

KAPISANAN NG MGA MANGAGAWA SA MANILA RAILROAD COMPANY, PETITIONER, VS. RAFAEL HERNANDEZ, ET AL., RESPONDENTS.

G.R. No. L-19791. August 14, 1968

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Respondents seek reconsideration of our decision remanding this case to the Court of Industrial Relations for the reception of evidence concerning certain resolutions - the nature of which was embodied in a certification issued by the convention chairman and secretary of the union respectively - which principally support petitioner's claim as to the regularity of the collection of additional dues from the union members. We were disposed to act thus due to a finding that the certification with respect to the regularity of the approval of the questioned resolutions "was submitted after the hearing (below) had been terminated and without the respondents' having been given the opportunity to cross-examine the certifying officers." The rationale of the dispositive portion is explained in this wise:

"Section 5(b) of Republic Act 875 provides that the court in rendering its decisions 'shall not be bound solely by the evidence presented during the hearing but may avail itself of all other means such as (but not limited to) ocular inspections which results must be made a part of the record.' This provision, however, is not meant to do away with the requirements of due process. Respondents had the right to be heard before certification was admitted so that it could inquire into and test, by cross-examination if necessary, the veracity of the facts alleged therein. Otherwise self-serving evidence could easily find its way into the record.

"On the other hand, we cannot close our eyes to the fact that the resolutions referred to, apparently passed precisely to meet the objections of herein respondents alleged in their complaint below, may have a material bearing on the issues in this case. It would therefore serve the ends of truth and justice to have said resolutions properly presented as evidence so that they may be considered by the trial court."

Respondents - aware as they are that the remanding of the case to the court below was designed primarily to afford them a chance to be properly heard - now manifest that they waive their right to inquire into the veracity of the facts alleged in the certification. Further, respondents declare that they are ready to assume, for the sake of argument, the due execution, genuineness and veracity of the certification and the resolutions cited therein. They adopt this posture ostensibly to avoid further delay in the termination of this case on the merits.

Premised on section 6, article X of the union's constitution and by-laws, which specifically provides:

"Tun. 6- x x x Ang mga Balangay ay may karapatang magharap ng mga kapasiyahan upang isaalang-alang ng mga Kinatawan ng Kumbension. Lahat ng Kapasiyahang pinag-tibay ng mga Balangay ay kailangang isulat sa maquinilla upang ikalat sa mga kinatawan o delegado ng Kumbension. Ang mga kapasiyahang ito ay maaring mapagtibay ng nakararaming boto ng mga delegado, matangi ang nauukol sa mga pagbabago o susog sa Paunang Salita (Preamble) at mga tadhana ng Saligang Batas na kailangang pasiyahan ng dalawa sa ikatlong bahagi (2/3) ng mga kinatawang dumalo sa Kumbension."

respondents advance the view that resolution No. 1 - virtually an amendment of section 1, article VI of the aforesaid constitution, which pegs the members' contribution at TWO PESOS (P2.00) only - is null and void for not having been approved in accordance with the above-quoted provision.

On this point we find respondents' motion for reconsideration well-taken. In fact, in the decision sought to be reconsidered we made the observation that, as respondent have correctly pointed out, "section 1, article VI of the union's constitution and by-laws provides for a contribution of P2.00 from each member to cover the retirement benefits due to retiring members; that the collection of P5.00 was based merely on the circular of the president of the union, which appears to have been authorized by the board of direction that the board alone cannot amend the union's constitution and by-laws; and that the increased assessment of P5.00 is the nature of such an amendment, and therefore required approval in a convention of the union members." This being case and it being admitted that resolution No. 1 was passed by a mere majority of the members of the convention – when under the union's constitution and by-laws a 2/3 vote of members is required for an amendment - it is apparent that resolution No. 1 must be considered to have been illegally enacted.

With respect to the accounting sought from the president of the union concerning his trip abroad, the same was rendered to and approved by the convention. Respondents objection to such approval is premised on the assumption that the corresponding receipts covering the travel expenses of said president had not been submitted. This assumption, however, is not borne out by the record before us, and hence respondents' motion for reconsideration in this regard must be denied.

In view of the foregoing, the motion for reconsideration is granted in part; instead of remanding the case to the court below, judgment is hereby rendered affirming the resolution of the court en banc dated April 26, 1962, insofar as it orders respondents below to stop the monthly collection of five pesos (P5.00) from the members of the respondent union"; and ordering respondent union to refund to the said members the additional fees the union had been collecting since the increased dues were made effective until the stoppage of the same. No pronouncement as to costs.

Concepcion, C.J., Reyes, Dizon, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

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