

PERMANENT CONCRETE PRODUCTS, INC., AND ENRICO M. SANTIAGO, PETITIONERS, VS. JUAN FRIVALDO, RESPONDENT.

G.R. No. L-14179. September 15, 1960

Ponente: REYES, J. B. L., J.

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REYES, J. B. L., J.:

Petition to review on certiorari the decision of May 29, 1958 of the Court of Industrial Relations and its resolution en banc, dated July 31, 1958, rendered in Case No. 1021-ULP.

On September 10, 1956, respondent Juan Frivaldo filed with the Court of Industrial Relations an unfair labor practice (ULP) case against the petitioners Permanent Concrete Products, Inc., and its personnel manager, Enrico M. Santiago. The case was tried before the Honorable Judge Juan L. Lanting (now an associate Justice of the Court of Appeals). On May 14, 1957, after the parties had presented their evidence, both oral and documentary, the case was submitted for decision. While the case was pending resolution, it is averred that Judge Lanting was "commissioned by the Philippine Government to assist the government of the South American Republics to codify Labor Laws", so that on June 14, 1957, he departed for his mission abroad. On his return to the Philippines in the latter part of December of the same year, however, he underwent medical treatment, for which reason he was continually absent from his sala.

On May 29, 1958 or after the lapse of one (1) year and fifteen (15) days from the submission of the case for decision, the court a quo rendered its decision from which this petition was taken. The dispositive portion thereof reads as follows:

"IN VIEW OF THE FOREGOING, this Court finds the respondents guilty of unfair labor practice for having discriminated against Juan Frivaldo in the exercise of his trade union rights and for having discharged him for union activities.

Respondents' contention that this Court has no jurisdiction over the case is untenable because the law applicable is Republic Act 875, and not Commonwealth Act 103, as amended.

Respondents are hereby ordered (1) to cease and desist from interfering: with the right of their employees to affiliate with or join a union of their own choosing, (2) to reinstate Juan Frivaldo to the position he was occupying at the time of his discharge, and (3) to indemnify him in amount equivalent to the aggregate of the wages he failed to receive for the period beginning from July 7, 1956 to the date of his actual reinstatement."

Petitioners filed their motion for reconsideration, but the court, sitting en banc, denied the same in its resolution of July 31, 1958.

In this instance, as well as in their motion for reconsideration filed in the court below, petitioners ask that the judgment of May 29, 1958 be declared null and void because it was rendered beyond the thirty-day period from the submission of the case for decision. Their argument is based upon Section 5(d) of Republic Act No. 875, which provides as follows:

"(d) The court shall decide all incidental motions raised in any unfair labor practice cases within fifteen (15) days from submission of the "same. All other matters relative to such disputes including the main case shall be decided within thirty days after the submission of the case. This provision shall be considered mandatory in character. (Italics supplied)

We are of the opinion that petitioners' laches in waiting for over one (1) year for the decision in question places them in estoppel to invoke the provisions of said section. It is apparent that petitioners took no steps to call attention to the delay, or to ask that the case be reassigned and decided earlier, nor did they attempt to take other remedial measures; on the other hand, they were content to wait until the decision, unfavorable to their contentions, was rendered by Judge Lanting. Petitioners in fact gambled on the verdict of the lower court, with the idea that they could always attack it as void, on account of the delay, if contrary to their interests. Such attitude on the part of litigants deserves no sympathy from us, and should be interpreted as a waiver of the benefits of the statutory provision quoted, for lack of substantial prejudice.

Moreover, the Congressional Record (Philippine Senate, Third Session, Vol. II, No. 69, pp. 1266-1267) shows that the mandatory character of the period fixed for rendering decisions in unfair labor practice cases was intended to expedite cases for the benefit of laborers, who (as explained by the author of the provision in question, Senator Lorenzo M. Tañada) "cannot afford such a delay." But the Legislature has not provided that decisions of the Industrial Court rendered after the lapse of thirty days would be null and void; and this omission was evidently dictated by the realization that such nullity would only defeat the very purpose of the clause, as the parties would be ultimately driven to bring anew the case to the courts, thus subjecting the laborers to greater delay and hardship.

As well observed in *Bruegger vs. Cartier* (126 N. W. 491) on a practically identical question:

"Section 7039, Rev. Codes 1905, provides for a compulsory decision within 60 days after a cause is submitted to the Court, sickness or unavoidable casualty excepted. The plaintiff contends that, under the facts alleged in the complaint in this case, Hie Honorable John F. Cowan by holding the decision of the former. action between these parties for more than five years lost jurisdiction under said section 7039, and that the judgment entered in said action is void. In this he is in error. Said section does not make void a judgment rendered after the expiration of 60 days. *Mcquillan vs. Dinahue*, 49 Cal. 157; *Edmonds vs. Riley*, 15 S. B. 470, 90 N. W. 139; *Demaris vs. Barker, et al.*, 33 Wash. 200, 74 Pac 362. In *Demaris vs. Barker*, supra, the court says, in speaking of a similar statute: 'But certainly, it was never thought that the remedy was to be found in holding that the judgment afterwards rendered is nugatory. To give it this construction is to prolong the very evil it was sought to avoid, and to punish the very persons whom it was intended should be its beneficiaries. If the judgment, when rendered, is to be declared void, then the litigants, who have already been subjected to an unconstitutional delay, must again be subjected to the additional delays necessary to again bring the cause to the condition it was before the court violated its sworn duty. They must also pay the accruing costs necessary for that purpose. Were the delay something within the control of the litigant, were it caused by his own dereliction, the conclusion contended for might be tolerated. But the litigant cannot control the action of the court after he has submitted his cause for its decision. It may be that the plaintiff could by writ of mandamus have compelled the judge to render his decision at any time after the expiration of the 60 days provided in section 7039 had expired, but the judgment is not void because of the failure of the judge to render his decision within the time required by law."

Hence, the additional statement in the law that the 30-day provision "shall be considered as mandatory in character" was simply designed to provide the parties to the industrial dispute with means to compel prompt disposition of the case by the court by writ of mandamus, administrative complaint or similar recourse (cf. *Bruegger vs. Cartier*, supra).

Our views on the present issue are in harmony with those expressed by us in connection with provisions of similar import in Section 177 of the Election Code, requiring electoral contests to be decided within six (6) months (in case of municipal offices) and one (1) year (in contests for provincial positions). In *Querubin vs. Court of Appeals*, 82 Phil., 229, this Court said (cas. cit, pp. 229-230):

"To dismiss an election contest or the appeal taken therein because the respective courts, regardless of cause or reason, have failed to render final decisions within the time limits of said sections, is to defeat the administration of justice upon factors beyond the control of the parties. That would defeat the purposes of the due process of law and would make of the administration of justice in election contests an aleatory process where the litigants, irrespective of the merits of their respective claims, will be gambling for a deadline. The dismissal in such case will constitute a miscarriage of justice."

Petitioners next question the failure of the lower court to set their motion for reconsideration for oral argument. Whether or not they are given this right is a matter within the sound discretion of the court; and we do not think that the denial in this case is an abuse thereof. As we pointed out in *Manansala vs. Heras*, 103 Phil., 575; 54 Off. Gaz. (23) 6065, the movant is presumed to have set forth all the arguments in his written motion for reconsideration, thus obviating the necessity of further hearing the parties in oral argument.

Lastly, petitioners assail as erroneous the lower court's decision finding them guilty of unfair labor practice. There is no merit in this assertion. The court's conclusion is substantiated by the evidence on record. Juan Frivaldo, complainant therein, testified that previous to his dismissal, he was warned by manager Santiago that unless he should desist from his union activities, something would happen to him. His testimony was corroborated in all essential parts by witnesses Lazaro San Luis and Teodoro Cavintoy. On the other hand, the court did not believe petitioners' assertion that Frivaldo was discharged for cause, having allegedly been caught sleeping while on duty as a watchman on the night of July 1, 1956. It appears that on said night, complainant Frivaldo never missed punching the bundy clock every fifteen minutes during his tour of duty around the company's compound. In giving more credence to herein respondent's attestations than to those of the petitioners, it can not be said that the court *quo acted* capriciously or with grave abuse of discretion.

Wherefore, the instant petition is dismissed and the judgment appealed from is hereby affirmed. Costs against the petitioners Permanent Concrete Products, Inc., and Enrico M. Santiago.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Gutierrez David, and Dizon, JJ., concur.

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