

CALTEX (PHILIPPINES) INC., PETITIONER, VS. CALTEX DEALERS ASSOCIATION OF THE PHILIPPINES, INC., AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-25883. April 29, 1969

Ponente: DIZON, J.

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DIZON, J.:

Respondent Caltex Dealers Association of the Philippines Inc. is a duly organized Labor Union composed of operators of company-owned outlets of the petroleum products of petitioner CALTEX (Philippines) Inc. and is duly registered with the Department of Labor.

Case No. 3970-ULP filed by said Association with the respondent court against petitioner is for alleged unfair labor practice consisting of the latter's refusal to meet, confer and bargain with the complainant. Petitioner's defense was that it is not under any obligation to meet and bargain with the Association because, as between them, there existed no employer-employee relationship, said Association being composed of independent entrepreneurs or businessmen and/or independent contractors.

In the course of the hearing of said case, the respondent court, upon motion of the Association, issued a subpoena duces tecum pursuant to which petitioner produced documents known as "DAPLs", meaning District Authorized Price Letters.

In a subsequent hearing held on November 29, 1965, upon motion of the Association, the respondent court again issued, over the objection of herein petitioner, another subpoena duces tecum requiring the production in court of similar documents covering the following dealers of petitioner: Tian Pian, Tan Bong Tiong, Antonio Nocum, Josefa Tan, Pedro Interior and Torquato Carlos, for the years 1964 and 1965. On December 4, 1965 petitioner moved to quash said subpoena on the ground that the documents sought to be produced were immaterial and merely cumulative; that the subpoena was unreasonable and oppressive, and that the apparent purpose of the Association was merely to "fish for evidence". This motion was denied by the trial court in its order of January 6, 1966, and petitioner's motion for reconsideration filed thereafter was likewise denied by the Court of Industrial Relations en banc on March 12 of the same year. Thereupon petitioner filed with said court a notice of appeal, and on March 30, 1966 it filed the present petition for certiorari praying that the respondent court's order of January 6, 1966 and resolution of March 12, 1966 be reversed.

Petitioner's contention that the documents which the subpoena duces tecum requires it to produce are immaterial or, at best, merely cumulative do not sustain its claim that the respondent court erred in issuing said process. In the first place, if they are of the same nature as the documents which it had already produced at a previous hearing of the case before the respondent court by virtue of a previous subpoena duces tecum, there is every reason to believe that the documents covered by the second subpoena duces tecum are also material because the petition under consideration makes no claim or pretense that the documents already produced are immaterial to the case. To a certain extent, therefore, petitioner is already estopped from raising this question.

As regards petitioner's contention that the same documents are merely cumulative, the following must be taken into consideration: the DAPLs already produced by petitioner cover the CALTEX service stations in the area under the supervision of a certain Mr. Rafael Monserrat, its supervisor for a portion of Manila, Quezon City and Sun Juan, while the DAPLs sought to be produced under the questioned subpoena cover service stations located in a different area of supervision and are intended to prove the extent of the particular control and supervision of petitioner company over the members of the Association in that area - which might or might not be the same as the control and supervision exercised by the same party over members of the Association in other areas. Strictly speaking, therefore, the documents required of petitioner are not purely cumulative in character.

Petitioner's claim that the subpoena is unreasonable and oppressive by reason of the voluminous documents to be produced thereunder is likewise untenable. The Association alleges - and this has not been sufficiently controverted - that said documents are definite, particularized, refer to specific periods and, in fact: lesser in number than the documents produced by petitioner heretofore.

As far as the Association's purpose "to fish for evidence" is concerned, it must be observed that "fishing for evidence" is not prohibited but allowed under the present Rules of Court on Discovery and Deposition, for the reason that it enables litigants adequately to prepare their pleadings and for trial, this, in turn, resulting often in the simplification or reduction of triable issues. If this is the practice under the Rules of Court, a fortiori it may be allowed in courts' of the nature of the respondent court whose proceedings are not even strictly subject to the ordinary rules of procedure.

WHEREFORE, the order and resolution appealed from are hereby affirmed, with costs.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Sanchez, Fernando, Teehankee, and Barredo, JJ., concur.
Capistrano, J., did not take part.

Concepcion, C.J., and Castro, J., on official leave of absence.

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