

PHILIPPINE MANUFACTURING CO., PETITIONER, VS. NATIONAL LABOR UNION AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-3033. January 13, 1950

Ponente: TORRES, J.

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TORRES, J.:

This is a petition filed by the Philippine Manufacturing Company which prays that this Court issue a writ of centiorari to the Court of Industrial Relations ordering the latter (a) to forward and certify to this Court case 119-V(1) of said court, entitled National Labor Union vs. Philippine Manufacturing Company, so that the order of said court of February 9, 1949, may be reviewed by us; and (b) that the orders of the Court of Industrial Relations of February 9, 1949 and June 17, 1949, be vacated and set aside.

It appears that in said case No. 119-V(1) on February 11, 1948, the National Labor Union petitioned the Court of Industrial Relations that Emilio Padua, a member of the union employed by the Philippine Manufacturing Company up to February 6, 1948, was dismissed from his employment by the respondent without any justifiable cause; that his dismissal was due to his union activities. The Court of Industrial Relations, after hearing, in an order issued on February 9, 1949, declared that the dismissal of Emilio Padua was without any justifiable cause and consequently ordered his reinstatement "to his former position in the respondent company, with pay, from February 6, 1948 up to the date of his reinstatement."

According to the findings of the Court of Industrial Relations, Emilio Padua had been in the service of the Philippine Manufacturing Company as early as 1937 and after liberation re-entered the service of said firm in February, 1947. From that date on he was receiving a daily wage of P4.75, but sometime prior to his dismissal said wage was increased by P.25 a day, so that on February 6, 1948 he was being paid at the rate of P5 a day. Padua was assigned to the Purico Department of the respondent. His work consisted of pasting, nailing and binding or strapping the wooden boxes with wires. He was alone in that work, but one day foreman Eusebio Dollar saw him with much work and the boxes piling up, and Dollar became angry. It further appears that Padua accompanied the representative of the Court of Industrial Relations during an ocular inspection made by said official in the respondent company's premises in March, 1948. Padua testified that he told Catherine Carmichael, the supervisor of the work of piling boxes in the conveyor, that he needed help in his work. Carmichael told him to see Roberto Galang, the general foreman in the department, but in view of the failure of Galang to give Padua the needed helper, Dollar, foreman in the Margarine Department, became mad and reported him to Mason for not following his order. The next day, February 6, 1948, Padua was dismissed. Padua further said that he was expected to do the work that should have been accomplished by two men; that he was one of the organizers of the National Labor Union in the respondent company; that Dollar saw him proselyting among the laborers of the company to become members of the National Labor Union.

On the other hand, the evidence submitted by officials and employees of the respondent company emphasize on

the alleged inefficiency of Padua, for, according to Dollar, on February 5, 1948 Padua had finished only seven boxes and when his attention was called to that fact Padua told Dollar to go away, that it was none of his business, that Galang was his foreman. Dollar reported the matter to Mason and suggested that Padua be transferred to the Construction Department, that Mason investigated the matter and subsequently dismissed Padua from the service of the company. On cross examination Padua admitted, however, that it was Benitez who was supposed to give orders to him and Galang had promised to give Padua a helper if there was one available.

With reference to the charge of insubordination, witness Drue of the respondent company said that Padua disobeyed his order not to smoke on the folding stand, to get away from the conveyor and to help paste the boxes. It was also said that Padua was found talking with the girls while doing his work, and notwithstanding several warnings given him he left his work without first notifying his foreman. In fact, according to Drue, Padua was warned on two occasions by Mason that unless he did his work properly he would be dismissed, and notwithstanding those warnings, Padua never improved in his work.

In this connection witness Mason further stated that if Eusebio Dollar considered Padua inefficient in his work in his particular assignment, he would neither be acceptable in any other department of the company, for which reason Padua was dismissed.

On rebuttal, Padua denied the charge of inefficiency made against him by the members of the staff of the respondent company.

It appears, therefore, that while the representatives of the respondent company, the petitioners in this case, contend that Emilio Padua was dismissed for justifiable cause, because of his inefficiency and alleged insubordination, Padua alleges that he was dismissed for his union activities among the laborers working for the petitioning company. While the three witnesses who took the stand for the Philippine Manufacturing Company corroborated each other in their statements, Padua presented his case single-handed before the Court of Industrial Relations.

It is worthy of note that the company has not denied the fact that for some time prior to his dismissal from the service of the Philippine Manufacturing Company the wage of Padua had been increased from P4.75 to P5 a day. Ordinarily a raise of salary or wage denotes recognition of the efficiency or quality of the work rendered by the recipient of such increase. The fact that Emilio Padua has received such increase prior to his dismissal for alleged inefficiency, weakens, in our opinion, the stand taken herein by the respondent company. Furthermore, since we do not find any reason to disturb the findings of the Court of Industrial Relations in the premises, we are inclined to affirm, as we do hereby affirm, the order under consideration.

The petition is denied, with costs.

Moran, C.J., Ozaeta, Paras, Pablo, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

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