

PHILIPPINE LAND-AIR-SEA LABOR UNION (PLASLU), SEVERINO BUNGOLTO AND THIRTEEN OTHERS, PETITIONERS, VS. KIN SAN RICE AND CORN MILL COMPANY AND/OR TIBURCIO MA AND TUBOD LABOR UNION...

G. R. No. L-18235. October 30, 1962

Ponente: DIZON, J.

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DIZON, J.:

Appeal by certiorari taken by Philippine Land-Air-Sea Labor Union and fourteen of its members to reverse the resolution en banc of the Court of Industrial Relations in Case No. 43-ULP-Cebu setting aside its decision (thru Judge Jose S. Bautista) dated June 30, 1960, and dismissing their complaint.

Petitioner is a legitimate labor organization, with main office in Cebu City, while its co-petitioners are among its members employed with respondent Kim San Rice & Corn Mill Company, a duly organized domestic partnership doing business at Tubod, Lanao del Norte, with respondent Tiburcio Ma as its manager.

On August 15, 1955, petitioners filed with the Court of Industrial Relations a complaint for unfair labor practices under Republic Act 875 (Case No. 43-ULP-Cebu) against respondents and the Tubod Labor Union, a legitimate labor organization, its officers and some of its members, alleging that on April 9, 1955, Rosario Sambrano, vice-president of the Tubod Labor Union, together with some members thereof, threatened and coerced members of the PLASLU, who were employees of respondent company, into joining their union, resulting in petitioner Feliciano Angcajas being boxed and slapped by Sambrano; that on April 20, 1955 Tiburcio Ma, discriminating against PLASLU members, refused them work.

In separate answers respondents denied the material allegations of the complaint.

On June 30, 1960, after due trial, the Court, through Judge Jose S. Bautista, found the respondents guilty of the unfair labor practices charged and ordered them to desist from further committing the acts complained of, and ordered them (except the Tubod Labor Union) furthermore to reinstate the petitioners to their former positions under the same terms and conditions of employment, with back wages from April 20, 1955 until their actual reinstatement.

Deciding respondents' timely filed motion for reconsideration, the respondent Court en banc issued the appealed resolution, whose dispositive part reads as follows:

IN VIEW OF ALL THE FOREGOING, the decision dated June 30, 1960, is set aside and the complaint should be, as it is hereby, DISMISSED, for failure of the complainants to substantiate the same.

However, since counsel for respondents in the oral argument has made the Court understand that there could be a possibility of taking them (petitioners) back (for work) should they present themselves (Hearing of November 10, 1960), the Court enjoins respondents to comply with the commitment for the sake of industrial peace, whenever possible.

Petitioners contend that the Court of Industrial Relations committed grave abuse of discretion in ruling (a) that their evidence, consisting mainly of the testimonies of petitioners Francisco Angcajas, Felix Gonzaga and Emilio Lucot, is not sufficient to prove the alleged unfair labor practices alleged in their complaint, and (b) that each of the fourteen individual petitioners should have testified to prove their respective claims.

In the last analysis, the issue involved in this appeal therefore is whether or not the respondent court erred in finding that its co-respondents did not commit the acts complained of, namely: that they coerced some members of petitioner union to join the Tubod Labor Union, the coercion consisting mainly in petitioner Feliciano Angcajas being maltreated by the Vice President of the Tubod Labor Union, and that respondent partnership, through its Manager, discriminated against members of petitioner union to whom it refused work and employment on April 20, 1955.

In the decision of June 30, 1960, Judge Bautista found, on the basis of the evidence presented, that said acts were committed by respondents, but, in deciding the motion for reconsideration timely filed by respondents, the court en banc found otherwise; that is, that the alleged acts of coercion, maltreatment, and discrimination were not committed. This is the finding that petitioners now seek to have us reverse.

It is the settled rule in this jurisdiction that the decisions of the Court of Industrial Relations are open for review, on appeal by certiorari, only as to questions of law and not as to questions of fact nor as to the sufficiency of the evidence to support its findings of fact. On the other hand, it is likewise clear that, upon considering a motion for reconsideration, the Court of Industrial Relations, sitting en banc, is not bound to accept the findings of fact and law made by one of its judges who tried the case, but has the authority, nay, the duty, to ascertain whether said findings are or are not supported by the record, and if they are not, to reverse them and render the corresponding decision. In view of these considerations, we are not now in a position to hold that, contrary to the finding made by a majority of the judges of the respondent court, the acts complained of were really committed and that, consequently, respondents are guilty of unfair labor practice.

Wherefore, the resolution appealed from is affirmed, with costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Regala and Makalintal, JJ., concur.

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