

DIWA NG PAGKAKAISA-PAFLU, PETITIONER, VS. FILTEX INTERNATIONAL CORPO-RATION (FORMERLY YUPANGCO COTTON MILLS, INC.) AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. Nos. L-23960 & L-23961. February 26, 1968

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

Petitioner, Diwa ng Pagkakaisa-PAFLU, on January 8, 1968, filed a sworn motion to cite respondent Filtex International Corporation or its General Manager, for contempt of court. Alleged by movant is that said respondent has refused to obey this Court's order of October 20, 1967 for it to reinstate, pending appeal, the strikers-members of petitioner union not found by the Court of Industrial Relations in its decision as responsible for the strike, said reinstatement to be made within thirty (30) days from notice of the order. Said notice took place on October 25, 1967, thereby giving the respondent corporation until November 24, 1967 to reinstate the strikers in question. Respondent's counsel was furnished with copy of the pre-sent motion for contempt.

Acting thereon, We required Filtex, on January 15, 1968, to comment in ten days from notice, on petitioner's motion for contempt. Said notice was received by counsel for respondent on January 18, 1968 (Rollo, p. 179). With in extension given,* Filtex filed on February 12, 1968, its opposition to the motion to cite respondent for contempt.

Said opposition set up, inter alia, the following defense: Respondent corporation was in a dilemma, upon receipt of this Court's reinstatement order, on whether to terminate the services of the employees at present occupying the positions formerly held by petitioner's members or to obey this Court's resolution; that for it to dismiss immediately or separate said present employees would be to violate our labor laws, particularly that on giving of notice of termination of service, and to expose itself to the danger of being sued in court by said employees; that considering the number of employees involved, it took respondent Filtex time to ascertain the actual status and other circumstances of the employees affected, digging into files and records of new and old employees; that it already notified its employees formerly holding positions occupied by petitioner's members with a view to reinstating some of the latter in compliance with, this Court's order, but the present employees manifested their unwillingness to being terminated or replaced; that Filtex in fact had filed a manifestation dated January 24, 1968 regarding the foregoing. Said manifestation stated that 52 of the strikers had been reinstated long before this Court's order for reinstatement; that of these, 41 had been subsequently dismissed for cause; and that the rest had failed to present themselves for reinstatement. Petitioner, however, commented on said manifestation, stating that the alleged reinstatement of 52 strikers long before this Court's reinstatement order is contrary to respondent's previous stand that none of them had been reinstated before that time; that dismissal of 41 strikers reinstated, if true, would be clearly an unfair labor practice; and that respondent has not shown that it has given notice to the strikers to return to work within a given period or lose their jobs.

The present Incident was thereupon heard by Us, on February 22, 1968, after notice to the parties, who appeared and adduced their respective arguments. Filtex clearly and admittedly failed and refused to carry out this Court's order to reinstate the strikers in question, within thirty days from notice. As pointed out by petitioner's comment to its manifestation, it did not reinstate or even offer to reinstate any striker pursuant to this Court's order, but claimed having reinstated 52 of them long before the order was issued. Said previous reinstatement is not proved and goes counter to the stand hitherto taken by Filtex that it had precisely refused to reinstate the strikers before said time.

The point then to resolve is whether Filtex's refusal to abide by Our resolution is justified. The alleged fear of violating labor laws, specifically the separation pay law, and of being exposed to suit, is untenable. Dismissal of present employees taken as strikers' replacements, due to court order for the reinstatement of strikers, is not only legal but also envisioned by both the company and the pre-sent employees when they were hired pending the outcome of the present suit or subject to any order herein. Said other workers must be deemed to have accepted their employment as replacements with the knowledge that the same is subject to the consequences of the labor dispute between the strikers and the company. (Norton & Harrison Co., etc., *Labor Union v. Norton & Harrison Co.*, L-18461, Feb. 10, 1967.) Accordingly, We find, no valid reason for Filtex to have refused to obey this Court's order until now.

Moreover, Filtex could have paid one month salary to the substitute employees, if it really was bent on complying with labor laws. Not only that, but it could have given one-month notice to them, in lieu of one-month salary, under the separation pay law, considering that this Court's resolution of October 20, 1967 gave it one month to effect reinstatement.

WHEREFORE, respondent Filtex International Corporation is hereby found guilty of contempt of this Court in having disobeyed this Court's resolution of October 20, 1967 requiring it to reinstate the strikers-member of petitioner union, not found responsible for the strike in the CIR decision, during the pendency of this appeal, and is hereby fined in the sum of One Thousand (P1,000.00) pesos. Filtex is hereby further ordered to reinstate immediately upon receipt of this resolution the laborers, to pay a penalty of P100.00 for every day of delay, and submit to this Court a written report of the compliance of this resolution, within ten (10) days from notice thereof.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

* Filtex filed on January 26, 1968 motion for extension of 15 days from January 28, 1968 which was granted by resolution of February 1, 1968.

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