

BALAEQUEZON EMPLOYEES & WORKERS TRANSPORTATION UNION, PETITIONER, VS. HON. PRESIDENTIAL ASSISTANT FOR LEGAL AFFAIRS RONALDO B. ZAMORA AND BATANGAS LAGUNA TAYABAS BUS CO., FORMERL...

G.R. Nos. L-46766-67. April 01, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

This twenty-two-year-old litigation is about the back-wages payable, on equitable considerations, to the striking employees in lieu of reinstatement.

The facts are not disputed. In June, 1957, the Balaquezon Employees & Workers Transportation Union declared a strike against the respondent company. The labor dispute was certified to the Court of Industrial Relations. As a result of the conciliation efforts undertaken by the Department of Labor, a certification election was held but the union refused to abide by the results of the election. It declared another strike on September 8, 1957. Again, the dispute was certified to the CIR by the President of the Philippines.

The CIR in its decision of August 19, 1959 declared the strike illegal. It ordered the dismissal of the union officers and directed the reinstatement without backwages of the union members should appropriate vacancies arise. The petition for the review of that decision was denied by this Court in its resolution of July 11, 1960 (L-16913-4, Balaquezon Employees & Workers Transportation Union vs. Court of Industrial Relations).

On December 22, 1960, the union filed a petition in the CIR for the reopening of the case and the modification of its decision. The CIR denied the petition. This Court dismissed the union's petition for the review of that denial order (L-19401-2, Balaquezon Employees & Workers Union vs. Batangas Transportation Company, et al., March 9, 1962).

In June, 1964, the union filed in the CIR a petition to declare respondent company in contempt of court for not having complied with the order for the reinstatement of its members. The company opposed the motion. The CIR re-ferred the matter to its examining division which did not act on it for a long time.

The examining division reported on January 16, 1974 that since the 1959 decision there had been enough vacancies to which the union members could have been appointed.

The CIR in its order of September 13, 1974 directed its trial judge to identify the union members entitled to reinstatement, lay down guidelines for their reinstatement, ascertain the wages to be paid to the reinstated employees, specify the officers of the union whose employment had been terminated and provide for such other terms and conditions as may be necessary to avoid any further dispute in the enforcement of the 1959 decision.

This Court dismissed the petition for the review of that order (L-39365-66, Balaquezon Employees & Workers Transportation Union vs. Court of Industrial Relations, et al., February 5, 1975).

After the abolition of the CIR, the National Labor Relations Commission, as its successor, implemented the CIR's 1959 decision. Labor Arbiter Francisco de los Reyes in his order of February 3, 1976 identified the one hundred fifty striking employees, out of two hundred forty-seven union members, who should be reinstated. He ruled that employees who are eligible for retirement or should fail to pass the medical examination should be given backwages at the rate of two hundred forty pesos a month, as follows: eighteen months for the thirty-four employees who in 1966 entered into a compromise with respondent company and six months for the remaining one hundred sixteen employees.

On appeal by both parties, the NLRC en banc (Alberto S. Veloso, chairman, and Diego P. Atienza, Cecilio T. Seno, Federico O. Borromeo, Ricardo Castro and Geronimo Q. Quadra, members) in its resolution of July 29, 1976, modified the Labor Arbiter's order by limiting the award of backwages to six months for all the one hundred fifty employees with the qualification that, in case of death of any employee after August 19, 1959, the benefit would be payable to his legal heirs.

The union appealed to the Secretary of Labor who in his order of September 15, 1976 increased the award of backwages from six to twelve months.

From that order, both parties appealed to the President of the Philippines. The Presidential Assistant on Legal Affairs in his decision of August 1, 1977 modified the Secretary's order and, in effect, reaffirmed the NLRC's en banc resolution by directing that each of the one hundred fifty union members should be paid backwages equivalent to six months' salary in the event that they cannot be reinstated.

In that same decision, the Presidential Legal Assistant sustained the Labor Arbiter's exclusion of seventy-three employees from receiving monetary benefits because their employment was terminated for reasons not connected with this case.

On September 20, 1977, the union assailed that decision in this Court by means of the instant special civil action of certiorari. This was the fourth case filed by the union since 1960 for the implementation of the CIR's 1959 decision.

Six months' backwages. - The union contends in its petition that the backwages should be equivalent to the compensation for three years instead of merely six months.

In its memorandum, the union contends that the award of backwages for six months should be increased to a just amount in the light of existing jurisprudence and the circumstances of the case.

It should be underscored that the backwages are being awarded on the basis of equity or in the nature of a severance pay. This means that a monetary award is to be paid to the striking employees as an alternative to reinstatement which can no longer be effected in view of the long passage of time or because of the "realities of the situation".

The Labor Arbiter, the NLRC and the Presidential Legal Assistant fixed the monetary award as equivalent to the compensation for six months. (The Labor Arbiter fixed the award at eighteen months' wages with respect to thirty-four of the one hundred fifty employees.)

However, the Secretary of Labor increased the award to an amount equivalent to the compensation for one year.

The Presidential Legal Assistant regarded the backwages for six months as "most in keeping with the demands of equity".

After a thorough review of the case, we find that no grave abuse of discretion was committed by the above-mentioned administrative officials in giving the one hundred fifty striking employees backwages for six

months as an alternative to reinstatement or as a sort of separation pay. We are disinclined to disturb that award.

Case of 73 employees. - The union alleges in its petition that the Labor Arbiter in his order of February 3, 1976 declared that seventy-three striking employees were ineligible for reinstatement because their names were not found in any relevant pleading, or they abandoned their jobs or due to some other reasons. The union did not elaborate in its memorandum its stand regarding the seventy-three employees.

The Presidential Legal Assistant inferred from the Labor Arbiter's order that the said seventy-three employees were not included in the union's petition for reinstatement dated November 21, 1957 and in its other pleadings. He further notes that before the Labor Arbiter issued his 1976 order the union was given a chance to present evidence to support its contentions (whatever they may be) with respect to the seventy-three employees. Its evidence was not sufficient to persuade the Labor Arbiter that the said employees were entitled to reinstatement.

The union has not bothered to make a separate list of the seventy-three employees. Nor has it refuted the observations and findings of the Labor Arbiter as to each individual employee. Neither has it specified the reasons and circumstances that would justify their reinstatement or their inclusion in the group entitled to the six-month backwages in lieu of reinstatement. The union just wants that this case be remanded to the Labor Arbiter for another hearing.

We find that no injustice was perpetrated by the Labor Arbiter, the NLRC, the Secretary of Labor and the Presidential Legal Assistant in not ordering the reinstatement of the seventy-three employees. At this late hour, it is not proper that this protracted litigation should remain pending for another long-drawn-out hearing.

WHEREFORE, the petition is dismissed. The decision of the Presidential Assistant on Legal Affairs, by authority of the President of the Philippines, is affirmed. No costs.

SO ORDERED.

Antonio, and Concepcion, Jr., JJ., concur. Barredo, (Chairman), J., I concur. I believe that under the peculiar facts of this case, it would be more costly to labor to prolong this litigation any further, even if in strict law He perceive there are phases that have been left out by the respondents.

Abad Santos, J., is abroad.

De Castro, J., Concur. Was designated to sit in the Second Division.

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