

NATIONAL AIRPORTS CORPORATION, PETITIONER VS. V. JIMENEZ YANSON AS ASSOCIATE JUDGE OF THE COURT OF INDUSTRIAL RELATIONS AND NATIONAL AIRPORTS CORPORATION EMPLOYEES AND LABORERS ...

G. R. No. L-3746. August 30, 1951

Ponente: PADILLA, J.

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PADILLA, J.:

The National Airports Corporation Employees and Laborers Association, a labor union organized and registered under and pursuant to the provisions of Commonwealth Act No. 213, one of the respondents, submitted to the National Airports Corporation, through the Chairman of its Board of Directors, a petition making several demands, the most important of which are: for its recognition as the sole collective bargaining agency; for intervention in the preparation of the National Airports Corporation budget for 1949 and 1950 and in the transfer, promotion and discharge of the personnel; for standardization of salaries and wages of all personnel; for a minimum wage of P5 a day to union laborers; for 50 per cent additional compensation for labor union members assigned to night shifts; and for a closed shop contract. As its demands were unheeded, the labor union filed a petition with the Court of Industrial Relations praying it to order the National Airports Corporation to grant all its demands effective from 16 August 1949, the date the written demands were made and submitted.

The National Airports Corporation moved to quash the petition on the ground that, being an agency of the Government of the Philippines exercising governmental functions and immediately affected with public interest, it cannot be sued without the consent of the Republic; that in financing its various projects, the National Airports Corporation relies upon the annual congressional appropriation for public works, and for that reason the employment of a great number of employees and laborers in such projects is contingent upon the availability of the aforesaid public works fund; that in the event such funds be exhausted without being replenished by congressional action, a great number of employees and laborers would have to be laid off; that the functions of the National Airports Corporation are not industrial or agricultural but governmental, and for that reason the Court of Industrial Relations cannot take cognizance of the demands made upon it, the same being outside its jurisdiction, as provided for in section 1, in connection with section 4, of Commonwealth Act No. 103, as amended. The motion to quash was denied, as well as a motion for reconsideration of the denial.

Thereupon, the National Airports Corporation filed this petition to enjoin the respondent Court from hearing and deciding the petition filed with it by the National Airports Corporation Employees and Laborers Association on the same grounds alleged in the motion to quash. As prayed for, a writ of preliminary injunction was issued. In their answer, the respondents repeat the same grounds and reasons given by the respondent Court of Industrial Relations in its order denying the motion to quash.

The controversy between the parties in this case has become moot by the repeal of Republic Act No. 224, creating the National Airports Corporation, and by its abolition, by Executive Order No. 365 issued and promulgated on 10

November 1950. The functions, powers and duties of the petitioner, National Airports Corporation, were taken over and are exercised and performed by the Civil Aeronautics Administration, pursuant to said Executive Order. The respondent Court could not proceed to hear and decide the petition of the respondent labor union, for, even if it should be decided by this Court that it has jurisdiction to take cognizance of and decide the petition, and the respondent Court should decide it in favor of the respondent labor union, the decision so rendered would be unenforceable, because the Civil Aeronautics Administration, created by Executive Order No. 94, which took over the functions, exercises the powers and performs the duties of the National Airports Corporation, is clearly an office or agency of the Government of the Republic. The latter may not be sued without its consent.

The petition is dismissed, without costs.

Paras, C. J., Feria, Pablo, Bengzon, Tuason, Reyes, Jugo and Bautista Angelo, JJ., concur.

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