

## THE INSULAR LIFE ASSURANCE COMPANY, LTD. AND FGU INSURANCE GROUP, PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION, THE INSULAR LIFE ASSURANCE COMPANY, LTD. EMPLOYEES ASSOCI...

*G.R. No. L-49267. January 31, 1986*

Ponente: MELENCIO-HERRERA, J.

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### MELENCIO-HERRERA, J.:

The controversy in this case is in regards to the meaning and extent of the judgment rendered by this Court on January 30, 1971 in L-25291 (The Insular Life Assurance Co., Ltd., Employees Association, et al. vs. The Insular Life Assurance Co., Ltd., 37 SCRA 244), as subsequently explained in the Resolutions in the same case of March 10, 1977 (76 SCRA 50) and of May 5, 1977 (77 SCRA 3). The background facts may be briefly restated as follows:

1. "On May 20, 1958, the (respondent) Unions went on strike and picketed the offices of the Insular Life Building at Plaza Moraga" (37 SCRA 253).
2. Thereafter, "the striking employees decided to call off their strike and to report back to work on June 2, 1958" (37 SCRA 255).
3. "It is not denied that when the strikers reported for work on June 2, 1958, 63 members of the Union were refused readmission because they had pending criminal charges" (37 SCRA 264).
4. "On July 29, 1958, the CIR prosecutor filed a complaint for unfair labor practice against the companies" (37 SCRA 256), naming in paragraph 6 thereof the 63 strikers not readmitted on June 2, 1958 (Rollo, pp. 32-33).
5. It appears that, by August, 1958, 29 strikers had been readmitted, with only 34 strikers not readmitted. Said the CIR

"Upon the termination of the investigations conducted by the respondents on those included in Exhibit '15', at various dates in the months of June, July and August, 1958, twenty-seven (27) of the employees mentioned in paragraph 6 of the complaint and three (3) employees who were not included as complainants in this case (Francisco Baltazar, Castor Reyes and Alfredo Velmonte) were readmitted upon showing to the satisfaction of re-spondents that they did not commit unlawful acts during the strike (Exh. '16').

x x x

Thirty-three (33) of those employees enumerated in paragraph 6 of the complaint and one (Emiliano Tabasondra) who allegedly abandoned his job by absenting himself for two weeks were absolutely refused readmission. They are the following -

1. Emiliano Tabasondra 18. Isabelo Julaga-ay

2. Sixto Tongos 19. Jose M. Victorio
3. Alfredo Cesar 20. Domingo Nicolas
4. Domingo Boco 21. Pelagio Tayso
5. Blas Ventura 22. Amado Manansala
6. Jose Castillon 23. Calixto Fernandez
7. Ricardo Villaruel 24. Mariano Subong
8. Amelio Lumibao 25. Paulin Bugay, Jr.
9. Silvestre Banigued 26. Pacifico Ner
10. Eusequio Villaruel 27. Jose Garcia
11. Alfonso Fajardo 28. Florencio Ibarra
12. Rodolfo Gutierrez 29. Isagani Timbol
13. Ponciano Abesamis 30. Jose Pilapil
14. Esmeraldo Ballada 31. Hermenigildo Ramirez
15. Felipe Ramirez 32. Narciso Daño
16. Marciano Sunga 33. Pascual Esquillo
17. Domingo Castillon 34. Vicente Alsol"(Rollo, pp. 45-46)

6. In L-25291, this Court had said:

"x x x. Subsequently, when practically all the strikers had secured clearances from the fiscal's office, the Companies readmitted only some but adamantly refused readmission to 34 officials and members of the Unions who were most active in the strike, on the ground that they committed 'acts inimical to the interest of the respondents', without however stating the specific acts allegedly committed. x x x" (37 SCRA p. 255)

7. The unfair practice was dismissed by CIR on August 17, 1965. On certiorari in L-25291, this Court, on January 30, 1971, rendered judgment as follows:

"ACCORDINGLY, the decision of the Court of Industrial Relations dated August 17, 1965 is reversed and set aside, and another is entered, ordering the respondents to reinstate the dismissed members of the petitioning Unions to their former or comparatively similar positions, with backwages from June 2, 1958 up to the dates of their actual reinstatements. Costs against the respondents." (37 SCRA 280)

8. In its Resolution of March 10, 1977, this Court said, in respect of back wages from June 2, 1958, that the "Court considers the fixing and limitation of the backwages award to their total equivalent of three years without qualification and deduction as applicable to and fully justified in the case at bar." (76 SCRA 64)

9. In proceedings for the implementation of the judgment of this Court, a Labor Arbiter, in an Order dated May 23, 1977, confirmed by respondent National Labor Relations Commission in a Resolution dated August 1, 1978, upheld the claim of respondent Unions that the 29 strikers who were not readmitted on June 2, 1958, but only during June, July and August, 1958, should also be entitled to the three years back pay together with the 34 strikers who were never readmitted.

10. On November 14, 1978, these Certiorari proceedings were instituted by petitioner companies questioning the propriety of NLRC's interpretation of this Court's judgment in L-25291.

In L-25291, it was already conceded that of the 63 Union members not readmitted on June 2, 1958, 29 were subsequently readmitted during June, July and August, 1958. Petitioner companies had only "adamantly refused readmission to 34". Hence, the judgment of January 30, 1971 "ordering the respondents to reinstate the dismissed members of the petitioning Union" could only refer to the 34 strikers refused readmission, excluding the 29 who had already been readmitted during the mentioned period of June, July and August, 1958. This Court could not have intended to order the reinstatement of, and payment of three years back wages, to dismissed members of the Union who had admittedly been reinstated long before the date of the judgment.

The Union submission that all strikers refused re-admission on June 2, 1958 are entitled to backwages despite their reinstatement in June, July and August, 1958, would be tantamount to unjust enrichment at the expense of the employers. As commented for the public respondent by Ruben M. Alberto, the NLRC Chief, Research and Legal Services, "The fact of payment of wages after reinstatement naturally precludes the assessment of backwages for the same period. This is elementary, otherwise that would be double pay" (Rollo, p. 117).

ACCORDINGLY, the Writ of Certiorari is granted. The Order of the Labor Arbiter dated May 23, 1977, and the Resolution of the NLRC dated August 1, 1978, are hereby REVERSED and SET ASIDE. No costs.

**SO ORDERED.**

Teehankee, Concepcion, Jr., Abad Santos, Plana, Escolin, Gutierrez, Jr., De la Fuente, Cuevas, and Patajo, JJ., concur.

Aquino, C.J., and Alampay, J., no part.

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