

NATIONAL FEDERATION OF SUGARCANE PLANTERS, ET AL., PETITIONERS, VS. THE COURT OF INDUSTRIAL RELATIONS, ET. AL., RESPONDENTS.

G. R. No. L-15423. June 22, 1962

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On March 10, 1959, the Federation of Free Farmers, which is composed of laborers working in the sugar plantations of several planters in Negros Occidental, filed a petition before the Court of Industrial Relations praying, among other things, for payment of the wages of its laborers as required by law, for certification election with a view to selecting the collective bargaining unit, of said laborers, and for settlement of their differential pay for three years, as well as for settlement of unfair labor practices which the union contemplates to file against the planters.

The National Federation of Sugarcane, Planters, one of respondents, filed a motion to dismiss based on lack of jurisdiction and insufficiency of the petition. Said respondent likewise asked for a bill of particulars in view of the ambiguous averments of the petition.

The motion to dismiss was set for hearing at which both parties appeared and argued, but before action thereon was taken, the union filed an urgent motion praying that the petition be set for hearing in different towns of the province of Antique taking into account the different places of residence of respondents.

In the meantime, the industrial court, considering that most of the movants have already filed their answers to the petition, and that the grounds on which the motion to dismiss is based do not appear to be indubitable, resolved to defer action on the motion until after the hearing of the petition on the merits. Five days after the issuance of this resolution, the industrial court acceded to the motion to set the petition for hearing as prayed for, and, accordingly, it set the same for hearing on different dates and at various towns of Antique, namely, Patnongon, Bugason, Valderama, Culasi, and Tibiao.

The National Federation of Sugarcane Planters objected to the setting of the petition for hearing at the places abovementioned not only because the same would work inconvenience and prejudice to its members but also because the same was acted upon without affording respondents an opportunity to be heard in connection with said urgent motion and even before the court had passed upon the issue relative to its lack of jurisdiction over the petition.

And this objection having been overruled, respondents interposed the present petition for certiorari imputing grave abuse of discretion to the Court of Industrial Relations.

The petition was given due course with preliminary injunction.

The claim of petitioners that the motion to set the petition for hearing was acted upon by the Court of Industrial Relations even before it has passed upon the issue of jurisdiction raised by them appears to have no basis. The

record shows that on May 6, 1959, the Court of Industrial Relations issued an order deferring action on the motion to dismiss until after the hearing of the petition on the merits considering that most of the movants have already answered the petition and the grounds on which the motion is based do not appear to be indubitable. The court also found that to substantiate said grounds there was need to present evidence and in order to avoid duplicity of trial it was deemed proper that the petition and the motion be heard jointly. It should be noted that while the notice of hearing is dated April 23, 1959, the same was actually released by the industrial court five days after the issuance of the order postponing action on the motion to dismiss. The contention that the setting of the petition for hearing at different towns of the province of Antique would work prejudice and inconvenience of petitioners is also untenable it appearing that most of said petitioners have their haciendas and houses in said province while most of the labor contractors who recruited the seasonal laborers are also from Antique and have their houses there and spend a great part of the year in the aforesaid province. It likewise appears that the distances between the different towns where the hearings were set are short and there are good roads connecting the towns and available transportation facilities that commute daily between them. On the other hand, petitioners have their haciendas near the places of hearing and the action of the court cannot work inconvenience to them considering their facilities and resources.

We find, therefore, no plausible reason to disturb the action taken by the industrial court on the matter.

Petition is denied, with costs against petitioners. The writ of preliminary injunction issued is hereby dissolved.

Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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