

CENTRAL AZUCARERA DON PEDRO, PETITIONER, VS. DON PEDRO SECURITY GUARDS UNION, HON. ARSENIO MARTINEZ, EMILIANO TABIGNE AND AMANDO BUGAYONG, ASSOCIATE JUDGES OF THE COURT OF INDUS...

G.R. Nos. L-21610, 21619 and 25767. March 15, 1968

Ponente: CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c0b15a4b267b/>

CASTRO, J.:

Of the three petitions for certiorari at bar, two (G.R. Nos. L-21610 and L-21619) were interposed by way of appeal from the majority resolution en banc, dated May 9, 1963, of the Court of Industrial Relations (CIR) denying the separate motions of the Central Azucarera Don Pedro (hereinafter referred to as the Central) and the Don Pedro Security Guards Union (hereinafter referred to as the Union) for reconsideration of the decision dated December 13, 1962 of the trial court which adjudged the Central guilty of unfair labor practice consisting of the discriminatory dismissal of twenty-four Union members and ordered the Central to reinstate them, with back wages from the date of their dismissal until their reinstatement, and without loss of seniority rights. The third petition (G.R. No. L-25767) is an appeal by the Union from the CIR resolution en banc of August 5, 1965 which denied the Union's motion for reconsideration of the trial court's order of July 12, 1965 deferring the execution of the aforementioned judgment of December 13, 1962 "pending resolution of the appeal".

The antecedent facts are not complicated. In June, 1947 the Central organized its Security Guards Department, with Mariano H. Cabarrubia as officer-in-charge, for the primary purpose of maintaining peace and order in its premises at Nasugbu, Batangas and providing protection for its properties, officials and employees. More than eight years later, or on September 13, 1955, a majority of the security guards employed in the Central organized the Union with the election of its officers. However, the Union was not registered with the Department of Labor until November 4, 1955.

On September 21, 1955 Cabarrubia called a meeting of the security guards in order to verify reports that some of the latter were contemplating to file money claims against the Central for overtime pay, night compensation and Sunday and holiday premiums, and also to discover the identities of the prospective claimants.

On the same day (September 21, 1955), case 1017-V, entitled "Silvestre Alarcos, et al. vs. Central Azucarera Don Pedro," was filed with the CIR. This was an action for collection of overtime pay, night compensation and separation pay.

The Union alleged that subsequent to the filing of the claims, the Central started to discriminate against the claimant security guards. On the other hand, the Central replied that because some security guards steadfastly refused to join in the filing of the claims, the claimant guards continuously menaced, intimidated and harassed the non-claimants, posing a serious problem to the management.

On October 27, 1955 the claimants filed a joint request for "indefinite leave of absence without pay effective 1

No-vember 1955", which was approved by the Central. On December 19, 1955 the claimants, through Patricio Erni, president of the Union, advised the Central of their unanimous intention to return to work "effective January 1, 1956." On the fol-lowing day, December 20, 1955, the Central, through its general superintendent Juan Gaspar, informed the claimants that they were being placed on leave with pay effective January 1, 1956, until further notice. On January 14, 1956 the Central notified the claimants that their serv-ices were terminated effective upon receipt of notifica-tion, and offered them one month's separation pay.

On January 31, 1956 Acting Prosecutor Arsenio H. Adriano of the CIR filed a complaint with the latter court in behalf of twenty-eight Union members, charging the Central with discriminatory dismissal of said members, in viola-tion of section 4(a), sub-paragraphs 1, 4, and 5 of the Industrial Peace Act (RA 875).

On December 13, 1962, or almost seven years after the institution of the aforementioned complaint, then Associate Judge Arsenio I. Martinez (now Presiding Judge) rendered a decision finding the Central guilty of unfair labor practice, and ordering the latter

"to reinstate to their former positions with back wages from the time of dismissal until rein-stated, without loss of seniority rights, all the complainants herein, except Juan Lama and Pelagio Dellupac."

In G.R. No. L-21610, the petitioner Central (respondent in G.R. Nos. L-21619 and L-25767) challenges the said decision of the CIR on the following grounds, inter alia:

1. Sub-paragraph 5 of section 4(a), Republic Act 875, refers only to the dismissal of an em-ployee on account of unfair labor practice charges filed by him or testimony given there-in, but does not cover his dismissal in con-sequence of his having filed a mere claim for overtime pay, night compensation and separa-tion pay, which has nothing to do with or does not arise from his union membership or activities;
2. The three respondent judges of the CIR abused their discretion in finding that the filing of CIR case 1017-V by the claimant guards was related to their right of self-organization, considering the absence of substantial evi-dence in support of such finding;
3. There is clear proof in the record that the claimant guards were dismissed, not only to avoid bloodshed between their group and the non-claimant guards, but also because the management had lost confidence in them, and not because they had filed CIR case 1017-V or because they had organized a joined a labor union, for at the time of their dismissal the Central did not know about the existence of the Union; and
4. Assuming arguendo that their dismissal was un-justified, the respondent judges of the CIR se-riously erred in failing to order the deduction from the back wages awarded the earnings pend-ing litigation from their other employments or occupations, and also in failing to limit the back wages awarded to the period from the date of dismissal to the submission of the case for decision by the trial court, considering that although the case was submitted for adjudica-tion as early as June 18, 1960, the trial court did not render its decision until almost two and a half years later.

In G.R. No. L-21619, the petitioner Union alleges that the res-pondent CIR erred and committed grave abuse of discretion in denying the reinstatement of security guards Pelagio Dellupac and Juan Lama who are similarly situated as the twen-ty-four security guards who were ordered reinstated with back wages. The Union also contends that the CIR erred and committed grave abuse of discretion in refusing to clarify the phrase "without loss of seniority rights", as used by the trial court in its decision of December 13, 1962, for the better understanding and guidance of the parties.

In G.R. No. L-25767, the petitioner Union claims that the order of the trial court of July 12, 1965 and the resolution of the CIR en banc of August 5, 1965 which deferred action on the motion for execution with respect to the reinstatement of the twenty-four security guards pursuant to the decision of the trial court of December 13,

1962, "pending resolution of the appeal," are contrary to law, in view of the mandatory and express provision of section 6 of the Industrial Peace Act) to the effect that an "appeal shall not stay the order of the Court and the person or persons named in the Court order shall meanwhile obey said order." The Central asks for the dismissal of the petition, contending that the cited portion of section 6 is merely permissive, and that considering the intrinsic nature of the work of a security guard, to insist on reinstatement of the dismissed security guards pending final resolution of the case is tantamount to compelling the Central to repose trust and confidence in the very employees it dismissed for lack of confidence.

Pending resolution by this Court of the aforementioned three petitions, the respective petitioners on January 31, 1968 simultaneously filed separate motions to withdraw the petitions, on the principal ground that the Central and the Union, at the instance of the latter, have arrived at an amicable settlement. The said motions aver that

1. All the Union members concerned are now engaged in gainful occupations elsewhere and have manifested their intention not to be reinstated to their former positions in the Central;
2. The amicable settlement will preserve industrial peace in the Central and enhance the job opportunities of all the persons involved;
3. In view of the Union members' manifestation not to return to their former positions, further dissension and conflict between the two groups would be avoided, and industrial peace and stability would be achieved in the Central; and
4. With the amicable settlement, the persons now occupying the positions formerly held by the Union members concerned need not be laid off in order to give way to the latter in the event of a decision adverse to the Central, thereby preserving total job opportunities for all.

Verily, the amicable settlement reached by the parties has rendered the three cases at bar moot and academic.

ACCORDINGLY, the petitions for certiorari in these three cases. (G.R. Nos. L-21610, L-21619 and L-25767) are hereby dismissed, without pronouncement as to costs.

Reyes, Acting C.J., Dizon, Makalintal, Bengson, Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., on leave.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.