

UNIVERSITY OF SANTO TOMAS HOSPITAL, PETITIONER, VS. U.S.T. HOSPITAL EMPLOYEES ASSOCIATION (NLU) ET AL., RESPONDENTS.*G. R. No. L-12919. October 30, 1962*

Ponente: BAUTISTA ANGELO, J.

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In a complaint dated February 27, 1957, a prosecutor of the Court of Industrial Relations charged the University of Santo Tomas Hospital with having committed certain unfair labor practice acts against one Felipe L. Torrecampo, president of the University of Santo Tomas Employees Association, an affiliate of the National Labor Union, in violation of Section 4 (a), paragraphs 1 and 4, of Republic Act 875.

The University of Santo Tomas Hospital, thru counsel, filed a motion to dismiss alleging, among other things, that the Court of Industrial Relations has no jurisdiction over the case and that Republic Act 875 is not applicable to any relation of employment between the University of Santo Tomas Hospital and its employees. This motion was opposed by the union. Acting thereon, Judge Emiliano C. Tabigne denied the motion holding that the Court of Industrial Relations has jurisdiction to take cognizance of the case predicated his view upon the assumption that, although the University of Santo Tomas Hospital is not an industrial establishment, as enunciated in cases previously decided by this Court,[1] Republic Act No. 875, which was approved on June 17, 1953, under which the present case comes, does not exclude from its purview non-industrial establishments or entities, such as charitable or educational institutions. This ruling was upheld by the industrial court en banc. Hence the present appeal.

Basically, the issues raised here are substantially similar to those involved in the *Boy Scouts of the Philippines vs. Araos*,[2] which was decided by this Court much after the promulgation of the decision subject of review, wherein this Court held that Republic Act 875, otherwise known as the Industrial Peace Act, particularly that portion regarding labor disputes and unfair labor practices, was intended by Congress "to apply only to industrial employment and to govern the relation between employers engaged in industry and occupations for purposes of profit and gain, and their industrial employees, but not to organizations and entities which are organized, operated, and maintained not for profit or gain, social service, education and instruction, hospital and medical service, the encouragement and promotion of character, patriotism and kindred virtues in the youth of the nation." And this ruling was reiterated in the subsequent case of *University of San Agustin vs. Court of Industrial Relations, et al*, 103 Phil. 926, and recently, in the case of *The Elks Club*, 105 Phil., 204.

Since petitioner is a hospital owned and operated by the University of Santo Tomas which, as aforesaid, is an institution operated and maintained not for profit but exclusively for purposes of education, following the ruling enunciated in the cases above-mentioned, Republic Act No. 875 does not apply to the relation of employment between petitioner and the employee against whom an unfair labor practice has been allegedly committed.

Wherefore, the decision appealed from is reversed. The complaint for unfair labor practice filed against petitioner is hereby dismissed. No costs.

Bengzon, C. J., Padilla, Labrador, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] U.S.T. Hospital Employees Association vs. Sto. Tomas University Hospital, 95 Phil., 40; San Beda College vs. Court of Industrial Relations, et al., 97 Phil., 787; Quezon Institute vs. Celso A. Velasco, 97 Phil., 905.

[2] 102, Phil., 1080.

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