

MANILA RAILROAD COMPANY, RECURRENTE, CONTRA EL TRIBUNAL INDUSTRIAL Y “KAP. NG MGA MANGGAGAWA SA MRR.”, RECURRIDAS.

G.R. No. L-5628. October 29, 1952

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PABLO, M.:

Tratase de una apelacion por medio de certiorari interpuesta por la Manila Railroad Company contra la orden del Tribunal Industrial de 16 de enero de 1952, cuya parte dispositiva dice asi:

"IN VIEW OF THE FOREGOING, the Court finds the claim of the petitioner for the payment of the accumulated unused leave of absence of Alfonso Sanchez to be just and equitable, and hereby orders the respondent to pay his heirs the sum of P1,202.67, equivalent to five (5) months and fourteen (14) days of his unused leave."

Alfonso Sanchez murio mientras prestaba servicios a la compania.

La recurrente, en memorandum presentado en la causa No. 270-V, en la que era entonces recurrida, decia lo siguiente:

"Since 1936, the laborers and employees of the company had been enjoying 20 days vacation and sick leave. The vacation and sick leave was later increased to 30 days and was made cumulative. Any part of the vacation and sick leave unused by the employee during any year is carried over to the succeeding years. Upon resignation or extended sickness, the laborer is entitled to the money equivalent to his unused leave not exceeding five months, unless the laborer is separated for cause, in which case, the same is deemed forfeited.

"* * * After having received the money value of his unused leave, how will the company be able to obtain a refund of the money paid to the employees? Certainly it will not be fair for the employee to retain the same when he has committed an offense against the company. * * *" (Anexo 2 de la Contestacion)

Si se pagase a los herederos de Alfonso Sanchez el importe de su vacacion acumulada, la compania ya no tendria oportunidad de recobrarlo porque, fallecido Sanchez, ya no puede cometer faltas contra la compania. Si la vacacion anual y por enfermedad se acumula y, a la separacion del empleado, este puede recibir el equivalente ert dinero de toda su vacacion acumulada, no vemos la razon por que los herederos de Alfonso Sanchez no deben recibir tambien el importe de la vacacion acumulada de su difunto padre que, por ministerio de la ley, les trasmite todos sus bienes.

La decision dictada en Manila Railroad Company contra Court of Industrial Relations y Kapisanan ng mga Manggagawa sa Manila Railroad, (G. R. No. L-4616, promulgada en 31 de julio de 1952), confirmo la decision del Tribunal Industrial que ordena el pago a los herederos de Tomas Gutierrez del importe de la vacacion acumulada de este. Los herederos de Alfonso Sanchez, que murio en el desempeno de su cargo, deben recibir consideraciones mejores o, por lo menos, iguales que los herederos de Tomas Gutierrez y los que dejan el servicio, si la recurrente quiere tratar con justicia a todos sus obreros.

Tal vez tendrían cierta justificación las razones alegadas por la recurrente en 4 de abril de 1952 cuando presento su apelación; pero desde que quedó firme la decisión ya citada, la recurrente no tenía otra alternativa que pedir el sobreseimiento de su apelación y pagar inmediatamente a los herederos de Alfonso Sanchez el importe de la vacación acumulada que este había ganado antes de fallecer, y hubiera ahorrado el tiempo empleado en la vista de la causa discutiendo una cuestión ya decidida.

Las empresas capitalizadas por el Estado deben dar ejemplo en saber cumplir las decisiones y ordenes debidamente expedidas en controversias sobre legislación social, pues su fin primordial no es el de marginar pingües ganancias, sino el de mejorar el servicio en el comercio, industria y transportation, sin dejar de fomentar el bienestar de sus obreros, especialmente los herederos de aquellos que mueren en el desempeño de su cargo.

Se confirma la orden apelada con costas contra la recurrente.

Paras, Pres., Bengzon, Padilla, Montemayor, Jugo, Bautista Angela, y Labrador, MM., están conformes.

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