

**PHILIPPINE PACKING CORPORATION AND RICARTE ABEJUELA,
PETITIONERS, VS. HON. BALDOMERO B. REYES, COURT OF
AGRARIAN RELATIONS, 14TH REGIONAL DISTRICT; NERIO MEDEL,
ERIBERTO CABAÑE...**

G.R. No. L-30030. November 29, 1971

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

These two cases involving the same petitioner corporation and some of its agricultural workers named as private respondent submit the identical legal issue of whether or not a preliminary investigation is necessary in unfair labor practice cases filed before the Court of Agrarian Relations. They were therefore ordered consolidated[1] and are now jointly decided herein.

In L-30030, respondents-agricultural workers filed on November 18, 1965 with respondent court a complaint for "dismissal without justifiable cause" - which was deemed as one for unfair labor practice -and alleging that they were dismissed by petitioner because of their refusal to become members of a company-favored rival union, prayed that they be reinstated to their employment with corresponding pay.

In L-33801, respondent-president of the Plantation Supervisors Union, a union of supervisors in petitioner's pineapple plantations, filed on January 11, 1971 with respondent court a complaint for unfair labor practice, alleging that he had been dismissed without just cause, because of his union activities, notwithstanding his recognized efficient and faithful service since 1964, and prayed for his reinstatement with corresponding pay and moral and exemplary damages.

In both cases, petitioner sought dismissal' of the complaints on the principal ground that "respondent judge did not validly acquire jurisdiction over the case because no preliminary investigation was conducted as required by sec. 5(b) of R. A. 875 in unfair labor practice cases."

Respondent court sustained its jurisdiction and dismissed petitioner's contention that the conduct of such preliminary investigation is a "mandatory requirement before the case can be heard on the merits, " in its orders of June 26, 1968[2] and April 16, 1971[3]. Respondent court anchored its ruling on the strength of this Court's decision in *Matillano vs. de Leon*,[4] holding that "neither the Rules of the Court of Agrarian Relations nor the Rules of Court require the preliminary investigation in question."

The immediate issue raised in the petitions is whether the ruling of *Matillano* holding that such preliminary investigation was not necessary in cases filed before the Agricultural Land Reform Code took effect on August 8, 1963 is equally applicable to cases filed thereafter, such as the present cases. In *Matillano*, the Court, in consonance with its authority and policy to decide actual controversies and not give opinions on abstract propositions and moot cases[5] had strictly confined its ruling to the issue before it, thus "(A)s the law stood then when the complaint in the present case was filed on April 14, 1963, the procedure contained in Section 5 of

Republic Act 875 could not be applied to agricultural laborers, since Republic Act 875 was not then applicable to them. The point whether agricultural laborers are now (sic) covered by Republic Act 875 by virtue of the Agricultural Land Reform Code is not being decided here. For, in any case, the present suit was filed before the Agricultural Land Reform Code took effect."

Petitioner contends that by virtue of section 47 of the Agricultural and Reform Code, Republic Act 3844, which took effect on August 8, 1963 provides that:

"SEC. 47. Other Applicable Provisions. - All other existing laws applicable to non-agricultural workers in private enterprises which are not inconsistent with this Code shall likewise apply to farm workers, farm labor organizations and agrarian disputes as defined in this Code, as well as to relations between farm management and farm labor and the functions of the Department of Labor and other agencies."[6]

the prior preliminary investigation of unfair labor practice charges required of the Court of Industrial Relations under section 5(b) of Republic Act 875[7] is now likewise applicable to agricultural workers and must be conducted by the agrarian court as a jurisdictional requirement.

The Court finds petitioner's submission to be without merit.

1. The Court's rationale in *Matillano* for holding that there was no need for preliminary investigation of unfair labor practice cases filed with the agrarian court before approval on August 8, 1963 of the Agricultural Land Reform Code is equally applicable to such cases filed after the said Code took effect. The Court, through Mr. Justice Jose P. Bengzon, thus ruled upon the issue:

"To put the issue in proper perspective, let us trace the procedure in both the Court of Agrarian Relations and the Court of Industrial Relations as regards the matter under consideration.

"On October 29, 1936, Commonwealth Act No. 103 created the Court of Industrial Relations giving it jurisdiction over the entire Philippines, 'to consider, investigate, decide, and settle all questions, matters, controversies, or disputes arising between, and/or affecting employers and employees or laborers and landlords and tenants or farm laborers, and regulate the relations between them, subject to the provisions of this Act.' Then, industrial laborers and their employers, tenants, landlords and farm laborers or agricultural workers were all within the jurisdiction of the Court of Industrial Relations. Pursuant to Section 20 of the Act, the court promulgated on October 1, 1945 its Rules of Procedure applicable to all covered by its jurisdiction. The Rules did not provide for such preliminary investigation prior to the filing of the complaint. Years after, on June 17, 1953, Republic Act 875 - the Industrial Peace Act - took effect, which dealt with the relationship between employer and employee and disputes arising therein. The Act requires among others that a preliminary investigation be held after the charge for unfair labor practice is filed as preparatory to the filing of the formal complaint. Then on August 30, 1954, came Republic Act 1199, more popularly known as the Agricultural Tenancy Act governing the relations between land-lord and tenant. The jurisdiction as to landlords and tenants was still in the Court of Industrial Relations until Republic Act 1267 became effective on June 14, 1955, creating the Court of Agrarian Relations with 'original and exclusive jurisdiction over the entire Philippines, to consider, investigate, decide, and settle all questions, matters, controversies or disputes involving all those relationships established by law which determine the varying rights of persons in the cultivation and use of agricultural land where one of the parties works the land. x x x'. The Agrarian Court was given the authority to adopt its rules of procedure and in accordance therewith, the court promulgated its own rules of procedure where nothing was said on the necessity of preliminary investigation.

"As the law stood then when the complaint in the present case was filed on April 14, 1963, the procedure contained in Section 5 of Republic Act 875 could not be applied to agricultural laborers, since Republic Act 875 was not then applicable to them. The point whether agricultural laborers are now (sic) covered by Republic Act 875 by virtue of the Agricultural Land Reform Code is not being decided here. For, in any case,

the present suit was filed before the Agricultural Land Reform Code took effect.

"The procedure applicable to cases involving agricultural laborers prior to the creation of the Court of Agrarian Relations, was the Rules of the Court of Industrial Relations. After the Court of Agrarian Relations was created on June 14, 1955 until the effectivity of the Agricultural Land Reform Code on August 8, 1963, the procedure for said cases was that provided for in the Rules of the Court of Agrarian Relations. This, as stated, was the procedure applicable when the present suit was filed. And, finally, since August 8, 1963, to the present, the procedure governing agricultural laborers' cases is the Rules of Court by virtue of Sec. 155 of the Agricultural Land Reform Code. Neither the Rules of the Court of Agrarian Relations nor the Rules of Court require the preliminary investigation in question.

"The violation of the Minimum Wage law not being one of the enumerated instances of unfair labor practices, in the second cause of action - wage differential - there is, in any event, no need of preliminary investigation." [8]

2. With the enactment of the Agricultural Land Reform Code, the rule-making power of the agrarian court under Republic Act No. 1267, as amended by Republic Act No. 1409, has been withdrawn. [9] Instead, section 155 of the code expressly ordains that "(T)he Courts of Agrarian Relations shall be governed by the Rules of Court. " This is obviously because of the conversion, under the code, of the agrarian courts from administrative tribunals to regular courts under the judicial branch of the government with "all the powers and prerogatives inherent in or belonging to the Court of First Instance." [10]

There is nothing in the code nor in the Rules of Court which would require the agrarian courts to conduct a prior preliminary investigation before taking cognizance of unfair labor practice cases filed by aggrieved parties. This was strongly intimated in Matillano, when the Court pointed out, supra, that "and, finally, since August 8, 1963 to the present, the procedure governing agricultural laborers' cases is the Rules of Court by virtue of Sec. 155 of the Agricultural Land Reform Code. Neither the Rules of the Court of Agrarian Relations nor the Rules of Court require the preliminary investigation in question."

Section 155 of the Code in fact expressly enjoins that the agrarian courts "in the hearing, investigation and determination of any question or controversy pending before them. . . . without impairing substantial rights, shall not be bound strictly by the technical rules of evidence and procedure, except in expropriation cases."

These provisions have not been modified or amended howsoever by the amendments introduced in said section by Republic Act 6389, section 30, (which recently took effect on September 10, 1971), expanding the power of the agrarian courts to include compulsory arbitration of agrarian conflicts "upon certification by the Secretary of Justice."

3. The original and exclusive jurisdiction of the agrarian courts as conferred by section 154 of the Code over "(1) (A)ll cases involving matters, controversies, disputes or money claims arising from agrarian relations x x x; (2) All cases or actions involving violations of Chapters I and II of this Code (referring to the agricultural leasehold system and the bill of rights for agricultural labor); and (3) Expropriations to be instituted by the Land Authority x x x " [11] stands unchanged. Again, nothing is therein provided that in order that the agrarian courts may exercise their jurisdiction over unfair labor practices or violations of the agricultural laborers' bill of rights only after conducting a prior preliminary investigation thereof. As a matter of practical fact, the Code does not provide for any agency or facility in the agrarian court - such as the prosecution division of the court of industrial relations - which may conduct a preliminary investigation of unfair labor practice charges.

4. Section 47 of the Code, supra, relied upon by petitioner, does not support its contention that the requirement of prior preliminary investigation of unfair labor practice charges in industrial disputes under section 5(b) of

Republic Act 875 was thereby made applicable in similar cases before the agrarian courts. For said section only thereby provided for the applicability of all other existing laws applicable to non-agricultural workers in private enterprises to farm workers, when "not inconsistent with this Code." Obviously, this was meant for the benefit of farm workers and not to pre-judge them.

Since section 46 of the Code on the farm worker's "right against suspension or lay-off" unqualifiedly allows him to apply unconditionally to the agrarian court for relief and protection against dismissals without just cause, without need of preliminary investigation, section 47 may certainly not be availed of indirectly and circuitously to detract from the agrarian worker's right by contending that the agrarian court should follow the industrial court's procedure of a prior preliminary investigation. Such procedure is inconsistent with and is not required by that provided in the agricultural land reform code.

5. It is settled doctrine that the right to a preliminary investigation of charges, criminal or otherwise, is conferred by statute.[12] In unfair labor charges before the industrial courts, it has been held that the preliminary investigation ordained by statute (section 5(b) of Republic Act 875) "is really necessary not only for the protection of the respondent but also for the benefit of the CIR itself so that the respondent may not be required to defend itself against frivolous and unfounded charges, and the valuable time of the CIR dissipated and unnecessarily spent in hearing charges without any basis." [13] In the absence of a clear similar statutory requirement that agrarian courts must conduct a similar prior preliminary investigation of unfair labor practice complaints filed with them, petitioner's insistence on such preliminary investigation cannot prosper. Congress' appraisal that the Rules of Court, which it expressly provided would govern the agrarian court, would provide sufficient safeguard against frivolous and unfounded charges (rather than a prior preliminary investigation) is not subject to review by this Court.

ACCORDINGLY, the petitions are hereby dismissed, with costs against petitioner.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Castro, Fernando, Barredo, Villamor, and Makasiar, JJ., concur.

[1] Res. of July 29, 1971 in L-33801.

[2] In L-30030.

[3] In L-33801.

[4] 22 SCRA 1086, 1090 (March 15, 1968).

[5] *Garron vs. Arca*, 88 Phil. 490 (Apr. 18, 1951) and cases cited.

[6] Emphasis furnished.

[7] "The Court shall observe the following, procedure, without resort to mediation and conciliation as provided in section four of Commonwealth Act Numbered One Hundred and Three, as amended, or to any pre-trial procedure. Whenever it is charged by an offended party or his representative that any person has engaged or is engaging in any, such unfair, labor practice, the Court, or any agency or agent. designated by the Court, must investigate such charge and shall have the power to issue and cause to be served upon such person a Complaint stating the, charges in that respect and containing a notice of hearing before the Court or a member thereof, or before a designated Hearing Examiner at the time and place fixed therein not less than five nor more than ten days after serving the said complaint. x x x" (R. A. 875, sec. 5(b)).

[8] Emphasis furnished.

[9] Vide Montemayor's Labor, Agrarian & Social Legislation, Vol. 3, 1967 Ed., p. 509.

[10] Section 155, Rep. Act 3344.

[11] Notes in parentheses furnished.

[12] People vs. Abejuela, 38 SCRA 324 (March 31, 1971) and cases cited.

[13] National Union of Printing Workers vs. Asia Printing, 99 Phil. 589 (July 20, 1956).

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