

LITTON MILLS WORKERS UNION-CCLU, PETITIONER, VS. LITTON MILLS, INC., LITTON KNITTING MILLS, INC. AND COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-37174. May 31, 1978

Ponente: BARREDO, J.

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BARREDO, J.:

Petition for certiorari and mandamus praying for the annulment and setting aside of the en banc order of the defunct Court of Industrial Relations in its Case No. 3718-ULP dated June 14, 1973 disallowing the admission of the amended complaint, dated October 12, 1972, filed by the Acting Assistant Chief Prosecutor, of the same court wherein it was sought to increase by four hundred and twenty-three (423) the number of laborers, members of the union, asking for reinstatement, which was alleged to be only forty-five (45) in the original complaint filed on May 27, 1963 or over eight (8) years earlier.

In April, 1963, petitioner Union was organized among the workers of the private respondent corporations. "Thereafter," according to the original complaint aforementioned filed by said union with respondent court, "respondents through its responsible officials and/or agents, particularly Gloria C. del Rio interfered with the right of the members of complainant union to self-organization by campaigning (sic) its officers and/or members urging them to disband complainant union and join the proposed company union to be headed by supervisors and offering them better positions" and "respondent through its (sic) officers in order to discourage membership in complainant union dismissed Anita Lorenzo, for no other reason except her union activities and/or being president of complainant union". It was further alleged that "as a result of respondents' acts (just specified) complainant union declared a strike at midnight of April 15, 1963 and consequently its members numbering more or less 500 picketed the premises of respondent Litton Mills, Inc. at Barrio Rosario, Pasig, Rizal" and "on the same day April 15, 1963, respondent Litton Knitting Mills, Inc. through its personnel manager Ramon Raymundo as a retaliatory act against the strike declared by complainant dismissed the employees enumerated below for no other reason except their union activities: (List of 45 names)" and, additionally, that "through a letter dated October 31, 1963, complainant union in behalf of its members offered to return to work but the respondents despite receipt of said letter did not even answer the same."

Relatedly, on June 20, 1963, an unfair labor practice case (Case No. 3724) was in turn filed by an Acting Prosecutor of respondent court on behalf of herein respondent Litton Mills, Inc. against petitioner union and some two hundred eleven (211) of its members working with said respondent charging that the strike already alleged in the petitioner's complaint in Case No. 3718 was illegally declared and was furthermore being illegally conducted, since "respondent employees joined the strike, picketed complainant's premises and by unlawful means prevented the free ingress (to) and egress (from) complainant's premises of its employees, customers and other persons thereby paralyzing the operation of the company" and that "the strike . . . was carried out with violence, threats and intimidation."

Being interrelated, the two cases were consolidated and tried together.

Early in January 1970, after the trial had progressed considerably, and more than six (6) years after the filing of the original complaint, the trial judge made overtures to settle the case amicably, in the course of which, respondents offered "to pay separation benefits to those individual employee-complainants specifically listed in Case No. 3718-ULP" conditioned on the dismissal of both cases. Probably sensing, rightly or wrongly, that respondents' conciliatory attitude betrayed a sign of weakness, petitioner, through counsel, brought up the idea of including among those to whom the benefits was to be paid by respondents, the 422 employee-members referred to at the outset of this opinion. Rebuffed by respondents, petitioner's counsel made it known that evidence would be introduced at the resumption of the trial of the names of the said 422 employee-members, with a view to securing their reinstatement. Respondents' counsel lost no time in announcing that the presentation of such evidence would be objected to by respondents.

Effectively, on January 5, 1970, petitioner filed with the respondent court the following motion:

"Complainant respectfully alleges:

"1. That among the allegation of the Complaint are the following:

'7. That as a result of respondents' acts stated in paragraphs 5 and 6 complainant union declared a strike at midnight of April 15, 1963 and consequently its members numbering more or less 500 picketed the premises of respondent Litton Mills, Inc. at Barrio Rosario, Pasig, Rizal;'

and

'10. That through a letter dated October 31, 1963 complainant Union in behalf of its members offered to return to work but the respondents despite receipt of said letter did not even answer the same.'

(Pars. 7 and 10, Complaint dated May 27, 1964)

"2. That Respondents have made known its intention to object to the presentation of evidence on the names of the strike who have not yet been reinstated, allegedly because they were not included as complainants or mentioned in the body of the Complaint;

"3. That although from the above-quoted pars. 7 and 10 of the Complaint the matter about the approximate number of unreinstated strikers is already averred with sufficient definiteness or particularity to enable the Respondents properly to prepare their responsive pleading (they have already filed their Answer -- dated October 3, 1964) or to prepare for trial and therefore there is no need to specify in the Complaint at this stage the names of said strikers, Complainant nevertheless is submitting herewith the list of unreinstated 454 strikers for inclusion in the Complaint, marked ANNEX A. Thus, 'the actual merits of the controversy may be speedily be determined, without regard to technicalities, and in the most expeditious and inexpensive manner' (Rule 10, Sec. 1, New Rules of Court).

"4. That actually with the mere specification of names of the unreinstated 'more or less 500' picketers-strikers there will be no substantial amendments nor substantial alteration of the cause of action, much less prejudice to Respondents, because the latter have been sufficiently apprised of the number of unreinstated strikers in pars. 7, 8 and 10 of the Complaint. (Please note that the names indicated in pars. 6 and 8 are also incorporated in the attached list, marked ANNEX A).

"5. That apparent from pars. 7 and 10, Complaint, there was already a preliminary investigation made on the 'more or less 500 strikers 'who offered to return to work but the respondents despite receipt of said letter did not even answer the same' (Par. 10, Complaint);

“6. That the power to order amendment of the Complaint at this stage, if still necessary, is evident from Sec. 20 of CA 103, which reads among other things:

'That in the hearing, investigation and determination of any question or controversy and in exercising any duties and power under this Act, the Court shall act according to justice and equity and substantial merits of the case, without regard to technicalities or legal forms and shall not be bound by any technical rules of legal evidence but may inform its mind in such manner as it may deem just and equitable.' (Com. Act 103, Sec. 20)

and from Sec. 5(b), RA 875:

'x x x In any such proceeding, the rules of evidence prevailing in courts of law or equity shall not be controlling and it is the spirit and intention of this Act that the Court and its members and Hearing Examiners shall use every and all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure.' (RA 875, Sec. 5 (b))

“7. That as once said by this Honorable Court:

'This Court, although forming an integral part of our existing judicial system, and possessing the powers generally pertaining to a regular court of justice, may also be considered as a court of equity such that in the administration of the law, it does not have to keep itself within the narrow confines of rigid legalism.' (Valeros, et al. v. Ardios, G. R. No. 174-R, March 23, 1948.)

“8. That Respondents have already waived their right to question the non-indication in the Complaint of the names of the 'more or less 500' strikers as alleged in par. 7 who were refused reinstatement, by filing their Answer, (supra), without first asking for a Bill of Particulars as to who they are.

“9. That finally the list of the unreinstated strikers may be proved even without the amendment of the Complaint in view of the following prayer thereof:

'(d) Granting complaint other affirmative reliefs and remedies warranted by the foregoing premises in order to effectuate the policies of the Industrial Peace Act.'

"WHEREFORE, it is most respectfully prayed that, if still necessary, an order be issued for the incorporation of the list of 454 strikers in the body of the Complaint. (To save time and much paper work, if at all the Complaint needs to be amended, the amendment may be made by indicating under par. 10 Annex A hereof, as the Complaint's own annex. We have extra copies of the list)." (Annex C, pp. 44-46, Record.)

Upon objection of respondents, on April 3, 1970, the motion was denied this wise:

"This is a motion by complainants (respondents in Case No. 3724-ULP) seeking to quote the relief prayed for that, 'if still necessary an order be issued for the incorporation of the list of 454 strikers in the body of the complaint'. This is indeed a unique prayer in the sense that movants herein would leave to the Court the responsibility which they should primarily shoulder in the prosecution of their case. While they seek to amend the complaint, they are not sure whether an amendment is really in order or not. We cannot subscribe to such a proposition.

"Let it be further noted that the motion does not bear the signature nor the conformity of the Court Prosecutor, whereas the original complaint was filed by him. Likewise it is to be noted that the issues has been joined in this case. Hearings has been heard and has progressed to a such a stage preparatory to submission of the same. In none of them was the question of amendment ever raised.

"WHEREFORE, in view of the foregoing, the said motion is hereby DENIED."

Undaunted, petitioner filed on April 13, 1970, another motion praying 'that the records of this case be remanded to

the Prosecution Division for investigation on the question of amending the complaint for purposes of clarifying who are those more or less 500 picketers who were refused reinstatement." Again, respondents opposed, and on May 2, 1970, respondent court ruled that "the Court Prosecutor is in control of the conduct of the prosecution He is fully aware of all the proceedings transpiring in this case. Accordingly, in the light of the circumstances obtaining, the private prosecutor should take up the matter with the Court Prosecutor."

On May 23, 1970, a charge of unfair labor practice was filed on behalf of petitioner by Anita Lorenzo, its president, and on October 12, 1972, a motion was filed by the Acting Assistant Chief Prosecutor for the admission of an amended complaint wherein he sought to amend the allegations in paragraph 10 of the original complaint as follows:

"10. That through a letter dated October 31, 1963, complainant union in behalf of its members, mentioned in 'Annex A' hereof and made an integral part of this amended complaint offered to return to work but the respondents despite receipt of said letter did not even answer the same."

At first, the trial judge was impressed and ordered admission. Upon motion for reconsideration by respondents, however, the court en banc, including the trial judge himself, issued the assailed order of June 14, 1973, reading thus:

"This concerns the Motion filed on December 12, 1972 by respondents, thru counsel, seeking reconsideration of the Order of the Trial Court dated December 1, 1972.

"The Court en banc, after a more careful perusal, scrutiny and evaluation of the records of this case, as well as the arguments submitted by the parties, finds sufficient reason and justification to reconsider the said Order of the Trial Court dated December 1, 1972, and, therefore, resolves to grant the aforementioned Motion for Reconsideration. The Amended Complaint filed on October 13, 1972 should therefore be, as it is hereby, disallowed."

The basic issue before Us is whether or not, in the light of the foregoing background facts, respondent court gravely abused its discretion in issuing the aforequoted order. The Court holds that it did not.

To begin with, it is to be noted that the attempt to introduce the amendment in question came only in January of 1970, that is, more than six and one-half years after the original complaint was filed. That original complaint was definite and specific not only in the allegations of its main body but also in its prayer as to the extent of the unfair labor practice charged by petitioner and the relief sought by it in consequence thereof. Paragraphs 6 and 8 of said complaint specifies the names of the employees, 46 all in all in number, who, allegedly were "dismissed . . . for no other reason except (her/their) union activities". The prayer, on the other hand, is "to reinstate the dismissed employees mentioned in paragraphs 6 and 8 with full back wages from the date of their dismissal up to their actual reinstatement without loss of rights and privileges formerly appertaining to them." If indeed there were more than four hundred employees similarly situated as those 46 specifically named, no plausible explanation was put forth to satisfy the respondent court regarding the cause or causes of their earlier omission. All that appears from the motion of the Acting Assistant Chief Prosecutor of October 12, 1972, is that the names of those additional employees "were not included in the original complaint (because) the union then failed to present their names in the investigation."

It is the contention of the herein petitioner-union that the following allegations in paragraph 10 of the original complaint:

"10. That through a letter dated October 31, 1963 complainant Union in behalf of its members offered to return to work but the respondents despite receipt of said letter did not even answer the same."

constitute sufficient basis, even if no amendment thereof were made, for the introduction of evidence tending to prove the names of the additional employees for whom it wants the same relief as the 46 specifically named. It is insisted that if there was no earlier disclosure of the names of the employees or workers referred to in the foregoing allegation, it was because no motion for a bill of particulars was filed by respondents. We do not consider such posture of petitioner to be accurate and fair.

As can be seen, from the unequivocal tenor of the above-quoted paragraph 10, there is no indication therein as to what was the exact status of those members on whose behalf petitioner made its offer of October 31, 1963 "to return to work." Withal, since, as it is alleged, "the respondents despite receipt of said letter did not even answer", with more reason, it was incumbent upon the union to have been more definite and assertive on behalf of its aggrieved members by making specific allegations and corresponding prayers for relief as to them in that very original complaint which they actually filed about seven months after the supposed offer was made or on May 27, 1964.

Contrary to the contention of petitioner, We do not believe that the tenor of the allegations in dispute placed private respondents under obligation to demand for a bill of particulars. Assuming there was indeed such an offer and the same remained unanswered or was ignored up to May 27, 1963, We cannot see from those bare facts how a cause of action for reinstatement of these concerned could arise. If their situation were identical to the 46 particularly named and for whom specific relief of reinstatement was prayed for, why did not the complaint so allege in plain language, rather than leave the supposed intent in shrouded ambiguity?

We are of the considered opinion that under the circumstances of this particular case, it is too late in the day to allow the desired amendment. Accordingly, the court below cannot be faulted as having gravely abused its discretion. Indeed, the proposed amendment does not impress Us as a mere particularization of what was originally alleged. Rather, it is actually an attempt to lay the basis to obtain relief that was not originally sought, for reasons not disclosed in the record.

By their very nature, petitions for reinstatement of dismissed or laid off employees are of utmost importance and urgency not only to the affected workers but even for their employer. For the former, it involves their wherewithal for the basic necessities of life and for the latter, the business or industry cannot wait indefinitely for their replacements. It is settled law in this jurisdiction that in the public service, judicial demands for reinstatement must be made by the employee concerned within one (1) year from the date of his alleged illegal removal under pain of being declared stale. (Sec. 16, Rule 66; *Cornejo vs. Secretary of Justice*, G. R. No. L-32818, June 28, 1974, 57 SCRA 663; *Galano vs. Roxas*, G. R. No. L-31241, Sept. 12, 1975, 67 SCRA 8.) The public interest that requires that the right to public office should be determined as speedily as practicable is also present in a comparable sense when it comes to disputes regarding dismissals from private employment. (*National Shipyards and Steel Corporation vs. CIR*, G. R. No. L-21675, May 23, 1967, 20 SCRA 134, citing *Morales vs. Patriarca*, et al., G. R. No. L-21280, April 30, 1965, 13 SCRA 766.) And in this connection, the Court considers unreasonable and unjustified for an employee or worker in private employment to raise the first time in court the issue of his alleged illegal or improper dismissal only after more than five (5) years have already elapsed. This is particularly true in the instant case where there was between the petitioner union and the respondents an on-going proceeding before the industrial court involving the alleged illegal dismissal of other specified employees during all the more than six years that the matter of the supposed illegal dismissal of the more than four hundred employees in question could have been squarely raised. We hold that under these circumstances, the amendment sought by petitioner is already barred by laches, even as it involves allegations of unfair labor practice. (*San Miguel Corp. vs. Cruz*, 31 SCRA 819.)

We are not prepared to assume that after more than six years, all the 423 employees in question would still be so

situated as to maintain active interest in their reinstatement. That is why lately, the Court has adopted the policy that in cases where the litigation for reinstatement takes considerable time to be tried or decided, the maximum back wages that may be awarded is for only three (3) years. (Mercury Drug Co. vs. CIR, 56 SCRA 694; RCPI vs. Phil. Communications, 65 SCRA 82.) We feel that workers who claim to have been illegally dismissed or laid off from their jobs are not supposed to indifferently wait for the result of the litigation and abandon altogether every effort to look for other work or sources of income. Sanctioning such lukewarm attitude would not seem to be consistent with sound business imperatives and basic moral considerations. And when for one reason or another, not reasonably shown to be justified, as in the case at bar, they do not even bring up the matter of their dismissal or lay off before the court in due time, the employer has a right to protest and put up the bar of laches, if not estoppel.

It may be true that there are indications some of the employees who were in the employ of respondents at the time of the strike have been allowed to continue working or were paid separation pay, but to Our mind, such circumstance does not necessarily make out a situation where estoppel can be invoked against the employee, hence the ruling in Davao Free Workers vs. CIR, October 31, 1974, 60 SCRA 408, relied upon by petitioners cannot apply here. Moreover, even this matter of the supposed discrimination by respondents as to who would be reinstated or given separation pay or not was first squarely raised only in 1970. In this connection, there is even no showing when and under what particular circumstances such reinstatement or payments of separation pay were made. Without these details, it is impossible for Us to appreciate whether or not the so-called condonation doctrine evolved in Citizen Labor Union, Pandacan Chapter vs. Standard-Vacuum Oil Co., G. R. No. L-7478, and other cases cited by petitioner can be applied to the instant case.

PREMISES CONSIDERED, the petition is dismissed. No costs.

Fernando, (Chairman), Antonio, Aquino, and Santos, JJ., concur.

Concepcion, Jr., J., on official leave of absence.

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