

**RURAL TRANSIT EMPLOYEES' ASSOCIATION, PETITIONER, VS.
BACHRACH MOTOR CO., INC., BACHRACH TRANSPORTATION
COMPANY AND COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.**

G.R. No. L-22392. October 26, 1967

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Petitioner, Rural Transit Employees' Association – hereinafter referred to as the Union – seeks the review by certiorari of an order of the Court of Industrial Relations, dismissing the present case, without prejudice.

Said Union is composed of employees of the Bachrach Motor Co., Inc., which was, subsequently, reorganized as Bachrach Transportation Company – hereinafter referred to as the Company – and is engaged in the transportation of passengers and freight by land in the Philippines. It appears that in May, 1958, the members of the Union declared a strike against the Company, in consequence of a labor dispute which was later certified by the President to the Court of Relations as one involving the national interest.

The background of said dispute was this: The Company used to accept freight, either accompanied or unaccompanied by the owners, shippers or agents thereof. The Union contended that this practice brought about undue inconvenience to the riding public, because it cramped the space available to the latter and caused unnecessary delays, owing to the fact that the buses had to go to barrios and remote places to look for the consignees of said unaccompanied freight; because the buses did not have separate compartments for freight, whether accompanied or not, so that the passengers, fearing that their baggage may get lost, insisted on placing them near their seats, subject to their surveillance; and because the absence of such compartments gave occasion for the loss, damage, misdelivery or nondelivery of the freight, for which the employees of the Company were penalized by the latter.

The Union had, accordingly, presented for compulsory arbitration, inter alia, two interrelated demands, which were segregated from the main dispute and designated as Case No. 22-IPA (19) of the Court of Industrial Relations, namely: (a) that separate freight trucks be commissioned to haul exclusively freight unaccompanied by the owners, shippers or agents thereof; and (b) that the penalties formerly imposed upon and collected from the drivers and conductors of the buses on which they were loaded, on account of the loss, damage, misdelivery or nondelivery of said freight, be declared unjustified as well as harsh, and ordered refunded to the employees concerned.

To bolster up these demands, the Union averred that the practice of accepting freight unaccompanied by the shipper was illegal and violative of the Company's certificate of public convenience, "especially when it disregarded the convenience, comfort and safety of the riding public." In support of this averment, the Union had presented a letter of the Acting Chief of the Complaint, Investigation and Enforcement Office of the Public Service Commission, expressing said view.

In its answer, the Company contended that, under the provisions of its certificate of public convenience, its buses

could transport, not only passengers, but, also, freight, either accompanied or unaccompanied by the shipper, and that the penalties complained of were imposed only in "clear cases of negligence" of the employees concerned, when freight was lost, damaged, misdelivered or undelivered.

Passing upon the issue thus raised, the Court of Industrial Relations issued an order, dated May 14, 1963, dismissing the petition without prejudice, upon the theory that the question whether or not the acceptance of accompanied and unaccompanied freight, under the conditions already adverted to, violated the Company's certificate of public convenience, was within the exclusive jurisdiction of the Public Service Commission. Hence, the present petition for review by certiorari.

We do not share the conclusion reached by the Court of Industrial Relations.

Although the Union contended that the acceptance of said freight in passenger buses, without any suitable compartment therefor, constituted a violation of the Company's certificate of public convenience, this was merely one of the grounds of the demand by the Union for a refund of the penalties imposed upon the employees concerned and collected by the Company for the loss, damage, misdelivery or nondelivery of said freight, as one of the causes of the labor dispute and the strike certified by the President to the Court of Industrial Relations. It was, not only within the competence, but, also, the duty of the Court of Industrial Relations to settle the issue raised by said demand, which led to the aforementioned strike, considering particularly that the labor dispute between the parties herein had been certified by the President as one involving or affecting the national interest.

Although it appears that the Company had subsequently secured a certificate of public convenience to operate trucks for the transportation exclusively of cargoes unaccompanied by the shippers thereof, the issue in the present case has not thereby become academic, in view of the fact that the demand of the Union for a refund of the penalties imposed and collected by the Company for the loss, damage, misdelivery or nondelivery of freight, has not been settled in consequence of the issuance of said certificate of public convenience. Moreover, even if the acceptance of freight, under the aforementioned circumstances, did not violate the rules of the Public Service Commission, there would still be the issue whether the Company was justified in punishing its employees as it did and should make the corresponding refund.

WHEREFORE, the order appealed from is hereby set aside and the case remanded to the Court of Industrial Relations for further proceedings, with the costs of this instance against the Company.

SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

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