

PIO LARA,,ET AL., PETITIONERS, VS. COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.

G.R. No. L-6285. September 28, 1954

Ponente: JUGO, J.

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JUGO, J.:

This is a petition to review on certiorari the decision of the Court of Industrial relations dated September 20, 1952, which, on motion for reconsideration by the herein petitioners, was confirmed unanimously by said court in banc, in its resolution dated October 22, 1952, which reads as follows:

"This is a motion for reconsideration of the order of this Court, dated September 20, 1952, filed by the counsel for the petitioners on September 29, 1952. After a careful perusal of the evidence as well as the arguments of both parties, the Court in banc fails to find sufficient justification for altering or modifying the aforesaid order.

"MOTION DENIED.

"Manila, Philippines, October 22, 1952." (p.7 Rec.)

From the lengthy statement of facts made by the court of industrial Relations in said order of September 20, 1952, we gather the following data:

On January 10, 1948, at 3 o'clock on the afternoon, the petitioners, through the president of their union, Ramon A. Honorico, presented to the Batangas Transportation Co., respondent herein, a set of demands. The next day, January, at 8 o'clock in the morning, a strike was declared by the petitioners, which completely paralyzed the transportation business of the Company. On January 13, 1948, the Company filed a petition with the Court of Industrial Relations, praying, among other things, that the employees and workers belonging to the union of the herein petitioners be ordered to return to work immediately and in the event of refusal or failure to do so, the Company be authorized to dismiss them and to hire in their stead other employees in order not to interrupt the business of the Company, especially that of carrying the mails. The case was set for hearing on January 15, at 9 o'clock in the morning. Neither the president nor any member of the board of directors of the union appeared. The court after taking the testimony of the manager of the Company, issued an order on the same date requiring the workers who had walked out in the morning of July 11, to return to work within forty-eight hours after receipt of said order by the president or by any responsible official of the union, and authorizing the Company to employ other persons should the strikers fail to return to work. The company was likewise ordered to refrain from dismissing any worker without the previous consent of the Court. The officers of the union evaded the service of said order. On January 27, 1948, the court issued a notice hearing for February 2. Although no representative of the union appeared at said hearing, the court, considering the conciliatory attitude of the counsel of the Company, extended the period of forty-eight hours within which the workers should return to work, with the warning that, should they fail to do so, the order of January 15 would be enforced. The officers of the union again evaded the service of the new order. Through the intervention of the Governor of batangas, a conference was scheduled to be held on February 7 in the premises of the court. Nothing came out of this conference, and it was reset for February 14, which also was a failure. Finally, after a prolonged stalling and dilly-dallying on the part of the

petitioners, Pelagio Potencio, purporting to represent the Company, and Ramon A. Honorico, the president of the BAGONG PAGKAKAISA association, representing the strikers, entered into an agreement marked exhibit "A" in the record, which reads as follows:

"KASUNDUAN

"KAMING mga may lagda sa ibaba nito mga may asawa, may mga sapat na gulang, ang una ay Dr. POTENCIANO PELAGIO, sa panig ng puhunan, at ang ikalawa ay G. RAMON A. HONORICO, aaklas, sa pamamagitan ng amin-aming mga karapatan upang makipagkasundo sa bisa ng kapangyarihan tinataglay namin sa bawa't panig ay kami'y nagkasundo ng gaya ng sumusunod:

"UNA, aming pinagkaisahan na magpatuloy na ng operacion ang BATANGAS TRANSPORTATION COMPANY sa lahat ng kaniyang nasasakupan daan may pahintulot na ang makikialam ay ang dating mga manggagawa o kawani;

"IKALAWA, aming pinagkaisahan na sa pagpapasukan ng lahat ng mga kawani at manggagawa ay pansamantalang mapipigil muna sa pagpasok ang labing pitong (17) kawani ng B.T.Co., na ang mga pangalan ay sumusunod:

1. Gregorio Enriquez 10. Ambrosio G. Fernandez
2. Pio Lara 11. Cornelio Gonzales
3. Ambrosio Comia 12. Luis Olarte
4. Domingo de Claro 13. Nicolas Mortera
5. Avelino Umahon 14. Mariano Abiad
6. Sabino Mandigma 15. Francisco Lagrosa
7. Pedro Nangubat 16. Miguel Villafranca
8. Domingo Paner 17. Miguel Villafranca
9. Sofio Carandang

"IKATLO, ipinangangako ng panig ng puhunan (Dr. PELAGIO POTENCIANO) na ang pangsama ntalang pagpipigil, sa labing pitong (17) katao ay sa loob ng isang (1) bwan ay gagawin niya ang paraan upang ang lahat ng mga ito ay mabalik sa kanilang mga gawaing dati sa lob ng pagawaan ng B.T. Co.,;

"IKAPAT, ipinangangako din ng panig ng puhunan na kung sakali at hindi niya matupad and pagpapabalik sa labing pitong taong ito pagkaraan ng isang buwan ay may pananagutan siya sa pangulo ng KAP. BAGONG PAGKAKAISA, RAMON A. HONORICO, sa paghahabol nito;

"IKALIMA, ipinangako din ng panig na puhunan na tutulong siya sa pagkakakitaan ng gastos ng labing pitong taong ito sa araw araw habang hindi na nababalik sila sa compania;

"SA KATUNAYAN NG LAHAT NANG ITO AY KAMI'Y NAGLAGDA NG AMING MGA PANGALAN AT APELLIDO NGAYONG ARAW NA ITO, ABRIL 13, 1948, dito sa BATANGAS, BATANGAS, sa ibaba ng kasunduang ito.

(Sgd.) P.A. Potencio

DR. PELAGIO POTENCIANO

Puhunan

(Sgd.) Ramon A. Honorico

RAMON A. HONORICO

Pangulo

Manggagawa

MGA SAKSI:

(Sgd.) FELICIANO LIVESTE

(Sgd.) M.B. VILLAFRANCA"

The herein petitioners afterwards filed a petition asking the Court of Industrial Relations to order the performance of said agreement. The Industrial Court denied the petition for the reasons stated in its order of September 20, 1952, above mentioned. The petitioners filed a motion for reconsideration which was denied unanimously by the court in banc on October 22.

The fact is that Pelagio Potenciano had not been authorized by the Company to represent it, nor to enter into such agreement. This is a finding of fact made by the Court of Industrial Relations which we cannot review, especially as it appears from the agreement itself which contains the following paragraphs:

"IKATLO, ipinangangako ng panig ng puhunan (Dr. PELAGIO POTENCIANO) na ang pangsama ntalang pagpipigil, sa labing pitong (17) katao ay sa loob ng isang (1) bwan ay gagawin niya ang paraan upang ang lahat ng mga ito ay mabalik sa kanilang mga gawaing dati sa lob ng pagawaan ng B.T. Co.,;

"IKAPAT, ipinangangako din ng panig ng puhunan na kung sakali at hindi niya matupad and pagpapabalik sa labing pitong taong ito pagkaraan ng isang buwan ay may pananagutan siya sa pangulo ng KAP. BAGONG PAGKAKAISA, RAMON A. HONORICO, sa paghahabol nito;

There is nothing to show, according to the findings of the Court of Industrial Relations, that the Company ratified expressly or impliedly the unauthorized acts of Potencio.

IN VIEW OF THE FOREGOING, the petition is hereby denied with costs against the petitioners.

SO ORDERED.

Paras, C.J., Pablo, Bengzon, Padilla, Reyes, Bautista Angelo, Concepcion, and Reyes, J.B.L., JJ., concur.

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