

PHILIPPINE MARINE OFFICERS' GUILD, PETITIONER, VS. COMPAÑIA MARITIMA, PHILIPPINE STEAM NAVIGATION CO., MADRIGAL SHIPPING CO., CIR ASSOCIATE JUDGES ARSENIO MARTINEZ, BALTAZAR VIL...

G.R. Nos. L-20662 & L-20663. March 27, 1971

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/53b75116e662/>

MAKALINTAL, J.:

Petitioner moves for reconsideration of the portion of our decision of March 19, 1968 which affirmed the decision dated December 23, 1961 and the resolution en banc dated May 18, 1962 of the Court of Industrial Relations denying the claim of its members for the payment of back wages by respondents Philippine Steam Navigation Company and Madrigal Shipping Company.

In effect, the following grounds are relied upon by petitioner in its motion for reconsideration, to wit:

- (1) That as a consequence of the failure of the respondents PHILSTEAM and MADRIGAL to reinstate the strikers at the time that they unconditionally offered to return to work, they acquired the status of illegally dismissed or locked-out employees;
- (2) That all conditions required by this Court to entitle strikers to back pay have been complied with;
- (3) That the issuance by this Court of the injunction order enjoining enforcement of the return-to-work order of the CIR is not sufficient justification for denying the claim for back wages;
- (4) That respondents PHILSTEAM and MADRIGAL and not members of petitioner should be the ones to suffer for their acts of omission and commission.

In connection with the first ground, petitioner argues that taking into consideration (1) that the strike was legal; (2) that the return-to-work order and other implementing orders and resolutions of the CIR were valid and lawful; (3) that the strikers were entitled to reinstatement as a matter of right; and (4) that the strikers not only manifested their willingness to abide by the CIR back-to-work order but also actually offered unconditionally to return and even sought the aid of competent authorities to effect such a return - the conclusion is inescapable that the strikers were entitled to reinstatement as of the date they unconditionally offered to return to work, and when they were refused reinstatement they acquired the status of illegally dismissed or locked-out employees. As such, petitioner contends, the strikers are entitled not only to reinstatement but also to back wages from the time they unconditionally offered to return to work in obedience to the CIR resolution.

The petitioner cannot be sustained. In the first place, it cannot be said that the return-to-work order and other implementing orders and resolutions of the CIR were valid and lawful, for if they were so, this Court would not have enjoined the enforcement of such orders and resolutions. Considering that the offer to return to work was predicated upon the CIR order and that the enforcement of said order was permanently enjoined by this Court, the strikers cannot claim that they were entitled to reinstatement as of the date they offered to return to work.

Fur-thermore, the CIR found that "none of the companies had discriminately rejected their (strikers') application for reemployment". Such finding is conclusive upon this Court, the same being supported by substantial evidence.

With respect to the second ground, petitioner insists that all conditions required by this Court to en-title strikers to back pay have been complied with, to wit: (1) the legality of the strike against PHILSTEAM and MADRIGAL was already adjudged with finality; (2) there was an unconditional offer to return to work when the strikers manifested their willingness to abide by the CIR back-to-work order and even sought the aid of com-petent authorities to effect their return; and (3) the strikers were refused reinstatement, the most eloquent proof of which is the fact that they have not been re-admitted to their former positions as of the date of the motion for reconsideration. Again, the finding of the CIR that "none of the companies had discriminately rejected their (strikers') application for reemployment" militates against petitioner on this particular ground. Moreover, as already stated, the offer of the strikers to return was made in compliance with the return-to-work order of the CIR but its enforcement was permanently enjoined by this Court. There is no showing that the strikers renewed their offer after this Court issued its injunctive order. It is true that PMOG re-offered its members to return to work in its Manifestation dated February 27, 1962, but then it was made pursuant to the decision of the Trial Court which was not yet final in view of the motions for recon-sideration filed by the COMPANIES and by PMOG.

In support of the third ground relied upon, peti-tioner alleges inter alia: (1) that there are indications that this Court in issuing the permanent injunction was impressed by the contention of the respondent COMPANIES that the CIR had no right and authority to issue the return--to-work order, which contention was allegedly rejected in Feati University vs. Bautista (G. R. Nos. L-21278, 21462 & 21500, December 27, 1966); (2) that from the tenor and import of the last paragraph of this Court's resolution of March 25, 1955, the injunction was without prejudice to whatever might be the ultimate decision in the cases filed in the CIR; and (3) that the parties who sought the injunc-tion made this Court understand that the strikers could be entitled to back wages should the right to reinstatement be upheld.

The allegations of petitioner are devoid of factual basis. This Court's resolution of March 25, 1955, which declared the preliminary injunction previously issued permanent reads:

"In G. R. No. L-8802, Cebu Seamen's Association Inc. vs. Modesto Castillo, et al., G. R. No. 8808, Marine Officers' Association vs. Court of Industrial Rela-tions, and G. R. No. L-8712, Compañia Maritima, et al. vs. Philippine Marine Officers' Guild, the Court, after taking under advisement the motion to dissolve the writs of preliminary injunction issued by this Court, and the opposition thereto, RESOLVED, to deny the motion to dissolve, and to declare the injunction permanent, con-sidering:

- a) That the existence of the power of the Court of Industrial Rela-tions to issue a back-to-work order under Section 10 of Republic Act 875 is not expressly granted, and is in fact dis-puted by herein petitioners;
- b) That the back-to-work order was issued without hearing all the parties interested, particularly the Cebu Seamen's Association Inc.;
- c) That the retention of the members of the petitioners' Cebu Sea-men's Association Inc., and Marine Officers Association will ultimately depend upon the right of the members of the Philippine Marine Officers' Guild to return to their jobs;
- d) That the dismissal of the members of the petitioner Unions pending the resolution of such right to return may result in irreparable injury to them should the question be finally resolved against the strikers;
- e) That to coerce immediate re-employment of the strikers and the displacement by them of the members of petitioning unions may lead to ulterior friction, dispute and disruption of shipping schedules, to the prejudice of the general interest.

"This resolution shall not be understood as in any way preventing the Court of Industrial Relations from proceeding with the hearing of these cases on the merits with a view to their prompt and final determination."

It is to be noted that in declaring the preliminary injunction permanent this Court did not only consider the fact that the existence of the power of the CIR to issue a back-to-work order under Section 10 of Republic Act 875 was not expressly granted but also other facts, some of which did not exist in the Feati case. In the instant case, the back-to-work order was issued by the CIR without hearing all the parties concerned, particularly the Cebu Seamen's Association, Inc., while in the Feati case, the return-to-work order of March 30, 1963 was a confirmation of an agreement between the University and the Faculty Club during a pre-hearing conference on March 23, 1963. In addition, the last consideration (e) mentioned in the resolution did not exist in the Feati case. Moreover, the resolution quoted above finally settled the issue in the cases mentioned therein, namely, the legality of the CIR order sought to be restrained. It cannot be subject to question now on the ground that the Court had been misled by the contentions of the respondents COMPANIES.

The last paragraph of the resolution is clear and unequivocal. Nothing in the context thereof can be taken to mean as enjoining the CIR from taking into account the injunction issued by this Court in deciding the merits of the cases before it. It is but an authorization for the CIR to proceed with the hearing of the cases on the merits with a view to their prompt and final determination.

Regarding the allegation that this Court was made to understand that the strikers could be entitled to back wages should the right to reinstatement be upheld, the resolution itself belies it. If there were such understanding it would have been incorporated in the said resolution. Also, it may be noted that the manifestations to that effect were not made by respondents MADRIGAL and PHILSTEAM but by MOAP and MARITIMA; hence, said manifestations are not binding on respondents MADRIGAL AND PHILSTEAM.

Lastly, in denying the claim for back wages of the strikers, the CIR considered not only the permanent injunction but also the events that transpired from the time the case was certified by the President to the CIR on January 14, 1955 up to the time this Court issued said injunction on March 25, 1955.

As to the fourth ground, petitioner contends that in view of the erroneous stand of respondents regarding the legality of the strike and the power and authority of the CIR to issue the return-to-work order, the strikers were not only deprived of their jobs but also suffered considerable damage in the form of salaries and wages which they failed to earn during the period they were illegally deprived of their means of livelihood; that justice, equity and the substantial merits of the case demand that the strikers should be compensated such damage; and that the two respondents could have avoided incurring liability in the form of back wages by reinstating the strikers after they unconditionally offered to return to work, subject only to the reservation that they could be dismissed in the event that the strike was declared illegal.

Petitioner's arguments are untenable. While the stand of respondents PHILSTEAM AND MADRIGAL regarding the legality of the strike was adjudged erroneous, their stand regarding the issuance of the return-to-work order of the CIR was not. As already pointed out, the resolution of March 25, 1955 finally adjudicated the issue regarding the validity and legality of the CIR back-to-work order when the preliminary injunction was declared permanent, and the CIR, after considering the incidents that took place from the time this case reached the said Court up to the time this Court permanently enjoined the enforcement of the back-to-work order, said:

"It will thus be seen, that in the last analysis, the Companies are not to blame for their failure to rehire the strikers after the issuance of the Court's back-to-work order. Consequently, although those employees, except some Maritima strikers, should be reinstated, inasmuch as none of the Companies had discriminatorily rejected their application for reemployment, the Court finds, and so holds, that they are not entitled to the back

salaries claimed in their be-half. This claim should be, as it is here-by denied."

Thus, under the particular circumstances of this case, it would be unfair and unjust to require respondents MADRIGAL and PHILSTEAM to pay the back wages of the strikers.

With this resolution on the merits of the motion for reconsideration, we deem it no longer necessary to rule expressly on the Motion to Dismiss Appeal filed by respondent MADRIGAL.

WHEREFORE, the motion for reconsideration is hereby denied.

Concepcion, C.J., Reyes, Dizon, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.