

VICENTE S. DEL ROSARIO, CEFERINA LLAMAS VDA. DE DEL ROSARIO, TERESITA REYES AND DIOSDADO LARRAZABAL, PETITIONERS, VS. THE COURT OF INDUSTRIAL RELATIONS AND THE PHILIPPINE LAND-...

G.R. No. L-23133. July 13, 1967

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

A 200-hectare land, known as Hacienda del Rosario, owned in common by Vicente del Rosario, Ceferina Vda. de del Rosario and Teresita Reyes, and administered by Dios-dado Larrazabal, has been devoted to large-scale sugar cane planting, processing and milling. Said co-owners also leased and applied to the same purpose a 107-hectare land owned by the Roman Catholic Church and administered by His Excellency, Archbishop Julio Rosales.

Against the above-named persons the PLASLU (Philippine Land-Air-Sea Labor Union) filed before the Court of Industrial Relations on June 30, 1958, a charge of unfair labor practice, for alleged violation of Section 4-A of Republic Act 875 consisting in dismissals of 87 workers in said hacienda due to membership in petitioning union. PLASLU asked that respondents be ordered to cease and de-sist from such unfair labor practice and to reinstate the laborers, with back wages.

Respondents filed a motion to dismiss on the ground that the Court of Industrial Relations had no jurisdiction. Action thereon was deferred. Respondents thereafter answered, on July 20, 1960, alleging lack of jurisdiction, questioning the PLASLU's personality to sue, and denying liability.

Rendering its decision on May 11, 1963, the Court of Industrial Relations upheld PLASLU's legal capacity to sue and ruled that it had jurisdiction over the case. Finding that about fifty of the hacienda workers were dismissed by respondents for reasons of union membership, it ordered respondents to reinstate them with back wages.

A motion for reconsideration was lodged with the Court of Industrial Relations en banc. Resolving the same on December 13, 1963, said Court ruled that in accordance with the doctrine in *Victorias Milling Co. v. CIR*, L-17281, March 30, 1963, the complaint should be dismissed as to the agricultural workers such as field laborers planting and harvesting sugar cane in the hacienda. As to those whose work is by nature industrial, like the mill laborers, trapicheros, chemists, fuelmen, oilers, mangongogay,* tractor and truck drivers, those undertaking or transporting the sugar cane from the field to the mill and then to the market, it held that the same doctrine sustained its jurisdiction, thereby affirming the decision as to said industrial workers.

Respondents appealed to Us and poise the following questions: Does the Court of Industrial Relations have jurisdiction over the case? If it does, is the finding of unfair labor practice supported by substantial evidence?

The first issue leads Us to consider Our ruling in *Pampanga Sugar Mills v. Pasumil Workers' Union*¹ and *Victorias Milling Co., v. CIR*, supra.

In the Pasumil case, We held that where "petitioner is a highly mechanized industrial concern with the work of planting and harvesting clearly distinguished from that of transporting the cane from the fields, first to a switch and later to the mill ... all its workers are to be considered industrial workers, except those devoted to purely agricultural work." (at p. 561) Reiterating this, We said in the Victorias case that it is "the nature of the work which classifies a worker as one fall-ing under the exemption [from coverage of R.A. 875] as agricultural laborers."

In an hacienda, there may therefore be both agricul-tural and industrial workers. Regarding the former, exclusive jurisdiction has been given to the Court of Agrarian Relations. As to the latter, exclusive jurisdiction has been placed in the Court of Industrial Relations.

As regards those workers who perform functions the nature of which is industrial, therefore, suit was pro-perly filed in the Court of Industrial Relations.

Against petitioners' contention to the contrary, the record shows that the petitioners' undertaking is a mechanized one, rendering applicable the norm set forth in the Victorias and Pasumil cases: (1) Petitioners alrea-dy owned 200 hectares, yet they leased 107 hectares more. It would be very difficult for them to profitably carry on under conditions they alleged unless the haciendas are mechanized; (2) Petitioners had 2 mills in the haciendas - one in their own and another in the land leased; (3) The field workers were different from the mill workers, showing specialization in the kind of work done; (4) The presence of a timekeeper and inspector in the ha-cienda, showing that the workers had a working schedule, and laborers were made to sign payrolls, a practice typical of industrial concerns; (5) The positions in question, mill laborers, trapicheros, chemists, fuelmen, oilers, mangongogay, tractor and truck drivers, those involving taking or transporting sugar cane from the field to the mill and to the market, are positions commonly found in industrial concerns.

Petitioners' liability for unfair labor practice is thus premised on Sec. 4-A of Republic Act 875, not under Republic Act 2263. As industrial employees, the labor-ers in the positions aforementioned were already covered by Republic Act 875, even before the effectivity of R.A. 2263, and were so covered when they were dismissed.

Petitioners claim that the findings of unfair labor practice is not supported by substantial evidence. They failed however to show why. Petitioners cite the dis-senting opinion of Judge Amando Bugayong who believed that there was no illegal dismissal because in letters dated March 18 and 31, 1958, complainants through their lawyer claimed back wages and overtime pay without men-tion of their alleged dismissal. This however does not indicate that there was no such dismissal, for it could also mean that said laborers at first would have been con-tented with payment of back wages and overtime pay; but that later, when refused payment thereof, they decided to ask for reinstatement also and thus raised the ground of dismissal as an unfair labor practice.

Petitioners stress that 24 [actually, the CIR said 20] of the 87 complainants were found never to have worked at all in the hacienda, and that 16 [actually, the CIR said 14] moved to dismiss the complaint with re-gard to their claims. All this does not alter the find-ing that the others were illegally dismissed. Neither do we find significant the fact that only seven witnesses were presented to support the charge, as long as the low-er court found them credible; the same is true of petitioners' observation that the witnesses did not agree as to the precise date of their dismissal, whether March 18 or 19, 1958. The fact is that substantial evidence there is, behind the finding that petitioners dismissed the la-borers in question in March of 1958 for reason of union membership. The submission that said laborers resigned freely, or were no longer employed by then, or that their dismissals were prompted by financial difficul-ties, was rejected below as not credible. Such matters relate to findings of facts in regard to which the determinations of the Court of Industrial Relations are conclusive where, as in this case, it has substantial evidence to rest upon.

WHEREFORE, the appealed decision and resolution of the Court of Industrial Relations are hereby affirmed. Costs against petitioners.

SO ORDERED.

Reyes, Makalintal, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., and Dizon, J., on official leave.

* A local term for "ladler".

1 L-7668, February 26, 1956, 98 Phil. 558.

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