

**RADIO COMMUNICATIONS OF THE PHILIPPINES INC. (RCPI),
PETITIONER VS. PHILIPPINE COMMUNICATIONS ELECTRONICS
& ELECTRICITY WORKERS’ FEDERATION (FCWF), RADIO
COMMUNICATIONS OF THE P...**

G.R. No. L-37662. August 30, 1974

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/81e7b3a6d116/>

FERNANDO, J.:

The deficiency of this petition, rather marked in character, seeking as it does to set aside an alias writ of execution of a return-to-work order of respondent Court of Industrial Relations,[1] issued as far back as 1968, was sought to be remedied by the invocation of Presidential Decree No. 21.[2] This is shown in its prefatory statement: "Aside from the far reaching effects a decision on the issues ventilated here will have on future cases, this case has important implications because it involves the application and reconciliation of the provisions of Presidential Decree No. 21 in relation to the enforcement and execution of a 'return to work' order, subject matter of this petition." [3] The reliance is misplaced. It is to misread what it provides and to lose sight of what it seeks to attain. Precisely the norm therein set forth assures further protection to labor. It certainly would stultify its purpose if it can be utilized as a weapon against the very employees, who for a period of six years had been denied what was granted them by an order, which on its face was immediately executory. The petition must fail.

The undisputed facts would disclose why stress was laid on the aforesaid Presidential Decree. It has all the appearances of a last-ditch attempt. From the very petition itself, it may be gleaned that as far back as September 19, 1967, respondent Philippine Communications Electronics and Electricity Workers' Federation presented to the petitioner a set of proposals to be embodied in a collective bargaining agreement. As the response was negative, the main ground being that there was already an existing collective labor contract, an impasse resulted. It was sought to be resolved by the Bureau of Labor Relations of the Department of Labor acting as conciliator. The attempt was unsuccessful.[4] A strike was declared on November 17, 1967. The respondent Court took over as there was an element of an unfair labor practice. In addition, on January 3, 1968, the Secretary of Labor sent a communication to respondent Court endorsing the labor dispute under Section 16(c) of the Minimum Wage Law.[5] There was on February 15, 1968 a motion filed by respondent labor Union seeking an order of reinstatement pending the resolution of the case on the merits. It was granted by respondent Court in a resolution of April 23, 1968.[6] Apparently, the return-to-work order was not complied with, as on December 27, 1969, a writ of execution was issued by the Clerk of Court of respondent Court requiring the reinstatement of the strikers without loss of seniority.[7] Various legal moves were further resorted to by petitioner with the result of further delaying the implementation of the return-to-work order.[8] That led to the issuance of the order of February 15, 1973, where it took note of the obvious inability of respondent labor union to submit documentary exhibits in support of the objection to the reinstatement, with the additional period of grace to do so until February 3, 1973, within which to submit his offer of exhibits in writing and the counsel for now respondent union three days after receipt of the offer in writing within which to file his objections. Then the order continued: "Considering that

February 3, 1973 had already lapsed without respondents having as yet submitted its offer of exhibits, despite the so many chances given to it, there is now valid reason to grant the urgent motion of petitioner.[9] The case was thus deemed submitted for resolution. Then came the resolution of October 5, 1973 which is the basis of the alias writ of execution. Its dispositive portion reads as follows: "[Wherefore], the employees numbering 167, each one named in the dispositive portion of the above report from pp. 11 to 14 hereof, are those who struck against the company on November 17, 1967 and who are referred to in the Resolution issued on April 23, 1968, and who should be readmitted to their respective work during the pendency of this case. The Clerk of Court is hereby directed to issue immediately an alias and/or amended writ of execution incorporating therein the names of the aforementioned strikers." [10]

A bare recital of the above facts renders undeniable the far-from-commendable efforts of petitioner to set at naught a return-to-work order. Considering that it is of a peremptory character and that its execution was long overdue, the challenged actuation of respondent Court had all the earmarks of legality. Nor should the invocation of Presidential Decree No. 21 change matters any. As earlier pointed out, the misinterpretation sought to be fastened by petitioner on it would frustrate the salutary objective of an executive determination to foster further the welfare of labor. This petition, as made mention of at the outset, must fail.

1. The core of the controversy is the enforcement of a return-to-work order pending the final outcome of a case with respondent Court. It is, in the categorical language of Chief Justice Makalintal, speaking for the Court in *Philippine Air Lines Employees' Association vs. Philippine Air Lines, Inc.*, [11] "immediately effective and executory, notwithstanding the fact that a motion for its reconsideration has been filed." [12] He cited in support of the above view the cases of *Bachrach Transportation Company, Inc. vs. Rural Transit Shop Employees Association*, [13] *Philippine Long Distance Telephone Company vs. Free Telephone Workers Union*, [14] and *Philippine Association of Free Labor Unions vs. Salvador*. [15] Its very nature, according to him, "lends itself to no other construction." [16] In the *Philippine Air Lines Employees Association vs. Philippine Air Lines, Inc.* case, there was a Presidential certification. It does not call for a different conclusion, just because this case lacks that feature. In the recently decided *Philippine American Management Company, Inc. vs. Philippine American Management Employees Association*, [17] it was made clear that the certification need not be presidential but could proceed from the Secretary of Labor in accordance with his powers under the Minimum Wage Law. So it happened in this case. The attempt to cast doubt therefore on the validity of the alias writ of execution is doomed to futility. What was done by respondent Court was precisely to accord respect to authoritative pronouncements of this Tribunal.

2. Petitioner would allege, too late, defenses that go into the merits. Even assuming their plausibility, it would be to lose sight of the fact that the return-to-work order was temporary in character pending the final outcome of a controversy. It would be again to disregard controlling precedents if, as petitioner would urge on respondent Court, the return-to-work order failed to take into consideration what it was pleased to call the termination of employment of some of those therein covered. For it has been the constant holding of this Tribunal from the leading case of *Rex Taxicab Company vs. Court of Industrial Relations*, [18] that there can be no inference of separation from the service arising from the mere fact of participation in a strike. As was stressed by Justice Laurel: "With reference to the contention that the drivers in question, by declaring a strike, either voluntarily ceased to be employees of the petitioner or gave just cause for their separation, it need only be stated that the declaration of a strike does not amount to a renunciation of the employment relation. * * * " [19] In affirming the above principle, he cited two American Supreme Court decisions: *National Labor Relations Board vs. Mackay Radio and Telegraph Co.* [20] and *National Labor Relations vs. Forestall Metallurgical Corporation*. [21] Since then, the doctrine has been reiterated time and time again. [22]

3. The flimsy and insubstantial character of the petition is thus exposed. It sought to escape the fate thus foreordained by inviting the attention of this Tribunal to what it referred to as legal complications arising from the enforcement of the writ of execution when considered in connection with Presidential Decree No. 21.[23] After noting that it had to get replacements during the pendency of this case, now still unresolved after five long years, it cited Section 11 of Presidential Decree No. 21: "No employer may shut down his establishment or dismiss or terminate the services of regular employees with at least one year of service without the written clearance of the Secretary of Labor." It would thus be faced, according to its petition, "with the legal problem of being exposed to violating the provisions of said decree. This is so, because in the process of complying immediately with the alias writ of execution, for every number of petitioners who shall be reinstated to their former positions, the corresponding number of employees who are now holding such positions will be laid off. And laying off or dismissals cannot be done without the written clearance of the Secretary of Labor. It is foreseen also that written clearance shall treat of individual cases of employees to be laid off. The process therefore will involve the [employee] presenting himself to be returned to work, and the securing of the written clearance for the dismissal of the employee whom he will replace." [24] It would be hard put, according to it, to make a choice between a possible charge for contempt on the one hand, and arrest and detention on the other, if it would appear that there was a violation of Presidential Decree No. 21. The dilemma is more apparent than real. There is no conflict between the aforesaid presidential decree and the return-to-work order. This is not the occasion to pass upon the possible adverse effects, if any, on the situation of the replacements. It might be mentioned that under the circumstances, their tenure could be made to depend on the outcome of the pending case and whatever valid orders may be issued in the meanwhile by respondent Court.[25] At any rate, it goes without saying that whatever rights they have must be respected. It certainly does not rule out giving force and effect to an order of the labor tribunal, unfortunately until now disregarded. Even on the assumption, then, that difficulties would be attendant on the faithful observance of the return-to-work order, petitioner has nobody to blame but itself. As far back as April 23, 1968, its obligation was clear. Instead of yielding obedience, it employed dilatory tactics to delay its implementation. It cannot thereafter just simply fold its hands and assert that it still should be allowed to persist in conduct marked by obstinacy. It could amount, if it were otherwise, to a party benefiting from its own defiance of a lawful order.

Nor is this the only objection to such a contention reached by petitioner. It could be that it is not fully cognizant of the pernicious consequences which it would spawn if accorded acceptance. A presidential decree intended to ameliorate still further the conditions of labor would be subjected to an interpretation not for its benefit but to enable an employer to continue with a conduct that cannot be characterized as other than a disdainful indifference to a valid order. If, as seems to be implied in its petition, it is likewise concerned with the fate of the replacements, there is nothing to prevent it from continuing their employment. That would be, in a way, to atone for its intransigence. What is more, it would be to accord genuine respect for the intent of Presidential Decree No. 21. What cannot be overemphasized is that such a decree which has received the imprimatur of the present Constitution[26] is in consonance with the much more detailed provision therein contained, intended to make a reality of governmental efforts to protect labor. It is worded thus: "The State shall afford protection to labor, promote full employment and equality in employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work. The State may provide for compulsory arbitration." [27]

WHEREFORE, the petition for certiorari is dismissed. This decision is executory. Respondent Court should take the necessary steps to implement this decision with all promptness and dispatch. Costs against petitioner.

Zaldivar, (Chairman), Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] The other respondents are Philippine Communications Electronics and Electricity Workers' Federation (PCWF), Radio Communications of the Philippines, Inc. Employees Union (RCPIEU), and Special Sheriff of the Court of Industrial Relations.

[2] Presidential Decree No. 21 issued on October 14, 1972 created the National Labor Relations Board.

[3] Petition, 1-2.

[4] Vide, *ibid*, pars. 6-10.

[5] Vide, *ibid*, pars. 11-15.

[6] Vide, *ibid*, par. 16.

[7] Vide, *ibid*, par. 17.

[8] Vide, *ibid*. par. 18-19.

[9] Annex D to Petition.

[10] Annex E to Petition.

[11] L-32740, March 31, 1971, 38 SCRA 372.

[12] *Ibid*, 377.

[13] L-26764, July 25, 1967, 20 SCRA 779.

[14] L-25420, March 13, 1968, 22 SCRA 1013.

[15] L-29471, September 28, 1968, 25 SCRA 393.

[16] 38 SCRA 372, 377.

[17] L-35254, January 29, 1973, 49 SCRA 194.

[18] 70 Phil. 621 (1940)

[19] *Ibid*, 631.

[20] 304 US 333 (1938).

[21] 306 US 240 (1939).

[22] Cf. *San Carlos Milling Co. vs. Court of Industrial Relations*, L-15453, March 17, 1961, 1 SCRA 734; *Elizalde Rope Factory vs. Social Security Commission*, L-15163, Feb. 28, 1962, 4 SCRA 512; *Cromwell Commercial Employees and Laborers Union vs. Court of Industrial Relations*, L-19778, Sept. 30, 1964, 12 SCRA 124; *Philippine Steam Navigation Co. vs. Philippine Marine Officers Guild*, L-20667, Oct. 29, 1965, 15 SCRA 174; *Coronel vs. Court of Industrial Relations*, L-22359, Aug. 30, 1968, 24 SCRA 990; *The Insular Life Assurance Co., Ltd., Employees Association-NATU vs. The Insular Life Assurance Co., Ltd.*, L-25291, Jan. 30, 1971, 37 SCRA 244; *East Asiatic Co., Ltd. vs. Court of Industrial Relations*, L-29068, Aug. 31, 1971, 40 SCRA 521; *Shell Oil Workers' Union vs. Shell Company of the Philippines*, L-28607, Feb. 12, 1972, 43 SCRA 224.

[23] Cf. Petition, 27.

[24] Ibid, 28-29.

[25] Radio Operators Association vs. Philippine Marine Radio Officers, 102 Phil. 526 (1957).

[26] "According to Article XVII, Section 3, paragraph 2 of the present Constitution: "All proclamations, orders, decrees, instructions, and acts promulgated, issued, or done by the incumbent President shall be part of the law of the land, and shall remain valid, legal, binding, and effective even after lifting of martial law or the ratification of this Constitution, unless modified, revoked, or superseded by subsequent proclamations, orders, decrees, instructions, or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly."

[27] Article II, Section 9 of the Constitution.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.