

UNION OF PHILIPPINE EDUCATION EMPLOYEES (NLU), PETITIONERS, VS. PHILIPPINE EDUCATION CO., INC., AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. Nos. L-24634-35. March 28, 1969

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/92e12ae7ca40/>

MAKALINTAL, J.:

Petitioning union filed two complaints for unfair labor practice against respondent company, alleging dismissal of twenty-seven of its employees for union activities. Respondent court, in its decision of January 4, 1965, ordered the reinstatement of nineteen (19), with back wages. Of the remaining eight (8), two had died, one had found employment elsewhere, and one had retired. The other four are Ernesto Palaganas, Eduardo Elbanbuena, Jesus Galang and Maximo Villa-nueva. Palaganas was not ordered reinstated, while Elbanbuena Galang and Villanueva, although reinstated, were not granted back wages. The instant petition for review was filed by the union with respect to these four, the prayer being for the reinstatement of Palaganas with back wages and for the award of back wages to the three others.

The burden of petitioner's argument is that these four employees were similarly situated as the nineteen who received the full benefits of the decision, and therefore, must be treated in the same manner. This is not altogether correct, as the decision itself reveals. The court's finding with respect to Palaganas is as follows:

"Ernesto Palagana's case as told by respondent was a little different. Similarly, he was on the payroll of the Company on the off-and-on basis. Then he went on a leave of absence and since then he was unheard of until the respondent ultimately decided to erase his name in their roster."

Petitioner points to the case of five of the nineteen employees ordered reinstated with back wages, who "simply failed to return after the expiration of their leave of absence," and contends that the same relief must be awarded to Palaganas. There is a demonstrable difference between their situation and his, for they were working on a regular and continuous basis; and with respect to Jose Pineda, who was also reinstated despite the fact that he was working off and on, the Court did not find that he took a leave of absence and then failed to return thereafter. In any event, insofar as Palaganas is concerned, the elimination of his name from the company's roster on the ground that he remained unheard from after his leave of absence expired can hardly be considered as an unfair labor practice which would justify reinstatement, let alone back wages.

In the case of Eduardo Elbanbuena, his claim for reinstatement was dismissed "as it appears that he was reinstated and is still in the service." The denial of back wages to him, however, was erroneous. The court found: "right now (as of the date of the decision) Eduardo Elbanbuena is still in the service, but complainant's evidence clearly showed that he was laid off. Probably he was re-called since the presentation of complainant's evidence." It is not disputed that he was out of work from January 9 to November 3, 1960. Respondent company says that for all that appears he might have been on extended leave of absence with-out pay during that period, and that it was incumbent upon petitioner to prove otherwise. To our mind, the categorical finding of the court that he had been

laid off sufficiently rules out the speculative possibility referred to by respondent company. And if the other regular employees who failed to return after the expiration of their leaves of absence were granted back wages, justice dictates that Elbanbuena should be entitled to the same benefits.

The claim of Jesus Galang and Maximo Villanueva for back wages was correctly dismissed by the court because "they were not laid off; and (they) have already returned to work upon the expiration of their leaves of absence and have been thereafter continuously working in their former positions." This is a factual finding that is not disputed, nor has evidence of any lay-off of these two employees been brought to our attention.

WHEREFORE, the decision appealed from is modified by ordering the payment of back wages to Eduardo Elbanbuena for the period from January 9 to November 3, 1960, and affirmed in all other respects. No costs.

Concepcion, C.J., Reyes, JBL, Dizon, Zaldivar, Sanchez, Ruiz Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

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.