

STANDARD-VACUUM OIL COMPANY, RECURRENTE, CONTRA PHILIPPINE LABOR ORGANIZATIONS, (SVOC), RECURRIDA.

G.R. No. L-4556. March 21, 1952

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PABLO, M.:

Se trata de una apelacion por certiorari contra una decision del Tribunal Industrial.

La parte dispositiva de la decision de dicho Tribunal, de fecha 25 de julio de 1950, dice lo siguiente:

"The workers are hereby warned that a repetition of like offense would mean complete severance of their relationship with the company."

La recurrente pidio la reconsideration de esta decision, y tres miembros del Tribunal la desestimaron en resolucion del 29 de enero de 1951. Dos miembros no tomaron parte.

En apelacion, la recurrente contiene que el Tribunal de Relaciones Industriales no puede obligar al patrono que continúe empleando a los obreros que, injustificada e ilegalmente, se habian declarado en huelga, y que con la huelga causaron daños al patrono.

Las razones en que se funda la recurrente son las siguientes consideraciones del Tribunal en su decision:

"Considering the facts above stated, the Court feels that the stoppage of work on April 25, 1950, be it called a strike by the company or a mere answer to the challenge, of the Terminal Superintendent, as claimed by the petitioning union, was unjustified as there was without valid ground for the laborers to cease working. To stop working from April 25 up to May 2, last or for a period of seven days even as an answer to the alleged challenge by the Company would not render such stoppage of work justified.

"This Court has consistently clung fast-bound to the truism that the consequence of an illegal or unjustified strike is the dismissal of those responsible therefor and those who have gone or participated in the strike. The court is cognizant of the fact that respondent company suffered damages from this stoppage of work, not to mention its effect on the public, considering that the company is engaged in a business coupled with public interest as was declared by our Supreme Court in various cases.

"There is no question that the man behind the movement to stop working was the President of the union, Mr. Payongayong, whose application for a loan was returned without action for not completing the requirement, and that exhibit 'B-1' was passed around to the members of the union, which would make it appear that the decision to stop working had the approval and consent, not only of the Board of Directors, but also of the members themselves. Be that as it may, in the absence of direct proof to the contrary, the stoppage of work may be attributed directly to Mr. Payongayong.

"Indeed the non-approval of the loan and the provocation from the terminal superintendent had served to spur the declaration of the unjustified or unreasonable strike."

Pero la recurrente no ha tenido en cuenta las siguientes consideraciones del mismo Tribunal:

"It is the opinion, however, of this sala that the precedence thus established regarding the consequences of

illegal or unjustified strike is not absolute and cannot be compared with a water-tight compartment as to preclude the possibility of an exception. More so, when the facts surrounding a case, as in this case, are entirely different from those which impelled this Court and the Supreme Court, to adopt the doctrine.

"At the outset, it should not be forgotten that the workers have returned to work on May 2, 1950, without the Court's order to return. True, the Court, in a conference, suggested that the union members take up among themselves the question of returning to work or not, yet it was found out that the union spontaneously voted to return as in fact the workers returned without awaiting the order of the Court.

"Records further reveal that Mr. Payongayong and the members of the board of directors of the local chapter are workers of the company. All have rendered long service to the company—Mr. Payongayong since 1929. Indeed, they have spent the best years of their lives in the service of the company, and they have contributed, in their own way, in making the company as it is now today. They have become parts and parcels of the corporation that it may seem extraordinary for the company to dispense with their services than to keep them.

"Moreover, the blame for the illegal stoppage of work cannot alone be traced at the door of the union men. The Company is likewise at fault. * * *

"And again, the Court is aware that after the voluntary return of the workers up to this date of writing, there has not been, as a whole, except the alleged individual act of Mr. Fernando Abanea in Case No. 412-V(5), registered any complaint from the company about the conduct of the workers—a mute evidence that just like the proverbial calm after the storm, the workers' eventually became cognizant of their obligations and duties. * *

*"

Se instituyo el Tribunal Industrial con el fin de resolver los conflictos que surgieren entre patronos y obreros. La esfera de accion del Tribunal es amplia. La ley que lo creo no especifica quo clase de pena ha de imponer en cada accion particular: al contrario, le concede amplia discretion; de ahi que el articulo 4 de dicha ley dispone que antes de conocer del asunto y aun en el curso de la vista, el Tribunal buscara el medio de reconciliar a las partes y persuadirles a zanjar el conflicto mediante convenio amistoso. No es una institution estatal que con precision aritmetica, dicta decisiones. No solamente es un tribunal de arbitraje sino tambien de amigable componedor.

Al dictar un decreto, orden o decision bajo las disposiciones del articulo 4 de esta ley, el Tribunal no permitira determinado remedio segun lo reclamen o demanden las partes afectadas en un conflicto industrial, sino que "podra incluir cualquiera resolution que el Tribunal crea necesaria o conveniente a fin de solucionar el conflicto o evitar ulteriores disputas."

Si se ha de atender solamente a lo que desea el patrono o el obrero, tal vez sera facil poner fin a un asunto; pero nadie garantiza que el conflicto entre patronos y obreros, despues de publicado el fallo del Tribunal, pueda continuar aun en manoscabo del orden e interes publicos. Los resquemores, los odios provocados por una decision implacable pueden ser fatales tanto para el patrono como para el obrero. Ademas, el articulo 19 de la ley dispone que, estando pendiente de decision el asunto, "el obrero no se declarara en huelga ni dejara el trabajo cuando se lo prohíbe el Tribunal y cuando el interes publico lo requiera" y "si ya lo ha hecho, volvera inmediatamente al trabajo a la orden del Tribunal." En el caso presente, la huelga ya estaba declarada y, sin que lo ordenara el Tribunal, los obreros volvieron al trabajo. Estos, por tanto, no son obreros irrazonables; al contrario, por la simple sugestion del Tribunal de que considerasen entre ellos la cuestion de volver al trabajo, ellos, reconociendo el error en que habian incurrido, volvieron a trabajar sin orden expresa del tribunal. Ello demuestra que son obreros que tienen en cuenta el interes publico antes que su orgullo personal.

El capital y el trabajo son dos factores complementarios e indispensables en toda empresa de alguna significacion. Sin el concurso del uno no puede funcionar debidamente el otro. La lucha entre ambos divide la empresa y hace imposible el desenvolvimiento del fin por el cual esta se fundo. Una friccion entre los dos hace dificil el proceso

de sus operaciones. El paro como la huelga en semejantes empresas es tan perjudicial para las partes interesadas como para el publico en general. Comprendiendo el mal que trae consigo la suspension del funcionamiento normal de una empresa, la Legislatura aprobo la ley No. 103 con el fin de resolver conflictos y sobre todo evitarlos en el futuro.

Por eso creemos justa la resolution del Tribunal denegando la expulsion de los obreros; pero con la advertencia de que la promotion de otra huelga puede determinar su completa expulsion.

Se confirma la decision apelada con costas contra la recurrente.

Paras, Pres., Bengzon, Padilla, Tuason, Reyes, Jugo, y Bautista, Angelo, MM., estan conformes.

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