

**FILEMON DIONELA, ANACLETO CANDELARIA, ANGEL BALICAO
RAMON CARTOJANO, EUSEO TERANTE, AMADO MACATO, MARIANO
MADRONA, JOSE VALENCIA, FELIX TRINIDAD, PEDRO TUGON,
ELEUTERIO RIOJA, J...**

G.R. No. L-18334. August 31, 1963

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal by certiorari from a decision of the Court of Industrial Relations dismissing this case and directing respondent E. R. Squibb and Sons (Phil.)—hereafter referred to as the corporation—"to pay the agreed three (3) months separation pay to all claimants herein who have not as yet receive the same."

Prior to the institution of the case at bar, or on February 2, 1955, the Gas and Chemical Free Workers—a labor organization affiliated with the Federation of Free Workers and hereafter referred to as the Union—and its members, Mariano Argamusa, Bienvenido Jose and Benigno Sabas, filed, with the Court of Industrial Relations, a pleading, which was docketed as Case No. 598-ULP thereof, charging the Corporation and its vice-president and general manager, Carleton Ashley, with unfair labor practices allegedly committed against its employees and members of the Union, said Mariano Argamusa, Bienvenido Jose and Benigno Sabas, by interfering, restraining and coercing them in the exercise of their rights to self- organization, and by discriminating against them by reason of their union activities. Soon thereafter, or on February 21, 1955, the corresponding complaint for unfair labor practice was filed by an acting prosecutor of said court, who, likewise filed, on March 18, 1955, a supplemental complaint, alleging that respondents had dismissed its above-named employees owing to the aforementioned charges preferred by them, thereby committing an additional act of unfair labor practice, and praying, accordingly, that said employees be reinstated, with back pay.

While said Case No. 598-ULP was pending, or on March 22, 1955, the Union—including petitioners herein, who were members thereof—declared a strike against the aforementioned Corporation. On March 31, 1955, the same filed with said Court a verified complaint—with supporting affidavits—which was docketed as Case No. 6-Inj., praying for an injunction against the Union owing to the violence allegedly resorted to by its members in connection with said strike. After a preliminary hearing, held on the same date, the Court issued on April 2, 1955, a temporary restraining order, which, after appropriate proceedings, was, on December 21, 1955, made permanent, upon the ground that the strikers had committed "acts of violence, threats of violence and/or intimidation" and used "abusive language" in "the pickets". Soon thereafter, the Union and the Corporation reached an agreement for the "amicable settlement of all differences, disputes and/or controversies between them," subject to the condition, among others, that the Corporation "should pay the sum equivalent to three months separation pay to each striking Squibb employee."

Not satisfied with the terms of this agreement, on December 28, 1955, Filomeno Dionela, vice-president of the Union, and twenty seven (27) other employees of the company and members of the Union hereinafter referred to

as "Dionela et al."—filed in Case No. 598-ULP a "Motion to Disauthorize" its counsel of record and the Union to act, represent and/or prosecute the case, insofar as said movants were concerned, on account of alleged loss of faith and confidence in both. However, a motion to withdraw the complaints in said case, signed by the president of the Union and the three employees against whom the acts of unfair labor practice charged in the aforementioned complaints had allegedly been committed (Mariano Ar-gamusa, Bienvenido Jose and Benigno Sabas), as well as by their common counsel, was filed on January 17, 1956. Moreover, the Acting Prosecutor who had subscribed said complaints expressed his conformity to this motion. Accordingly, by an order dated February 13, 1956, the Court dismissed said complaints. "Dionela et al." moved for a reconsideration of this order, but the motion was dismissed on account of the movants' failure to file their arguments in support thereof.

Hence, on February 17, 1956, Dionela and 23 of his former 27 co-movants in the aforementioned Motion to Withdraw—hereafter referred to as petitioners—instituted the present proceedings, Case No. 895-ULP of the Court of Industrial Relations, for unfair labor practice of the Corporation and its general manager, Carleton Ashley, both of whom are hereafter referred to as respondents. On May 9, 1956, an Acting Prosecutor of the Court of Industrial Relations filed the corresponding complaint for unfair labor practices allegedly committed by respondents. It is alleged in the complaint, as amended on July 11, 1956, that petitioners and other members of the Union went on strike on March 22, 1955, because of discriminatory acts committed by respondents against the aforementioned Mariano Argamusa, Bienvenido Jose and Benigno Sabas due to their union activities; that when the members of the Union were on December 28, 1955, advised of the compromise agreement proposed by respondents, herein petitioners objected thereto and moved to disauthorize their counsel of record and the Union from representing them in Case No. 598-ULP; that said objection and motion were overruled by the Union; that after the dismissal of said case No. 598-ULP, owing to the withdrawal of the complaints therein, petitioners herein requested the corporation to reinstate them, but the corporation refused and still refuses to do so despite repeated demands; and that such refusal to reinstate the petitioners constitutes an unfair labor practice.

In a suppletory complaint filed on February 7, 1957, it was alleged, moreover, that, from October 1954 to April 1955, respondents had inquired from petitioners herein about their union membership and asked them to resign from the Union; that petitioners herein had taken part in the strike called on March 22, 1955, on account of discriminatory acts of said respondents against them; that respondents had "resorted to coercion, threats and employed strike breakers to put down the strike"; that Monico Lucas and Demetrio Balauro were dismissed by respondents on March 22, 1955 and March 22, 1956, respectively, without any justifiable cause and because of union membership and activities; and that said Monico Lucas and Demetrio Balauro had not so far found any substantial or equivalent employment for themselves.

In due course, the lower court rendered the decision above mentioned. Motions for reconsideration filed by both parties having been denied by a majority of the Court sitting en banc, petitioners interposed the present appeal by certiorari.

The main question for determination in this case is whether the compromise agreement pursuant to which the complaint in Case No. 589-ULP had, inter alia, been withdrawn and then dismissed is binding upon petitioners herein. The latter maintain that it is not, but the lower court held otherwise, upon the ground that "it is an accepted rule under our laws that the will of the majority should prevail over the minority" citing *Betting Ushers Union (PLUM) vs. Jai Alai*, 101 Phil., 822, June 29, 1957 and *Jesalva, et al. vs. Bautista* 105 Phil., 348, March 24, 1959—and that the action taken by petitioners herein as minority members of the Union "is contrary to the policy of the Magna Carta of Labor, which promotes the settlement of differences between management and labor by mutual agreement," and that if said action were tolerated, "no employer would ever enter into any compromise agreement for the minority members of the Union will always dishonor the terms of the agreement and demand

for better terms." The view thus taken by the lower court is correct. Indeed, otherwise, even collective bargaining agreement would cease to promote industrial peace and the purpose of Republic Act No. 875 would thus be defeated.

It is urged that the complaints filed at the behest of petitioners herein involved additional acts allegedly constituting unfair labor practice against them and against Monico Lucas and Demetrio Balauro, which were not included in the charges preferred in Case No. 598-ULP, and should not be deemed covered by the order of dismissal therein issued. Upon a review of the record we find, however, that petitioners herein have not introduced any evidence in support of their new allegations in the suppletory complaint. Moreover, said new allegations—except the alleged dismissal of Demetrio Balauro—refer to events that are said to have taken place before the compromise agreement above mentioned and should be deemed included, therefore, in the settlement therein stipulated. Then, too, when a labor union accuses an employer of acts of unfair labor practice allegedly committed during a given period of time, the charges should include all acts of unfair labor practice committed against any and all members of the Union during that period. The Union should not, upon the dismissal of the charges first preferred, be allowed to split its cause of action and harass the employer with subsequent charges, based upon acts committed during the same period of time.

Wherefore, the decision appealed from is hereby affirmed, with the costs of this instance against petitioners herein.

Bengzon, C. J., Padilla, Labrador, Reyes, J. B. L. Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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