

PHILIPPINE PLYWOOD CORPORATION, PETITIONER, VS. NATIONAL LABOR UNION, RESPONDENT.

G.R. No. L-15190. May 30, 1961

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Petitioner, Philippine Plywood Corporation, hereinafter referred to as the Corporation, states in its petition herein that the same is one "for certiorari as a special civil action", because "the questions of law and facts" therein raised "would not be permissible in a petition for certiorari" as a means to secure a review on appeal, although it, likewise, avers that said petition "may also be treated by this Court as an appeal by certiorari".

It is alleged in the petition that, in August 1950, thirty-seven (37) employees of the Corporation were dismissed for just causes; that, on January 4, 1951, said employees moved for their inclusion as petitioners in Case No. 462-V of the Court of Industrial Relations, entitled "Plywood Labor Union-CLO vs. Philippine Plywood Corporation", which was begun on July 7, 1950; that, for reasons of expediency, the title of the case of said employees was changed to "National Labor Union vs. Philippine Plywood Corporation", and docketed as Case No. 553-V; that after due hearing and consideration of the evidence submitted, judgment was rendered on October 22, 1958, declaring that most of the aforementioned employees had been dismissed without just cause and directing their reinstatement, some with three (3) years backpay, others with back wages, from their respective dates of dismissal, minus the earnings they may have had elsewhere, one without backpay, and declaring that the other employees had been dismissed for just cause; that, upon motion for reconsideration, said decision was affirmed by the Court sitting en banc; that the Court had gravely abused its discretion in holding that the first set of employees were dismissed without just cause, in allowing their reinstatement and awarding them backpay, and in concluding that some of them were not given separation pay; and that there is no other plain, speedy and adequate remedy in the ordinary course of law. Based upon these allegations, the Corporation prayed that "a writ be issued nullifying and setting aside" said decision, and that, "instead, another one be issued: (1) holding that the dismissals" of the employees in question "were justified; (2) denying their reinstatement and backpay; (3) holding that the one-month separation pay given" to specified employees "were in lieu of one month's notice; and (4) awarding the other dismissed employees the corresponding one-month pay or mesada, in lieu of notice".

At the outset, we note that the resolution of respondent Court sitting en banc, denying the motion for reconsideration of the decision appealed from, was promulgated on January 30, 1959, and that, on March 11, 1959, the Corporation filed a notice stating that "it will appeal said decision to the Honorable Supreme Court, in accordance with the provisions of section 14 of Commonwealth Act No. 103", which gives the aggrieved party "ten (10) days from the date of the award, order or decision" within which to "appeal therefrom to the Supreme Court of the Philippines by writ of certiorari". Considering that said notice was given forty (40) days after said date, and that the present petition for certiorari was filed on April 16, 1959, or over two (2) months after the expiration of said period of ten (10) days, it is clear that the case at bar cannot be considered as an appeal by certiorari, and must be dealt with only as a special civil action of certiorari.

As such special civil action, it is, however, devoid of merit. Indeed, there is no question that respondent Court had jurisdiction over the aforementioned Case No. 553-V, as well as over the parties therein. The task of said Court was to ascertain the true cause of the dismissal of the employees involved in the case and to determine whether such cause was just or not. Both parties introduced their respective proof thereon, with the result that the issue narrowed down to which one of the two (2) sets of evidence thus appearing on record reflected the truth. After carefully analyzing said evidence in a 58-page decision, Judge Tabigne of respondent Court reached the conclusion, which was shared by the Court sitting en banc, that the evidence for the petitioners therein was more reliable than that of the Corporation, that most of said employees had been dismissed by the general manager of the Corporation merely because they were involved in certain charges preferred against him and, accordingly, without just cause, and that the one-month pay given to some of them was an advance salary, not separation pay. Whether the lower court should have given more credence to the evidence for the Corporation or not is a matter that does not connote an abuse of discretion, much less a grave one, to warrant the relief for which the special civil action of certiorari is intended, particularly considering that the Corporation could have availed itself of the remedy of appeal by certiorari, and that the same would have been a plain, speedy and adequate remedy in the ordinary course of law.

What is more, we are satisfied that respondent Court was justified by the evidence of record in reaching the conclusions aforementioned. Thus, to mention only some of the most salient facts of the case, the Corporation has not even tried to explain why its General Manager dismissed all the aforementioned thirty-seven (37) employees—who belonged to different departments—in August 1950, or shortly after the filing, on July 18, 1950, of an administrative complaint charging him with several irregularities ranging from theft of property of the Corporation to immorality with female employees thereof, involving abuse of authority—although the acts or omissions imputed to said employees as justification for their dismissal had taken place long before. For instance, it is claimed that Lorenzo Aldana had committed a series of errors in the performance of his duties as chief mechanic. These alleged errors were committed, however, while he was working for the Corporation from March to June, 1949. Yet, he was re-employed in February 1950 and was not dismissed until August 31, 1950, a few weeks after the filing of the aforementioned complaint against him. Then, again, the Corporation alleges that some of the main employees dismissed had connived among themselves to bring clown its production with a view to paving the way for the removal of its general manager. As stated in the decision appealed from:

"* * * It should be noted that in August, 1950, while the number of logs delivered was only 37,288 bd. ft., it processed 54,441 bd. ft. with a total output of 5,375 sheets of plywood finished (Exhibit 'Q'). In July, 1950, while the number of logs delivered was 114,819 bd. ft., it processed 145,847 bd. ft. with a total output of 11,777 sheets of plywood finished (Exhibit 'p'). In September, 1950, while the number of logs delivered was 138,139 bd. ft., it processed 137,617 bd. ft. with a total output of 8,217 sheets of plywood finished (Exhibit 'R'). From the foregoing comparative statements, it is clear that there was lack of logs delivered as well as processed in August, 1950, causing naturally to the low production of finished plywood for the same period, compared with those produced in July, 1950 in relation with the number of logs delivered and processed. It should also be observed that in September, 1950, as computed with that of July and August, 1950, the number of logs delivered exceeded the number of logs processed, which goes to show that there was sufficient supply of logs for said month. In July and August, 1950, the number of logs delivered, aside from being low, was less than the number of logs processed (See Exhibit 'R'). Likewise, the lack of sun dried veneers due to the rainy season contributed also to the low production of plywood in August, 1950. Manager Espinosa admitted that the low production of plywood in October, 1950 might have been due to the rainy season, considering that some veneers were dried under the sun (t.s.n. p. 24, November 9, 1951)".

It may not be amiss to add that the aforementioned charges against the general manager were apparently preferred upon the behest of a ranking officer of the Corporation—who was seemingly at logger heads with its General

Manager—and under promise of immunity from disciplinary action. In other words, we are inclined to agree with counsel for respondent union that the employees adverted to above were merely caught in by the cross-fire produced by an intramural conflict between members of the management, which eventually ended in the withdrawal of the ranking officer aforementioned, thus leaving said employees at the mercy of the general manager, who from accused turned to be the accuser and judge at the same time.

Wherefore, the petition herein is dismissed and the writ prayed for denied, with costs against the Philippine Plywood Corporation. It is so ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Reyes, J.B.L., Barrera, Paredes, Dizon, De Leon, and Natividad, JJ., concur.

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