

PEPSI-COLA BOTTLING COMPANY OF THE PHILIPPINE ISLANDS, INC., PETITIONER, VS PHILIPPINE LABOR ORGANIZATIONS (FORMERLY NATIONAL LABOR UNION), RESPONDENT.

G. R. No. L-3506. January 31, 1951

Ponente: MORAN, C.J.

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MORAN, C.J.:

This is an appeal by certiorari taken by petitioner Pepsi-Cola Bottling Company of the Philippine Islands, Inc., from a decision of the Court of Industrial Relations rendered in favor of respondent Philippine Labor Organizations.

Sometime in 1947, petitioner laid off twelve of its laborers. The Court of Industrial Relations, after due hearing, rendered decision ordering that the twelve laborers be reinstated, and that they be paid their wages from the date of their suspension to the date of their reinstatement. This decision, on appeal, was affirmed by this Court. When the record was returned to the Court of Industrial Relations for execution of the judgment, a petition was filed by petitioner praying that the twelve laborers be subpoenaed to appear before said court to be examined as to their employment during their suspension with the purpose of deducting from their backpay whatever amounts they had earned from other sources during their suspension. The Court of Industrial Relations denied the petition holding that its decision affirmed by the Supreme Court was already final and was no longer subject to amendment. Hence, this appeal by certiorari.

Petitioner invokes section 17 of Commonwealth Act No. 103 to the effect that " * * * at any time during the effectiveness of an award, order or decision, the court may, on application of an interested party, and after due hearing, alter, modify in whole or in part, or set aside any such award, order or decision, or reopen any question involved therein." Under this provision, a proceeding may be reopened only upon grounds coming into existence after the order or decision was rendered by the Court of Industrial Relations, but not upon grounds which had already been directly or impliedly litigated and decided by said court nor upon grounds available to the parties at the former proceeding and not availed of by any of them. To hold otherwise may give way to vicious and vexatious repetition of proceedings.

There is no way of determining whether or not petitioner's claim was available at the former proceeding, for not even an allegation is made in the case that the twelve laborers have really earned money from other sources during their suspension. In truth, the petitioner is merely seeking the aid of the Court of Industrial Relations to undertake a fishing expedition in that regard by ordering said laborers to appear and testify as to such supposed earnings. No legal provision is shown whereby the Court of Industrial Relations may be compelled to allow such fishing procedure after its decision has become final.

This decision is not predicated upon the assumption that any amounts earned by the laborers during their suspension may or may not legally be deducted from their backpay, a question which we do not now decide for it has not been raised at the proper stage of the proceedings.

Petition is dismissed with costs to be borne by the petitioner.

Paras, Feria, Bengzon, Padilla, Tuason, Montemayor, Reyes, Jugo and Bautista Angelo, JJ., concur.

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