

CARMELO & BAUERMANN, INC., PETITIONER, VS. NATIONAL LABOR RELATIONS COM-MISSION, LABOR ARBITER JULIO F. ANDRES, JR., CARMELO & BAUERMANN UNITED WORKERS UNION, AND NELPIO CABRERA...

G.R. No. L-49999. August 06, 1990

Ponente: NARVASA, J.

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NARVASA, J.:

The special civil action of certiorari and prohibition at bar was instituted in this Court by petitioner to annul and set aside the decision of the National Labor Relations Commission in Case No. RB--IV-11539-77. That decision affirmed with modification that of the Labor Arbiter which essentially found petitioner guilty of unfair labor practice and ordered reinstatement of all individual private respondents and the payment to them of their back wages.[1] After the case had been pending in this Court for about a year, the petitioner and private respondents, assisted by their respective counsel, jointly filed a "MOTION TO DISMISS WITH PREJUDICE" dated April 10, 1980,[2] praying "for the dismissal with prejudice of both this petition and the case a quo [NLRC Case No. RB-IV-11539-77] as originally filed with and decided by the * * Labor Arbiter Julio F. Andres, Jr. and National Labor Relations Commission on the ground that this case and all incidents thereof were already settled amicably by the adverse parties herein to their full and complete satisfaction as evidenced by the Quitclaim and Release Agreement dated April 10, 1980 * * attached and made integral part (of the motion)."

Five days or so later, some twenty-one (21) persons --- Benjamin Tolentino, et al., who were not parties in the proceedings a quo but claim to be "among the thirty three (33) office personnel and employees similarly situated of petitioner CARMELO & BAUERMANN, INC. who are mentioned and dealt with at length in the Decision, dated December 1, 1978 of the respondent ** Commission ** in NLRC Case No. RB-IV-11539-77" -- filed a motion for leave to intervene.[3] To their motion they appended a "PETITION IN INTERVENTION,"[4] which prayed for judgment:

"1. Declaring null and void ab initio the dismissal of intervenors and their conversion into casual employees;

"2. Declaring that the separation pay received by intervenors be treated as penalty for unfair labor practice, and that they are not under obligation to return the same;

"3. Restoring to intervenors their status as permanent regular employees entitled to all fringe benefits such as accrued vacation and sick leaves with pay, 5-hour work on Saturdays for plant workers, special public holiday pay for monthly-paid employees, security of tenure and without loss of seniority rights from May 28, 1976, specifically declaring that for purposes of retirement, the computation of retirement benefit should be made to begin from the date of their original appointments;

"4. Ordering Carmelo & Bauermann to pay each of the petitioners-intervenors the sum equivalent to their separation pay as shown in Annex 'AA' hereof, or in the alternative, as and by way of damages, plus the costs of suit" (and equitable relief, "such as attorneys' fees in the amount of P20,000.00").

The intervenors also presented an "URGENT MANIFESTATION AND MOTION" in which they alleged that consideration of the joint "MOTION TO DISMISS WITH PREJUDICE" should be held in abeyance until after the ** intervenors have been given their day in court through their ** Petition in Intervention, ** because if this case is dismissed with prejudice **, the legal rights of the ** movants--intervenors would be forever barred with the result that a grave miscarriage of justice will ensue **." [5]

By Resolution dated August 18, 1980, the Court (Second Division) granted the motion for leave to intervene, and required "the adverse parties to COMMENT on the urgent manifestation and motion dated April 16, 1980 of counsel for movants-intervenors within ten (10) days from notice." [6]

In its Comment, [7] Carmelo & Bauermann, Inc. pointed out that:

1) intervenors were NEVER parties either in the special civil action of certiorari and prohibition at bar, or in NLRC Case No. RB--IV-11539-77; neither are they persons who may be considered as necessary or indispensable parties in said NLRC Case or in this special civil action, "nor are they in any way affected by the amicable settlement entered into by the principal parties in this action **;"

2) they attempted to intervene "only now in the instant action and only after the public respondents ** had already tried and decided the case a quo on the merits and only after the petitioner and the private respondents had presented their evidence in the case a quo;"

3) the actions at bar being purely in personam, any judgment therein "will definitely not affect the intervenors nor constitute res judicata as against them for obvious reason * * (and their) causes of action, if any and if at all, can be fully protected in a separate action or proceeding;"

4) the intervenors would have "this Court receive evidence and ** adjudicate only for the first time and at this very late stage their claimed rights against the petitioner" which simply cannot be done in a special civil action of certiorari or by this Court, which is not a trier of facts;

5) the intervenors have not exhausted their remedies before the Ministry of Labor and Employment which has original jurisdiction of their present claims; they are thus barred from initiating or intervening in an action of certiorari under the so-called "doctrine of exhaustion of administrative remedies;" and

6) in any event, their causes of action, if any, have prescribed, since the Labor Code requires that unfair labor practice cases be filed with the appropriate agency within one (1) year from accrual, [8] and money claims accruing prior to the effectivity of the Code, also within one (1) year from date of such effectivity, [9] "otherwise they shall be forever barred."

The Solicitor General agrees that the movants-intervenors do not indeed have any interest in this proceeding which "is for the review of the decision of the NLRC;" this court is not the right forum because their complaint "would require investigation of several factual allegations" and this Court is not a trier of facts; the intervention would delay the proceedings at bar to the prejudice of private respondents, and the intervenors' "plain, speedy and adequate remedy" is before the NLRC. [10]

Petitioner and the Solicitor General are quite right in stating that the intervenors must seek their remedy, if any, elsewhere, not in these proceedings to review a decision in a case to which they were never parties. To be sure, the petitioner does not deny, and indeed the record does attest, [11] that the twenty-one (21) intervenors were among the one hundred eighteen (118) who signed quitclaims and releases, in effect consenting to their separation from petitioner's employ in consideration of various amounts paid and received. They are not, however, among the sixty-one (61) employees -- now private respondents herein -- who later impugned said waivers and charged

petitioner with unfair labor practice and illegal dismissal in Case No. RB-IV-11539-77 subject of the present petition for certiorari. Petitioner correctly points out that said case is one in personam, affecting only the parties thereto,[12] who alone are bound by the decision therein. That decision in nowise affected the rights of the intervenors, or foreclosed, concluded or resolved any claims they might have in respect of their employment with petitioner or the releases they had executed as such employees. Nor, in that context, would any adjudication by this Court on the present petition have any wider or different effect.

Intervenors were neither indispensable nor proper parties in the case now under review. Their presence was not, and is not, essential to either the final determination of said case,[13] or the accordance of complete relief as between those already parties thereto.[14] Their motion to intervene is quite late. No good reason therefore exists to allow their intervention at this late stage, particularly as it would threaten to derail an amicable settlement between the present parties and a prompt termination of the controversy.

Furthermore, it is not possible at this stage to decide the intervenors' claims on the merits without evidence which, of course, this Court will not receive in this proceeding.

Petitioner would have it that the intervenors' right of action has already prescribed, a contention not entirely without plausibility, but one that this Court does not now pass upon. If that is correct, intervenors would have only themselves to blame for sleeping on their rights, although to all appearances, they did not really so sleep on their rights, but simply waited until those of their colleagues who had taken up the cudgels against the original waiver agreements succeeded in obtaining a further financial settlement and then, and only then, bestirred themselves to ride, as it were, on the latter's coattails. If, on the other hand, prescription be held not to have yet set in, then it is clear that the rights intervenors would now assert can be fully litigated and protected in a separate proceeding.

WHEREFORE, the petition in intervention is DISMISSED; the joint "MOTION TO DISMISS WITH PREJUDICE" dated April 10, 1980 is GRANTED, there being nothing in the "Quitclaim and Release" of the same date on which it is based that is contrary to law, morals, good customs, public order or public policy; and the main petition is also hereby DISMISSED, without pronouncement as to costs.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Rollo, pp. 232, 236-237, 241

[2] Id., pp. 269-279

[3] Id., pp. 280-284

[4] Id., pp. 284-296

[5] Id., pp. 297-298

[6] Id., p. 298-A

[7] Id., pp. 329 et seq.

[8] ART. 291

[9] ART. 292

[10] Comment, Feb. 4, 1981, Rollo, pp. 363-370

[11] Rollo, Vol. I, pp. 41-48

[12] .. and, as stated in Sec. 9 (b), Rule 39 of the Rules of Court, “their successors in interest by title subsequent to the commencement of the action”

[13] Sec. 7, Rule 3, Rules of Court

[14] Sec. 8, Rule 3, Rules of Court

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