

SAN PABLO OIL FACTORY, INC., ET AL., PETITIONERS, VS. COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.

G. R. No. L-18270. April 30, 1963

Ponente: DIZON, J.

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DIZON, J.:

Petitioners appealed by certiorari from the resolution of the respondent court en banc, Judge Tabigne dissenting, granting the motion filed by the herein respondent, Kapatirang Manggagawa Association (NLU) dated July 6, 1959, and, as a result, amending its resolution of October 29, 1958 by granting back wages to the workers involved in the case corresponding to the period of their unemployment due to the discriminatory lockout declared by their employer.

Our decision promulgated on November 28, 1962 reversed the appealed resolution because, upon the facts then clearly disclosed by the record, we held that when the same was issued, the resolution of the court of October 29, 1958, holding herein petitioners guilty of unfair labor practice, but without making any pronouncement as to backwages, had already become final and executory and that said court had therefore no authority in law to amend the same in any substantial respect.

For a better understanding of the case, we reproduce here the following portions of the original decision:

"On February 25, 1957, the Union thru its president, presented to the Company a petition for the renewal of the collective bargaining agreement entered into by and between them on July 6, 1955. The petition contained twelve new demands.

"In spite of a series of negotiations and conferences in the course of which proposals and counter-proposals were submitted and discussed, the parties were unable to reach any agreement. Consequently, the Union filed a notice of strike with the Department of Labor on April 22, 1957, effective May 22, 1957. Three days later the Company, thru its president, likewise filed a notice of lockout with the Department of Labor to be effective on May 27, 1957. These notices notwithstanding negotiations between the parties went on until the afternoon of May 27, 1957 when, upon closing of working hours, the Company declared a lockout against the members of the Union, of which the latter was notified.

"After the lockout, the negotiations continued, and in the course of one of the conferences between the parties, the workers offered to return to work but without signing a new contract unless their additional demands were granted. The Company insisted, however, as a condition precedent to their returning to work, that they sign a new contract embracing no more than the provisions of the old contract.

"On July 26, 1957, the Union, filed a complaint with the Court of Industrial Relations (Case No. 1350-ULP) charging the Company with unfair labor practice under Section 5(b) of Republic Act No. 875 and praying that its members be allowed to return to work and be paid their work wages from the time, they were locked out to the time they will be allowed to resume their jobs.

"The Company's answer alleged that the lockout was legal, having been declared in accordance with the

provisions of the Industrial Peace Act, and that it was the members of the Union who refused to work under the terms of employment offered to them.

"On September 8, 1957, the parties having agreed upon mutually acceptable terms of employment, signed a new collective bargaining agreement. This notwithstanding the case for unfair Labor Practice (Case No. 1350-ULP) was continued, but after due trial thereof, the Court of Industrial Relations, on March 21, 1958, issued an order dismissing the case. Respondent filed a motion for reconsideration of the above-mentioned order and on October 29, 1958, the Court en banc issued a resolution, the dispositive portion of which reads as follows:

'Wherefore, let the order of the Trial Court, dated March 21, 1958, be as it is hereby, reversed and respondents should be", as they are hereby iheld, guilty of unfair labor practice as charged in the complaint.'

"An appeal was taken by the Company from the above-mentioned resolution, but we dismissed it for lack of merit.

"More than eight months afterwards, that is, on July 6, 1959, tile Union filed a motion with the Court of Industrial Relations praying that, in view of its resolution finding the Company guilty of unfair labor practice, back wages be awarded to the workers during the period of the lockout.

"After a hearing on the motion, on March 15, 1961, the Court of Industrial Relations issued the resolution subject matter of the present appeal."

There is, therefore, no question that on March 21, 1958, after appropriate proceedings, the complaint for unfair labor practice against herein petitioners was dismissed by Judge Tabigne, but that the court en banc, by its resolution of October 29, 1958, reversed the order of dismissal and held petitioners guilty of unfair labor practice; that on July 6, 1959-more than eight (8) months after the date of the resolution just mentioned, the Union filed a motion with the court praying that, in view of the finding of unfair labor practice against petitioners, back wages be awarded to the laborers involved in the case, corresponding to the duration of the lockout.

In the original decision we held, as already stated, that the motion for back wages was filed out of time, and, as a result, we reversed the appealed resolution. But the Union claims in its motion for reconsideration that although the resolution appealed from was dated October 29, 1958, it was only on July 1, 1959 that the parties received due notice thereof, and that such being the case, its motion for back wages filed on July 6, 1959, or only five (5) days after notice, was filed before the resolution of October 29, 1958 could become executory. Petitioners expressly admit in their opposition to the motion for reconsideration that the Union—in fact, even they—were served with notice of the resolution of October 29, 1958 only on July 1, 1959. In the face of these facts that now clearly appear on record, the conclusion becomes inescapable that the motion for back wages filed on July 6, 1959 was timely filed. Consequently, at the time of its filing, the respondent court still had control and jurisdiction over its resolution of October 29, 1958 finding herein petitioners guilty of unfair labor practice.

The petitioners herein claim that the motion for back wages of July 6, 1959 was not a motion for reconsideration of the resolution of October 29, 1959. We find no merit in this contention. The aforesaid resolution was obviously incomplete because the court, having found the Company guilty of unfair labor practice, should have made an award of back wages in favor of the laborers who were the victims of the lockout (Section 15, Act No. 875). In view of this, the Union filed its motion for back wages which, in legal effect, was one to reconsider, to amend or complete the original resolution.

In view of all the foregoing, our decision promulgated on November 28, 1962 is hereby amended, by reaffirming, as we hereby affirm, the resolution of the respondent court subject of this appeal.

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

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