

MANILA TERMINAL RELIEF AND MUTUAL AID ASSOCIATION, PETITIONER, VS. MANILA TERMINAL COMPANY, INC., ET AL., RESPONDENTS.

G.R. No. L-4150. July 16, 1952

Ponente: PARAS, C.J.

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PARAS, C.J.:

In Expediente No. 86-V of the Court of Industrial Relations, Manila Terminal Relief and Mutual Aid Association, petitioner, vs. Manila Terminal Company, Inc., respondent, the Court of Industrial Relations granted the demands of the petitioner as to back overtime pay. This was the subject of appeal by the respondent in G. R. No. L-4148. Upon the other hand, the Court of Industrial Relations dismissed the following demands of the petitioner:

"(c) Demand for one hundred per centum increase of the basic wages or salaries;

"(d) Demand for compensation for work to be performed beyond eight hours and on Sundays and legal holidays at the rate of the regular wages or salaries, plus fifty per centum additions;

"(e) Demand that the respondent furnish the members of the petitioner organization firearms free of charge;

"(f) Demand that the respondent obtain life and accident insurance policies for each member of the petitioner organization, fifty per centum of the premium to be paid by the respondent and the remaining fifty per centum to be paid by the insured;

"(g) Demand for thirty days' vacation leave with pay to all members of the petitioner organization who have rendered at least one year of continuous work, to be enjoyed commutatively at any time during the following year, provided that the member of the petitioner organization shall have the right to demand the conversion or the payment of the equivalent in cash of such vacation leave earned during the said period; and provided further that those of the petitioner organization, who have already rendered continuous service of one year until the date of the filing of this petition, shall have the right to two weeks' vacation leave with pay during the current year;

"(h) Demand for two day's off duty each month with pay provided that the member of the petitioner organization shall have the right to demand the conversion or the payment of the equivalent in cash of such two days' off duty;

"(i) Demand for free medical care and hospitalization for those who incurred sickness and for pay during the period of incapacity for work or hospitalization;

"(j) Demand that the respondent be prohibited from dismissing any member of the petitioner organization except for cause and after due hearing before a board of four members, two designated by the petitioner and two designated by the respondent;

"(n) Demand for the recognition by the respondent of the petitioner as the sole bargaining agency."

The dismissal by the Court of Industrial Relations of the above-quoted demands was the subject of appeal by the

petitioner in the case at bar, G. R. No. L-4150.

In the decision of Judge V. Jimenez Yanson of the Court of Industrial Relations, dated April 1, 1950, the dismissal was based on the following considerations:

"Referente a las demandas que afectan a las condiciones de trabajo, aumento de salario, etc., mientras los aqui petitionarios trabajaban al servicio o empleo de la compañía recurrida, el Tribunal es de opinion que dichas demandas vinieron a ser ahora cuestiones academicas, y cualquiera decision que se dictase en relacion con las mismas seria innecesaria, en vista de que el Buro de Aduanas es el que actualmente ejerce el control y supervision sobre los mismos, esto en primer lugar. En segundo lugar, porque dichas demandas no se basan en un convenio otorgado entre la recurrente y la recurrida, que esta ha dejado de cumplir, y esta circunstancia obsta la retroactividad de cualquiera decision que se dictare sobre el particular."

It may be mentioned here that while on the granting of the demands as to back overtime compensation, the vote of the Court of Industrial Relations was 3 to 2, the vote was unanimous on the dismissal of the other demands.

The herein respondent Manila Terminal Company, Inc. contends, among others, that the demands hereinbefore quoted are academic, because since January 1, 1951, the Delgado Brothers, Inc. has taken over the arrastre service for the Port of Manila, in which the members of the petitioner, Manila Terminal Relief and Mutual Aid Association, were employed by the respondent Company as watchmen. This is not denied by the petitioner which has only alleged that:

"* * * The fact that the arrastre service has been taken by Delgado Brothers, Inc. as of January 1, 1951, from the Philippine Ports Terminal, Inc., successor of Manila Terminal Co., Inc., does not make the demands of petitioner moot and academic, nor twice removed from any possible operativeness, much less does it create circumstances which render impossible the carrying into effect of a judgment in this case. The demands involved in this petition were first made by petitioner on June 19, 1947, date of filing of petitioner's petition with the Court of Industrial Relations. On the other hand, it was only on January 1, 1951, that respondent-appellee, Manila Terminal Co., Inc. ceased to be the arrastre contractor for Manila's port area. It is then evident that a judgment granting the demands of petitioner-appellant and reversing in part the decision of the Court of Industrial Relations, may properly govern the relation of the parties from June 19, 1947 until December, 31, 1950. Thus, respondent-appellee Manila Terminal Co., Inc. may be required to grant back-pay to members of petitioner-appellant in satisfaction of the demand of petitioner for 100 per cent increase of the basic wages or salaries, designated as demand (c) of the petition; to cite another illustration—with equal force this is also true with respect to the demand designated as demand (d)."

It is obvious that the demands thus dismissed by the Court of Industrial Relations are prospective in nature and may therefore be enforced, if granted, only while the members of the Manila Terminal Relief and Mutual Aid Association remain in the employ of the Manila Terminal Company, Inc. It being admitted that the latter had ceased to employ said members of the petitioning Association, as a result of the fact that Delgado Brothers, Inc. has since January 1, 1951, taken over the arrastre service for the Port of Manila, said demands have become purely academic.

The Association, however, argues that at least the demand for 100 per cent increase of the basic wages or salaries and the demand for compensation for work to be performed beyond eight hours and on Sundays and legal holidays may be granted effective from June 19, 1947, and date of the filing of the petition with the Court of Industrial Relations, to December 31, 1950.

As correctly contended by counsel for the respondent Company, as there is no statute or contractual obligation on which to base the raise demanded, the granting thereof must necessarily be founded only on the decision of the Court of Industrial Relations or of this court. In the present case, we have found no sufficient ground for granting

the demand for 100 per cent increase in wages or salaries, much less to be effective from the filing of the petition in the Court of Industrial Relations.

With reference to the demand for compensation for work to be performed beyond eight hours and on Sundays and legal holidays, it is sufficient to recall that the Court of Industrial Relations found as a fact that the members of the petitioning association worked more than eight hours a day only until May 24, 1947, or before the filing of the petition on June 17, 1947.

Wherefore, the appealed decision of the Court of Industrial Relations is hereby affirmed, with costs against the petitioner. So ordered.

Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Bautista Angelo, and Labrador, JJ., concur.

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