

STA. CECILIA SAWMILLS, INC., PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS AND TAGKAWAYAN LABOR UNION, RESPONDENTS.

G.R. Nos. L-19273-74. May 25, 1964

Ponente: LABRADOR, J.

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LABRADOR, J.:

In its motion for reconsideration, petitioner prays that the order requiring the reinstatement of the 113 laborers should not be ordered because of the impossibility of the reinstatement and the losses it will cause petitioner. Precisely the Court, taking into account the impossibility of reinstating the laborers by reason of the fact alleged in its motion for new trial, instead of ordering their reinstatement, decreed that they should be entitled to three months back pay. Petitioner therefore should have no ground for complaint. The losses suffered by reason of the grant of three months pay is the petitioner's penalty for dismissing the employees without just cause.

Wherefore, the motion for reconsideration filed by petitioner Sta. Cecilia Sawmills, Inc. is hereby denied.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, Paredes, Dizon, and Makalintal, JJ., concur.

RESOLUTION ON RESPONDENT UNION'S MOTION FOR RECONSIDERATION

LABRADOR, J.:

The respondent Tagkawayan Labor Union seeks the re-consideration of Our decision allowing members thereof wages for a period of three months, arguing that they should have "been reinstated and allowed to continue working after reinstatement, contrary to Our decision granting the three months wages.

The main ground of objection is that there was no evidence submitted at the trial on the supposed closing of the sawmills of the petitioner Sta. Cecilia Sawmills. That there was no evidence of such closing may be explained by the fact that the issue at the time of the trial was whether or not the removal of the members of the respondent union could be effected unless they affiliate with the National Labor Union, because of the existence of a contract of the company with the latter containing a closed-shop agreement. That no evidence of the closing of the sawmills was presented is due to the fact that such matter had nothing to do with the question at issue during the trial.

But when the decision came ordering the reinstatement of the members of the respondent union, the petitioner herein came face to face with the impossibility for carrying out the order of the court and therefore presented the motion for new trial, which however was denied on the ground that its presentation was late. We, however, hold that inasmuch as the motion for new trial does not affect the issue decided in the case, but only tends to justify a modification of the period of time within which the judgment of the court would be made effective, the Court thought it just and proper that the motion should be allowed and We would be permit it; and upon considering it

We found sufficient reason for believing that it was well-founded, that losses in the business of the petitioner justified the closing of its sawmills during two years following the strike (1955 & 1956) and, therefore, the order of the court could be modified so that the members of the respondent union would be granted salaries for the period of three months, instead of being authorized to be reinstated in the sawmills which had already been closed. (Erlanger & Galinger, Inc. vs. CIR & Flores, G.R. No. L-15118, Dec. 29, 1960)

The motion for reconsideration is, therefore, denied.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, Paredes, Dizon, and Makalintal, JJ., concur.

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