

**DAVAO STEVEDORES MUTUAL BENEFIT ASSOCIATION, PETITIONER,
VS. COMPAÑIA MARITIMA ET AL., RESPONDENTS.***G.R. No. L-3871. February 29, 1952*

Ponente: REYES, J.

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This is a petition filed by the Davao Stevedores Mutual Benefit Association to review a resolution of the Court of Industrial Relations.

The Compañía Marítima and the Manila Steamship Co. own and operate vessels engaged in coast-wise shipping between Manila and Davao with stopovers in Cebu and other way ports. To handle the stevedoring work on board these vessels at Cebu and Mindanao ports, the Katubsan sa Mamumuo, a labor union with headquarters in Cebu, is under contract with both shipping companies to furnish the necessary labor, and to that end from 40 to 60 of its members go with the vessels to the different ports of call. But they work only aboard ship, for the work on the wharf, including the arrastre, is handled by the local stevedores.

The present controversy arose when the Davao Stevedores Mutual Benefit Association proposed to all ship agents in the port of Davao that the association handle the stevedoring work on board their vessels while in that port and threatened to carry out this proposal no matter what the answer of the ship agents would be. To prevent trouble, agents of the Department of Labor tried to mediate, but as they failed to effect a settlement, the Department certified the dispute to the Court of Industrial Relations as a proper case for that court to decide.

At the instance of the Compañía Marítima (later joined by the Manila Steamship Co.) a writ of preliminary injunction was issued to enjoin the association from carrying out its threat, and thereafter the case was heard on the merits with the intervention of the Katubsan sa Mamumuo and then decided by one of the judges of the court. The decision awarded the stevedoring work on board the vessels of the Compañía Marítima and Manila Steamship Co. when in the port of Davao to members of the Davao Stevedores Mutual Benefit Association to the exclusion of Stevedores from Cebu, members of the Katubsan sa Mamumuo. But this decision was revoked by a resolution of the court in bane, and this is the resolution that we now have to review.

What the petitioner proposes in effect is that the Industrial Court cancel the existing contract between the respondent shipping companies and the Katubsan sa Mamumuo, and compel those companies to have the stevedoring work on board their vessels done by stevedores residing in Davao city to the exclusion of those coming from Cebu. This proposal finds no support either in law or in reason. There is no law which grants to the laborers of any section of the Philippines a monopoly over work in that section. A measure of that nature would not only be against public policy as tending to promote sectionalism and disunity, but would also conflict with the equal protection clause of the Constitution. It would also interfere with the citizen's right to freedom of contract, which is likewise guaranteed by the Constitution. As was said in the case of Pampanga Bus Company, Inc. vs. Pambusco Employees' Union, Inc., 68 Phil. 541, 543:

"* * * The general right to make a contract in relation to one's business is an essential part of the liberty of the

citizens protected by the due process clause of the Constitution. The right of a laborer to sell his labor to such person as he may choose is, in its essence, the same as the right of an employer to purchase labor from any person whom it chooses. The employer and the employee have thus an equality of right guaranteed by the Constitution. 'If the employer can compel the employee to work against the latter's will, this is servitude. If the employee can compel the employer to give him work against the employer's will, this is oppression.' * * *"

On the plea that there is not enough work for its own members in the port of Davao, petitioner would exclude laborers from other parts from their right to earn their living in that port. In effect petitioner proposes to solve all alleged unemployment problem in Davao by ousting members of another labor union from their own employment. Claiming that its members have a right to, live, petitioner would yet deny that same right to others. Petitioner's proposal is iniquitous and amounts to nothing more than robbing Peter to pay Paul.

In view of the foregoing, the resolution appealed from is affirmed, but without special pronouncement as to costs.

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

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