

RODOLFO CANO, PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS AND HONORATA CRUZ, RESPONDENTS.

G.R. No. L-15594. October 31, 1960

Ponente: BARRERA, J.

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BARRERA, J.:

In a complaint filed by the Acting Prosecutor of the Court of Industrial Relations (in Case No. 057-ULP; Emilio Cano Employees and Workers Union [PTUC], Cayetano Olba, Salvador Labastida, Honorata Cruz, and Albino Tanghal, complainants vs. Emilio Cano, Ariston Cano and Rodolfo Cano, "president and proprietor, field supervisor and manager, respectively, of Emilio Cano Enterprises" were charged with unfair labor practice for having allegedly dismissed the complainants after they had refused to accede to respondents' demand to disaffiliate from or dissolve their labor union and to disengage in union activities. It was, therefore, prayed that respondents be ordered to desist from further committing the unfair labor acts complained of and to reinstate complainants to their former positions with corresponding back wages. After their motion to dismiss was denied, respondents filed answer denying the acts imputed to them and claiming that the separation of complainants was for reasons other than their union affiliation or activities.

On December 11, 1956, after two of the complainants had already testified, complainants Cayetano Olba and Albino Tanghal moved to be dropped from the complaint. This motion, however, was never acted upon by the court. In the meantime, evidence for the complainants continued to be taken. Finally, on July 3, 1957, acting upon a motion then filed by the complainant Union (through its president), the court ordered the dismissal of the entire case.

On July 9, 1957, Atty. Carlos E. Santiago, representing complainants Honorata Cruz and Salvador Labastida filed a motion for reconsideration of the aforesaid order of dismissal, mainly for the reason that the president of the Union was not authorized by them to cause the withdrawal of their individual complaints. Thus, on August 21, 1957, the court en banc issued a resolution in the following tenor:

"This is a motion filed by counsel for petitioner on July 9, 1957, for the reconsideration of the order of the trial court dated July 3, 1957. It appearing that said motion alleges facts which should be substantiated, let this case be, as it is hereby, remanded to the judge a quo for the reception of evidence in support of said motion for reconsideration.

"So ordered," (*Italics supplied.*)

The matter was, accordingly, set for hearing.

On March 10, 1958, the judge a quo, after considering the evidence taken sustaining the movants' allegation, issued an order, the dispositive portion of which reads:

"Wherefore the, order of July 3, 1957 is hereby set aside in the sense that this case is reinstated as far as it affects the rights of the individual Honorata Cruz.

"And since Salvador Labastida joined the cause of the respondents and asked for the dismissal of this case, after the hearing of this incident, as prayed for in his communication dated January 11, 1958 (folio 147), let this case be dismissed with respect to him.

"So ordered." (Italics supplied.)

Thereafter, the trial judge continued receiving evidence, including that of respondents, and after hearing the case rendered judgment thereon, dated January 7, 1959, finding that the dismissal of Honorata Cruz was without justification and constituted an act of interference in the union affiliation and/or activities of the employee, and of unfair labor practice. Consequently, respondents Emilio and Rodolfo Cano were ordered to reinstate the complainant with back wages from the date of separation to the date of actual reinstatement. Respondent Ariston Cano was exonerated for lack of evidence that he committed the acts imputed to him. The motion for reconsideration of the aforesaid decision having been denied by the court en banc, only Rodolfo[1] comes to this Court by way of the instant petition to review by certiorari.

Assailing the court's decision as well as the resolution of the court en banc denying his motion for reconsideration, petitioner claims, in substance, that-

1. The court en banc erred in entertaining the motion for reconsideration (of the order of dismissal) fitted by Atty. Carlos E. Santiago without the aid or supervision of the court's prosecutor;
2. The trial judge, designated merely to receive evidence in connection with the allegations in the motion for reconsideration, erred in setting aside the order of dismissal and in ordering the reinstatement of the complaint; and, thereafter, in rendering decision therein;
3. The trial judge erred in rendering judgment against the deceased Emilio Cano without ordering the proper substitution of parties;
4. The trial judge erred in not striking out from the records all evidence in support of the case insofar as the order of dismissal of July 3, 1957 was not disturbed; and in ordering the payment of back pay to Honorata Cruz;
5. The court en banc erred in denying his motion for reconsideration.

1. There is no question that the formal charge (for unfair labor practice) in this case was filed by the court prosecutor. The motion for reconsideration, which precipitated the partial reinstatement of the case after it was previously ordered dismissed, was filed by counsel for complainants Cruz and Labastida. Petitioner now claims that it was wrong for the Court en banc to have entertained the motion it appearing that it was filed without the aid or supervision of the court prosecutor. The contention is unmeritorious.

While under the Industrial Peace Act, a regular complaint for unfair labor practice, to be filed by the court-prosecutor, formally starts the proceeding, this does not necessarily bestow on said officer absolute control and supervision over the said proceeding, as in prosecution of offenses punishable under the penal code. By specific provision of law,[2] the rules of procedure observed in ordinary court litigations are not to be controlling in the hearing, investigation and determination of complaints for unfair labor practice. It is in consonance with the spirit and intent of the law that the court en banc took cognizance of the motion for the partial reinstatement of the case, filed by counsel for two of the complainants even without the intervention of the court prosecutor. To our mind, the action taken by the said court, in disregarding technicality in order to arrive at the proper determination of the facts of the case, particularly as to whether petitioning complainants authorized the dismissal of their case, is well within the authority granted by the Industrial Peace Act.

2. For the same reason adduced above, the next question raised herein would also fail.

Admittedly, after the reception of evidence supporting movants' allegations of fact contained in their motion for reconsideration, the trial judge, instead of transmitting his finding to the court en banc in order that the latter may itself properly dispose of the motion for reconsideration filed before it, motu proprio ordered the reinstatement of the case as far as complainant Cruz was concerned, and proceeded with the hearing of the case on the merits ultimately leading to the promulgation of the disputed decision. Although there was some kind of non-observance by the trial judge of the court's own rules,[3] we find it insufficient to disturb the decision rendered therein. In the first place, aside from the rule that the Court of Industrial Relations is not bound to observe strictly technical rules or legal formalities, but shall act according to justice and equity and substantial merits of the case (Sec. 20, C. A. No. 103, as amended), it cannot be claimed that the act complained of caused respondent (herein petitioner) any material injury. Even if the trial judge forwarded his findings and recommendation to the court en banc, the latter would have, in the light of its subsequent action, issued the same order and caused the case to be remanded to the court a quo for trial on the merits. The trial judge would then certainly have arrived at the same conclusion and rendered the same decision. This is borne out by the subsequent denial by the court en banc of herein petitioner's motion for reconsideration of the main decision, based, among others, precisely on this same alleged lack of jurisdiction of the trial judge, which denial amounted to an affirmance of the action taken by the trial judge[4] and may be considered, in the interest of speedy and objective administration of labor laws, to have cured whatever procedural defect may have been committed. In the second place, there is nothing in the records to sustain the view that the dismissal of complainant Honorata Cruz was justified. The finding of the trial judge, as affirmed by the court en banc, being supported by substantial evidence, must remain undisturbed.

3. Petitioner also claims that respondent Emilio Cano, who died during the pendency of the case in the lower court and before the promulgation of the decision, cannot be adjudged guilty of the acts charged and sentenced in a decision promulgated after his death. The contention is similarly without merit.

Respondents were named in the complaint as "Emilio Cano, Ariston Cano and Rodolfo Cano * * * president and proprietor, field supervisor, and manager, respectively, of Emilio Cano Enterprises". It is evident therefrom that they were sued not in their individual capacities, but as such officials of the establishment. The judgment rendered against the deceased, therefore, except those portions thereof[5] personal to him, is enforceable against his successor in office.

4. Lastly, petitioner contends that the court should have stricken from the records and disregarded all the evidence in support of the case, insofar as not affected by the order reinstating the case with respect to Honorata Cruz, because the effect of the dismissal of the complaint in respect of the other three complainants was, to quote petitioner, "to remove, strike out, eliminate, obliterate, and destroy not only the complaint but also the evidence in support of such complaint." Answering this contention, the court said, and we quote with approval:

"It is noted, that during the hearing of this case and before the respective motions to withdraw were filed by complainant union, and complainants Cayetano Olba, Albino Tanghal and Salvador Labastida, the complainant union was able to present documentary evidence and testimonies of Labastida, Ferraren and Olba, tending to establish that on several occasions they were threatened, cowed and intimidated by respondents, more particularly Emilio Cano, in urging them to resign their affiliation with the complainant union. It is believed that under the broad powers of this Court pursuant to Section 5 (6) of Republic Act 875, the evidence adduced by the above-named complainants cannot in any way be suppressed, and must affect the complaint of the remaining complainant Honorata Cruz, considering; that said evidence is closely related and having a bearing to the alleged unfair labor practice supposedly committed against said Honorata Cruz."

Independently of the above, the evidence treating solely the case of Honorata Cruz, which was reinstated, is, in our mind, sufficient to support the finding that this employee was unjustly dismissed because of her union activities.

While it is true that an offer to take her back was made at the conclusion of the hearing, her refusal thereof was justified because of the absence of a stipulation as to her back pay. Hence, the judgment for the payment of such back pay is correct.

With the above considerations, we find it unnecessary to pass upon the other points raised by petitioner.

Wherefore, the decision of the trial court of January 7, 1959 and the resolution of the court en banc dated February 4, 1959 are hereby affirmed, with costs against the petitioner. So ordered.

Paras, C. J., Bengzon, Padiua, Bautista Angela, Labrador, Reyes, J.B.L., Gutierrez David, and Paredes, JJ., concur.

Decision and resolution affirmed.

[1] Respondent Emilio Cano died before the promulgation of the decision.

[2] "Sec. 5. Unfair Labor Practice Cases.-* * *(b) * * *. In any such proceeding, the rules of evidence prevailing in courts of law or equity shall not be controlling and it is the spirit and intention of this Act that the Court and its members and Hearing Examiners shall use every and all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure. In rendering its decisions, the Court shall not be bound solely by the evidence presented during the hearing but may avail itself of all other means such as (but not limited to) ocular inspections and questioning of well-informed persons which results must be made a part of the record. In the 'proceeding before the Court or a Hearing Examiner thereof, the parties shall not be required to be represented by legal counsel and it shall be the duty and obligation of the Court or Hearing Examiner to examine and cross-examine witnesses on behalf of the parties and to assist in the orderly presentation of the evidence.'" (Italics supplied.)

[3] Pars. 15, 16, and 17, Rules of the Court of Industrial Relations.

[4] Benguet Consolidated Mining Co. vs. Coto Labor Union, 105 Phil., 915.

[5] Sec. 25, 1st par., Rep. Act No. 875.

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