainant union but for just causes, the specifications of which, are not particularized in their joint answer, presented nine (9) witnesses, all tending to show the alleged offenses committed by the six (6) complaining members and the violent character of some of them and for that matter, respondents' justification in separating them from the service. \* \* \*."

(Omitted here are the detailed discussion by the court of infractions and misconduct of the six workers herein involved alleged by petitioners to have been the just cause for their dismissal as well as the lengthy analysis and evaluation of the evidence of both parties in support of their respective positions leading to the conclusion that the real cause for the said dismissal was the refusal of said six workers to disaffiliate from the respondent union.)

"Piecing these findings together with complainants' version of the circumstances leading to their dismissal, an almost uniform pattern, is unfolded to us. For it appears that a day or two before their respective dismissals, complainants were forewarned by respondent owner-manager that their days in respondent firm were numbered, if they should not resign from complainant union. And to clinch this warning, their time cards were removed

from the rack - as a signal that their time were up – on the respective dates given them to make their decision as to whether they should prefer to hold on to their jobs or to stick it out with complainant union. Failing in this scheme, complainants were again required to come back and see respondent Mrs. Garcia on the pretext that they were only placed on vacation or merely suspended, only to be told each time that their reinstatements could only be possible if they should forsake and abandon complainant union. Undoubt-edly, the dismissals of these six complaining members, two of whom are officers, while the others helped in the collection of union dues, was motivated solely by respondents' dislike for complainant union. And this crystallized with the already discussed testimony of Prudencio Francisco, respondents' witness, when he unwittingly stated that he remembered Robles' alleged improper service and discourteous act to Mrs. Natividad Santos, respondents' daughter, because it was at that time when a union (obviously referring to complainant union, as no other union was shown to be in existence) was organized and relationship between management and union was strange. And while there was a gap of five months or so from the organization of complainant union up to the first dismissal, the fear that complainant union might win in the certification election filed on April 11, 1956, in Case No. 359-MC (Exhibit 'C') forced respondents to seize every conceivable pretext to put these complaining members out of the way, so as to prevent them from campaigning among their co--workers and thus frustrate complainant union's bid for recognition. Needless to stress, should re-spondents' fear materialize, they could no longer ignore complainant union's demand, unlike before when they did not seem to care for the latter's demand contained in its letter dated February 14, 1956 (Exhibit 'G')."

Come now petitioners and posit:

"I. THE RESPONDENT COURT ERRED IN NOT HOLDING THAT, PURSUANT TO THE ORDER OF 8 JANUARY, 1957, ISSUED IN CASE NO. 359-MC, ANTONIO ROBLES, PEDRO DULATRE, ANGELO FLORES, EMILIO BURINAGA, PATERNO DAMGO AND EMILIO GARCIA MEMBERS OF RESPONDENT UNITED EMPLOYEES WELFARE ASSOCIATION HAD LOST THEIR EMPLOYEE STATUS.

"II. THE RESPONDENT COURT ERRED IN NOT HOLDING THAT THE DECISION IN CASE NO. 922-ULP, FILED BY THE SAME COMPLAINANT-UNION AGAINST THE SAME MANAGEMENT – AND WHICH ABSOLVED THE LATTER FROM THE CHARGES OF UNFAIR LABOR PRACTICE – HAS A DIRECT AND MATERIAL BEARING UPON THE INSTANT CASE, AND THAT, THEREFORE, JUST AS CASE NO. 922-ULP WAS DISMISSED, A FORTIORI THE INSTANT CASE SHOULD ALSO HAVE BEEN DISMISSED.

"III. THE RESPONDENT COURT ERRED IN NOT DISMISSING THE CASE DESPITE ITS FINDINGS THAT 'RESPONDENTS (PETITIONERS HEREIN) NEVER DID INQUIRE, MUCH LESS INTERFERE, WITH COMPLAINANTS' UNION MEMBERSHIP OR ACTIVITIES BEFORE, DESPITE KNOWLEDGE OF ITS EXISTENCE AND THE MEMBERS COMPRISING IT,' AND THAT THERE WAS THE 'UNREBUTTED CLAIM THAT SUSPENSIONS AND SALARY INCREASES WERE INDISCRIMINATELY IMPOSED AND GIVEN TO ALL EMPLOYEES ALIKE.'

"IV. THE RESPONDENT COURT ERRED IN NOT HOLDING THAT, IN TRUTH AND IN FACT, THE INDIVIDUAL COMPLAINANTS WERE NOT DISMISSED BUT THEIR CARDS WERE ONLY REMOVED FROM THE FILES, AS A DISCIPLINARY MEASURE THINGS WHICH WERE EXPRESSLY ADMITTED BY THE INDIVIDUALS THEMSELVES.

"V. THE RESPONDENT COURT ERRED IN NOT HOLDING THAT THE INDIVIDUAL COMPLAINANTS ABANDONED THEIR JOBS.

"VI. THE RESPONDENT COURT ERRED IN GRANTING BACKWAGES FOR MORE THAN SIX MONTHS."

Briefly stated, under the above assignment of errors, the basic matters discussed by petitioners are: (1) the

employer-employee relationship of the parties at the time this case was commenced; (2) the application of the principle of *res adjudicata* to this case; (3) the separation from the service of the six (6) workers concerned, which is claimed by the respondent union to constitute unfair labor practice; and (4) the question of the amount of backwages that may legally be awarded to said six (6) workers. We shall take up these matters in *seriatim*.

It is the position of petitioners that at the time this case was filed, on May 17, 1957, there was no longer any employer-employee relationship between petitioner Bulakeña Restaurant & Caterer and the six (6) complaining members of the respondent union, namely: Antonio Robles, Pedro Dulatre, Angelo Flores, Emilio Burinaga, Paterno Damgo and Emilio Garcia. They place reliance upon the order of the Court of Industrial Relations in Case No. 359-MC, dated January 8, 1957, wherein, according to petitioners, the court *a quo* had recognized only two groups of persons who could properly be considered employees of the Bulakeña and were thus allowed to vote in the certification election which was ordered and held during the proceeding in said certification case, to wit: (1) those persons appearing in the payrolls of Bulakeña from 15 April 1956 to 23 June 1956 and had not ceased prior to 8 January 1957; and, (2) those who had pending unfair labor practice cases at the time of the issuance of the said order. It is pointed out that the above-named six employees failed to qualify as voters either under the first group, for the reason that although they were in the payrolls of the company for the month of April, 1956 and even prior thereto, they ceased to be in said payrolls from the months of May, July and August, 1956 through January 8, 1957 or under the second group, because at the time of the issuance of the order of January 8, 1957, they had no pending unfair labor practice cases against Bulakeña. It is thus claimed by petitioners that the employer-employee relationship between Bulakeña and the said six employees had ceased, either because their exclusion from voting in the certification case shows, by necessary implication, that they had no employment status with Bulakeña, or because they lost such employment status by default when they failed to file any unfair labor practice case against Bulakeña prior to the certification election of February 9, 1957 – something which petitioners claim they should have done in the light of the January 8, 1957 order relied upon. More specifically, petitioners point out that as a matter of fact, an attempt made by respondent union to have the industrial court issue a preliminary injunction to allow the six workers in question to vote in the certification was frustrated when the court denied the motion for the issuance of said injunction.

We find no merit in this pose of petitioners.

We have already held that a certification proceeding "is not a 'litigation' in the sense in which this term is commonly understood, but a mere investigation of a non-adversary, fact finding character, in which the investigating agency plays the part of a disinterested investigator seeking merely to ascertain the desire of employees as to the matter of their re-presentation."<sup>[1]</sup> In the margin of Our decision on this point, We quoted the following from Rothenberg<sup>[2]</sup> regarding the nature of such proceeding:

"\* \* \* 'certification' and 'decertification' proceedings under this section of the Act are of a non-adversary nature. Such proceedings are not predicated upon an allegation of misconduct requiring relief, but, rather, are merely of an inquisitorial nature. The Board's functions are not judicial in nature, but are merely of an investigative character. The object of the proceedings is not the decision of any alleged commission of wrongs nor asserted deprivation of rights but is merely the determination of proper bargaining units and the ascertainment of the will and choice of the employees in respect of the selection of a bargaining representative. The determination of the proceedings does not entail the entry of remedial orders to redress rights, but culminates solely in an official designation of bargaining units and an affirmation of the employees' expressed choice of bargaining agent."<sup>[3]</sup>

Such being the true concept of certification proceedings, We cannot see how the order of January 8, 1957 – specifying those who could vote in the certification election – should be deemed as a conclusive finding of lack of employee status of those who were not allowed to vote and a foreclosure of their right to question in a subsequent

unfair labor practice case the legality of their separation from the service.

As a matter of fact, there is no express declaration in the January 8, 1957 order relied upon by petitioners that those excluded from voting in the certification election therein directed are not employees of Bulakeña. Neither is there any basis for petitioners' claim that in the certification case the respondent union had expressly agreed that employees appearing in the Bulakeña payrolls from April 15, 1956 to June 23, 1956 but ceased prior to January 8, 1957 (except those who had pending unfair labor practice cases) had no employment status with the Bulakeña,[4] for aside from the fact that said claim is denied by the respondent union in its answer,[5] the above-mentioned order itself merely declares that the parties agreed to the holding of a certification election and to use the payrolls for April 15 to June 23, 1956 to determine the eligibility of voters. Such an agreement does not necessarily imply that all pending controversies as to the employee status of any of the members of the union in Bulakeña are thereby immersed therein.

Anent the denial by the industrial court of the petition for injunction aforementioned to allow the six workers to vote, suffice it to say that the very nature of a certification proceeding We have above alluded to definitely excludes the idea that such a grave matter as the dismissal of the six workers in question which is being charged to constitute an unfair labor practice for which the law carefully lays down an elaborate prescribed procedure, which cannot be conceivably joined with a none-adversary certification proceeding, because of the diverse and distinct characters of the two proceedings obviously contemplated to achieve different ends, may be considered as merged with the certification case as to result in the deprivation to the said workers of their fundamental right to challenge the propriety and legality of their dismissal in the present case. If the theory of petitioners is to be sustained, necessarily, certification proceedings will have to be encumbered with the indispensable requisites of unfair labor practice procedure to the detriment and delay of the former inconsistent with its purpose. At best, the only consequence of the denial of the oft-repeated petition for injunction was to make final the exclusion of the said six workers from the list of those who could vote in the particular certification election then to be held; it cannot even have the effect necessarily of denying them the right to vote in subsequent certification elections.

In respect of the second assignment of error, petitioners claim that: (1) Case No. 922-ULP, which had been previously filed by respondent union on behalf of some of its other members earlier dismissed by petitioners but which resulted in the exoneration of petitioners, and Case No. 1265-ULP are between the same petitioner (UEWA) and the same respondent, the Bulakeña; (2) the issues in the two cases are the same; and (3) the alleged acts and incidents complained of occurred at or about the same time – the first case covering alleged acts from February to March, 1956, and the second case covering alleged dismissals from May to August, 1956. To be sure, it seems that petitioners themselves realize that even assuming their premises to be correct, they cannot invoke the defense of *res adjudicata*, for, instead of claiming directly bar by prior judgment, they content themselves with the contention that because of the direct and material relevance of the former case to the later one, just as the first was dismissed, *a fortiori*, the subsequent one should have also been dismissed. In truth, however, there is actually no identity of parties in said cases, contrary to the claim of petitioners. While it does appear that in both unfair labor cases the respondent union (UEWA) had acted as petitioner, there should be no question that the said union had acted therein as a representative party for and in behalf of its members;[6] the union may be considered but the agent of its members for the purpose of securing for them fair and just and good working condition;[7] the labor union as a body in reality has not so great a material interest in the controversy as the members for whose benefit the said unfair labor cases were prosecuted.[8] The real party in interest in the first unfair labor practice case (922-ULP) was a group of employees dismissed by the petitioner company during the months of February and March, 1956, while that in the second unfair labor practice case (1265-ULP) is another set of employees who were separated from the service of the same company from May to August, 1956. Nor may it accurately be said that the issues in both cases are the same simply because both revolve around the question of legality or illegality

of the separation from the service of all the employees concerned, for as borne by the records, the circumstances under which each of them individually ceased from employment and the acts imputed to each of them by the company to justify their dismissals are varied. In other words, the factual setting in Case No. 922-ULP is apart and different from that in Case No. 1265-ULP; and from the circumstance that in the former the charge of unfair labor practice was not duly established, it does not necessarily follow that the other should likewise be dismissed. By the same token, the fact that the respondent court did not dismiss the said later case, notwithstanding that the entire record of the proceeding in Case No. 922-ULP (at the time the same was still pending in the said court) was offered and admitted as exhibit in the trial of Case No. 1265-ULP and said Case No. 922-ULP was later on dismissed, is not sufficient ground for petitioners to impute error to the lower court. It is not surprising, therefore, that the industrial court does not even make mention in its appealed decision of petitioners' arguments relative to the effect of ULP-922 upon this case.

Coming now to the main question before Us – whether or not the separation of the six members of the respondent union from the service of petitioners constitutes unfair labor practice – petitioners maintain that the respondent Court of Industrial Relations erred in making an affirmative finding in such regard and in holding them guilty as charged. Again, petitioners' complaint cannot be sustained.

It is at once evident that what petitioners are raising here is a factual issue. They want this Court to reverse the factual findings in the appealed decision, regarding the circumstances that led to the dismissal of each of the six members of the union herein involved. That We cannot do, absent any showing of grave abuse of discretion on the part of the industrial court in arriving at its conclusions and it being clear that there is substantial evidence to support them, both direct and circumstantial, namely, the testimonies of the six members themselves and even some admissions of the respondent Mrs. Garcia taken together with the removal of the time cards of said members from the rack which naturally resulted in their inability to continue working. At best, petitioners' position amounts to no more than an allegation that the evidence preponderates in their favor, which, even assuming it were true, cannot suffice to permit Us to overturn the findings of the court a quo. The power of review We have over decisions of the Court of Industrial Relations is circumscribed by the law of its creation and the Judiciary Act only within the area of possible errors characterized as questions of law. We need not repeat here the exhaustive and comprehensive review made by Mr. Justice Fernando in *Philippine Educational Institution and Monzon vs. MLQSEA Faculty Association*[9] of the long and unbending line of decisions to the effect that this Court is without authority to review, much less reverse, conclusions of fact of the Court of Industrial Relations based on substantial evidence even if this be not preponderant. Indeed, in the words of Mr. Justice J. B. L. Reyes, this rule is "firmly established and well-known." [10] It was reiterated in later cases. [11] Accordingly, We have no alternative but to overrule petitioners' contention that the six workers in question have never been dismissed by them and that they were only suspended as a disciplinary measure. The finding of the industrial court that after their time cards were removed from the rack, petitioners refused to allow them to work again unless they dissociated themselves from respondent union. Undoubtedly, that is an unfair labor practice.

We are not unmindful of the fact pointed out by petitioners in their brief, that the respondent court admits in its decision that they "never did inquire, much less interfere with complainants' union membership or activities before" and that "suspensions and salary increases were indiscriminately imposed and given (by them) to all (their) employees alike." The court did express its impression in this respect thus:

"A perusal of respondents' (herein petitioners) account of complainants' (herein respondent union's members) cessation from their jobs would seem to point out that it was only after due investigation of the offenses allegedly committed by complainants, were they ever eased out of their employment. And if we consider the admitted fact, that respondents never did inquire, much less interfere with complainants' union membership or activities before, despite the knowledge of its existence and the members comprising it because of complainant

union's letter of demand dated February 14, 1956 (Exh. 'G'), where a list of its members was enclosed and the subsequent filing of a petition for certification election, Case No. 359-MC, on April 11, 1956 (Exh. 'C'), where a list of its supposed seventy (70) members was similarly disclosed and in both lists of which, the names of the herein six (6) individual complainants appear, plus the un rebutted claim that suspensions and salary increases were indiscriminately imposed and given to their employees alike, it would seem to uphold respondents' contention that complainants' dismissals were not motivated by their union membership or activities but for legitimate causes adverted to by them."

but the court itself lost no time in seeing through the transparent posture of respondents and rightly held:

"A thorough scrutiny and searching analysis of the conflicting and contrary evidence of the parties would reveal that there is more than meets the naked eye in this case. And while the testimonies of both sides are fraught with inconsistencies and contradictions, a review of these individual offenses uniformly betray more loopholes in the evidence presented to substantiate respondents' defense."

At this juncture, for appropriate emphasis, We cannot help reiterating the very apt words of Mr. Justice Fernando:

"2. Of course, petitioners, in disputing the findings below, submit that their evidence is 'more than preponderant' to carry the day for them.

"But in this review we are not supposed to be guided by the rule of preponderance of evidence; we are not to pass upon the weight of evidence (East Asiatic Co., Ltd. vs. Court of Industrial Relations [1966], 16 Supreme Court Reports 820, 822). For, a doctrine that has earned respect thru reiteration is that the '[f]indings on the weight of evidence by the Court of Industrial Relations are conclusive' (Union of the Philippine Education Employees vs. Philippine Education Co., 91 Phil. 93, 101; Ormoc Sugar Co., Inc. vs. OSCO Workers Fraternity Labor Union, G.R. No. L-15826, January 23, 1961; Lu Do & Ym Corporation vs. Philippine Land-Air-Sea Labor Union, G.R. No. L-18450, May 29, 1964), even in the presence of conflicting evidence (Barnachea vs. Tabigne [1966], 20 Supreme Court Reports. 29, 32). Our function is thus narrowed down to an inquiry as to whether the findings of fact are supported by substantial evidence. If they are, then CIR's judgment must be affirmed (Id., pp. 31-32)."[12]

Finally, petitioners charge that the respondent Court of Industrial Relations erred in granting the six (6) complaining members of the respondent union backwages for more than six months, reliance being made on the case of Fernando vs. Angat Labor Union,[13] wherein this Court made the following pronouncement:

"All things considered, we believe it equitable to sentence appellant to the payment of six (6) months' wages to the complainants, it being a reasonable expectancy that within that period those improperly discharged will have found other suitable employment with the exercise of due diligence."

The above dictum, however, cannot now aid the cause of petitioners, for a similar plea had been overruled in the case of G. Liner vs. National Labor Union, et al.,[14] wherein this Court, speaking thru Mr. Justice Sanchez, held:

"2. Petitioners next ask us to overrule the CIR's resolution for the payment to Silva of full back wages. Two cases they cited, Fernando vs. Angat Labor Union, G.R. No. L-17896, May 30, 1962, and Sta. Cecilia Sawmills, Inc. vs. Court of Industrial Relations, G.R. No. L-19273 & G.R. No. L-19274, Feb. 29, 1964.

"Neither one nor the other may be equated with the case at bar. In Fernando, the line was sold to Villa Rey Transit, Inc. The employees were informed of the sale. They sought reinstatement. It was there held that, as reinstatement depended upon the buyer, Fernando should, in equity, be held liable for back wages only for a period of six months. In Sta. Cecilia Sawmills, Inc., the company's liability for back wages was for three months. Naturally, because the company closed operations due to business losses.

"Itogon-Suyoc Mines, Inc. vs. Sañgilo-Itogon Workers' Union, G.R. No. L-24189, August 30, 1968, we believe, is here controlling. There, the dismissal of the employees was also because of unfair labor practice.

They remained dismissed for over ten years. We there held, as we do now here, that the employees are entitled to back wages from the date of their dismissal to their actual reinstatement. \* \* \*."

Needless to state, the special circumstances constituting the equitable considerations in *Fernando and Sta. Cecilia* are not here present, it appearing that no change in the ownership of nor cessation in the operations of petitioner *Bulakeña* has taken place, hence the award of back wages made in the appealed decision must be maintained. To be sure, following Our later rulings,[15] this award may not be enough, but since neither the respondent union nor the six workers themselves have appealed, what the industrial court has fixed can stay as it is.

WHEREFORE, the appealed decision of the Court of Industrial Relations is affirmed, with costs against petitioners.

Reyes, J.B L., Acting C.J., Makalintal, Zaldivar, Fernando, Teehankee, Makasiar, and Antonio. JJ., concur.

Castro, J., took no part.

Concepcion, C.J., on leave.

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[1] *LVN Pictures, Inc. vs. Philippine Musicians Guild (FEW) and CIR*, G.R. No. L-12582, and *Sampaguita Pictures, Inc. vs. Philippine Musicians Guild (FEW) and CIR*, G.R. No. L-12598, decided jointly on January 28, 1961, 1 SCRA 132, 135-136.

[2] See *Rothenberg on Labor Relations*, p. 514.

[3] See also: *Young Men Labor Union Stevedores vs. CIR, et al.*, G.R. No. L-20307, Feb. 28, 1965, 13 SCRA 285, 289; *National Labor Union vs. Go Soc & Sons and Sy Gui Huat, Inc., et al.*, G.R. No. L-21260, April 30, 1968, 23 SCRA 431, 436.

[4] Par. III of Amended Petition, page 140, Rollo.

[5] Page 254, Rollo.

[6] *Kaisahan Ng Mga Manggagawa sa La Campana vs. De Los Angeles*, G.R. No. L-30798, Nov. 26, 1970, 36 SCRA 142, 158.

[7] *Heirs of Teodoro M. Cruz vs. CIR*, G.R. No. L-23331-32, Dec. 27, 1969, 30 SCRA 917, 944.

[8] *La Campana Food Products, Inc. vs. CIR*, G.R. No. L-27907, May 22, 1969, 28 SCRA 314, 323.

[9] G.R. No. L-24019, November 29, 1968, 26 SCRA 272, 276-279.

[10] *National Labor Union vs. CIR*, G.R. No. L-14975, May 15, 1962, 5 SCRA 19, 21.

[11] See *De Leon, et al. vs. Pampanga Sugar Development Co., Inc.*, G.R. No. L-26844, September 30, 1969, 29 SCRA 628, 633, and *Castillo, et al. vs. CIR et al.*, G.R. No. L-26124, May 29, 1971, 39 SCRA 75, 83.

[12] *Laguna Transportation Employees Union, et al. vs. Laguna Transportation Co., Inc.*, G.R. No. L-23266, April 25, 1968, 23 SCRA 173, 180.

[13] G.R. No. L-17896, May 30, 1962, 5 SCRA 248, 251.

[14] G.R. No. L-24963, November 29, 1968, 26 SCRA 282, 285.

[15] *East Asiatic Co., Ltd., et al. vs. The CIR, et al.*, G.R. No. L-29068, August 31, 1971, 40 SCRA 521.

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