

## GRACIANO INDIAS, PETITIONER, VS. PHILIPPINE IRON MINES, INC., RESPONDENT.

*G. R. No. L-9987. April 29, 1957*

Ponente: BAUTISTA ANGELO, J.

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### BAUTISTA ANGELO, J.:

This is a petition for review of a decision of the Court of Industrial Relations dismissing the complaint of petitioner against respondent for unfair labor practice and, indirectly, denying his prayer that he be reinstated as an employee of respondent.

On June 23, 1954, a complaint was filed by petitioner alleging that respondent has engaged in unfair labor practice within the meaning of section 4(a), paragraphs 1, 2, 3, 4 and 5 of Republic Act No. 875. Respondent answered denying the material allegations of the complaint and, as a special defense, alleged that petitioner was dismissed from the service for cause. It also set up a counterclaim of P2,000. Hearings were conducted by the hearing examiner, Atty. Emiliano Tabigne, at which both parties, represented by counsel, appeared. After the presentation of the evidence, the hearing examiner rendered his report stating that the charge of unfair labor practice has not been substantiated by the evidence and recommending its dismissal. He also found that the dismissal of petitioner was for sufficient cause. And on May 20, 1955, the court approved the hearing examiner's recommendation stating that, after a perusal of the record of the case, it "finds no sufficient justification for modifying said recommendation, findings and conclusions, and consequently, this case is hereby dismissed." Petitioner filed a motion for reconsideration, which was denied by the court en banc. Hence this petition for review.

The first issue raised by petitioner is: "May the Court of Industrial Relations issue an order dismissing a case without stating the facts and the law in support thereof?"

The order now assailed by petitioner reads:

"Hearing Examiner Mr. Tabigne recommends the dismissal of this case on the ground that the evidence presented by the complainant did not support the charges of unfair labor practice. The facts are stated in the Hearing' Examiner's Eeport dated May 16, 1966.

After a perusal of the record of the case, the Court finds no sufficient justification for modifying said, recommendation, findings and conclusions, and consequently, this case is hereby dismissed.

So Ordered."

It is contended that the aforequoted order runs counter to the Constitution which provides that "No decision shall be rendered by any court of record without expressing therein clearly and distinctly the facts and the law on which it is based" (Article VIII, section 12), and to Rule 35, Section 1, of the Rules of Court, which provides that a court decision shall state "clearly and distinctly the facts and the law on which it is based." And the claim is made in view of the fact that the order does not contain either a discussion of the evidence or any finding of fact based on

said evidence, which counsel claims does not meet the requirements of the law and the Constitution.

We find no merit in this contention. The order, it is true, does not make its own discussion of the evidence or its own findings of fact, but such is not necessary if the court is satisfied with the report of its examiner or referee which already contains a full discussion of the evidence and the findings of fact based thereon. The situation differs if the court disagrees with the report in which case it should state the reasons for its disagreement. If it is in full accord with the report, it is purposeless to repeat what the referee or examiner has already found in it. Such is the present situation. The court approved the report of the hearing examiner "after a perusal of the record of the case." This presupposes that it has examined the evidence and found no justification for modifying his findings and conclusions. This is a substantial compliance with the law.

"When the Court of Industrial Relations refers a case to a commissioner for investigation, report, and recommendation, and at such investigation the parties were duly represented by counsel, heard or at least given an opportunity to be heard, the requirement of due process has been satisfied, even if the court failed to set the report for hearing, and a decision on the basis of such report, with the other evidence of the case, is a decision which meets the requirement of a fair and open hearing." (Manila Trading & Supply Co. vs. Philippine Labor Union, 40 Off. Gaz., 23, 14th SuppL, p. 149)

Petitioner next disputes the finding of the hearing examiner which justifies his dismissal from the service. He claims that the act imputed to him to the effect that he quarreled with a co-employee outside of their place of work and after office hours furnishes no sufficient justification for his dismissal. He intimates that his dismissal was rather prompted by his conduct in siding with the faction headed by one Pedro Venida which went on strike 'because of the refusal of respondent to recognize this faction. In short, he insinuates that if he was discharged, it was because of his union activities. In answer to this contention, we need only to restate what the examiner found on this matter:

"As regards the dismissal of Indias on May 21, 1954, the evidence is clear that the company effected his dismissal on the ground that he had committed a grave misconduct due to his violent temper. Because of this behavior, he had a quarrel in the afternoon of May 19, 1954 in the poblacion of Jose Panganiban with a co-laborer by the name of Apolonio Umaga. The incident took place outside of the compound of the mines operated by the respondent. The quarrel between Indias and Umaga resulted to a court action by the said Umaga for less serious physical injuries, filed with the justice of the peace court of Jose Panganiban (Exhibit (C)). Although this case is still pending decision "by the said court, it is shown that petitioner Indias possesses certain degree of violent character. According to the rules and regulations of the company, laborers performing underground work should possess good behavior as norm of conduct in order to avoid untoward incident in the company's underground tunnels. The evidence is clear that this was the only basis that the company dismissed petitioner Graciano Indias. There was no showing that the management of respondent was motivated by other ulterior motives. The dismissal effected by the department head Mr. Hincley of the respondent corporation was due to the result of his investigation that the said petitioner Indias inflicted physical injuries to his co-worker Umaga. There was no showing from the evidence that management or the department head under whom herein petitioner worked had knowledge of the alleged unfair labor practice acts imputed upon Orbe or any of the respondents representatives or agents."

Considering that this is a question of fact which we cannot now consider because in appeals of this nature we are limited to considering question of law (Section 6, Republic Act No. 875), we have no other alternative than to affirm the above findings of the examiner which were concurred in by the Court of Industrial Relations.[1]

"The whole controversy is centered around the right of the Court of Industrial Relations to order the readmission of a laborer who, it is admitted, had been found derelict in the performance of his duties towards his employer. We concede that the right of an employer to freely select or discharge his employees, is subject to regulation by the State basically in the exercise of its paramount police power. (Commonwealth Acts Nos.

103 and 213). But much as we should expand beyond economic orthodoxy, we hold that an employer cannot legally be compelled to continue with employment of a person who admittedly was guilty of misfeasance or malfeasance-towards his employer, and those continuance in the service of the latter is patently inimical to his interest. The law, in protecting the rights of the laborer, authorizes neither oppression nor self-destruction of the employer. There may, of course, be cases where the suspension or dismissal of an employee is whimsical or unjustified or otherwise illegal in which case he will be protected. Each case will be scrutinized carefully and the proper authorities will go to the core of the controversy and not close their eyes to the real situation. This is not however the case here." (Manila Trading-& Supply Co. vs. The Honorable Francisco Zulueta, et al., 40 Off. Gaz., No. 10, p. 183).

The order appealed from is affirmed, without pronouncement as to costs.

Bengzon, Padilla, Montemayor, Reyes, A., Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ. concur.

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[1] Dee C. Chuan & Sons, Inc. vs. Benito Nahag, et al., 95 Phil., 837.

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