

**PHILIPPINE ASSOCIATION OF FREE LABOR UNIONS (PAFLU),
PETITIONER, VS. HON. JOAQUIN M. SALVADOR AND SOCIAL
SECURITY SYSTEM, RESPONDENTS. PHILIPPINE ASSOCIATION OF
FREE LABOR UNION...**

G.R. Nos. L-29471 & 29487. September 28, 1968

Ponente: FERNANDO, J.

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FERNANDO, J.:

In these two petitions for certiorari, both filed by the Philippine Association of Free Labor Unions, the jurisdiction of the respondent Judge in both cases, the Honorable Joaquin M. Salvador, in the second petition speaking for respondent Court of Industrial Relations en banc, to issue the orders complained of is assailed. It is the view of petitioner that there being no presidential certification, an urgent petition of August 29, 1968, filed by the other respondent, the Social Security System, to seek an authoritative interpretation of a provision of a collective bargaining agreement adopted as a formal award of the Court of Industrial Relations of August 5, 1966, is beyond the competence of respondent Judge to pass upon.

On such a basic assumption, petitioner could with plausibility assert that the order of August 29, 1968, enjoining "[petitioner] Union not to declare any strike and [respondent] Management not to dismiss nor suspend any of its employees nor to declare any lockout";[1] the order of September 3, 1968, ordering petitioner "to immediately lift" the pickets in the premises of the Social Security System and its branches and to show cause why it and its members in the Social Security System should not be declared in contempt of court;[2] and the order of September 5, 1968, directing "all the striking employees of the Social Security System * * * to return to work on or before 5:00 o'clock in the afternoon of Friday September 6, 1968" and the management "to admit them under the same terms and conditions as of the date of the strike," and the investigation by the prosecution division of the Court of Industrial Relations of the contempt charges filed by respondent Social Security System would be devoid of support in law and could be stricken down.[3] In the second petition,[4] where the Court of Industrial Relations itself likewise was made respondent, the resolution of September 6, 1968 by the court en banc dismissing the motion for the reconsideration of the order of August 29, 1968 on the ground that such motion was filed one day beyond the reglementary period, with Associate Judge Bugayong dissenting, was likewise impugned as having been issued beyond the jurisdiction of respondent court.

The respondent Social Security System met the issue squarely with the allegation that the absence of a new presidential certification is not necessarily fatal, there being a previous one as a result of which the formal award of the respondent court embodying a collective bargaining agreement reached by the parties was issued on August 5, 1966. It would follow that the appropriate provisions of the Court of Industrial Relations Act[5] if utilized render manifest the undeniable power of such court during the effectiveness of such award, ordinarily covering a period of three years, after due hearing to "alter, modify in whole or in part, or set aside any such award, order or decision, or reopen any question"[6] that may be involved. It likewise possesses authority under the succeeding section to determine the meaning or interpretation of an award, order, or decision.[7]

We find the above contention persuasive and sustain the jurisdiction of respondent Judge Salvador. Accordingly, the petitions are dismissed. We likewise register our emphatic disapproval of the conduct pursued by petitioner Union in its failure to obey the above orders complained of, even on the assumption that it entertained no doubt at all that in the issuance thereof, respondent Judge and thereafter the respondent Court of Industrial Relations, acted without jurisdiction.

There is no controversy about the facts. It was shown in both petitions that petitioner and respondent Social Security System were parties to a collective bargaining agreement lasting from July 1, 1966 to June 30, 1969, an agreement adopted as the formal award of respondent Court of Industrial Relations on August 5, 1966, in a pending case before it that was certified.[8]

Lately, a dispute has arisen between the parties regarding an implementation of some of its provisions. Petitioner alleged that respondent Social Security System instead of complying with its obligation filed on August 29, 1968, with the Court of Industrial Relations, an urgent petition asserting, among other things, that there was allegedly a controversy with respect to the interpretation of certain provisions of such agreement. It considered the matter as forming part of the previously certified case, a view that found favor with respondent Judge Salvador of the Court of Industrial Relations.

Accordingly, the first order challenged was issued on August 29, 1968, it being expressly provided therein: "During the pendency of the current dispute as outlined in said petition, the parties, for the sake of industrial peace and pursuant to the provisions of Commonwealth Act No. 103, as amended, are hereby enjoined to maintain the status quo - the Union not to declare any strike and the Management not to dismiss nor suspend any of its employees nor to declare any lockout. * * *"[9]

The other orders challenged in the first petition were issued by respondent Judge Salvador as petitioner Union did not comply with the Orders of August 29, 1968, presumably due to its firm belief that there being no new presidential certification, respondent Judge was absolutely devoid of jurisdiction.

In the other petition,[10] reference was made to the additional facts that on September 9, 1968, respondent Court of Industrial Relations adopted the resolution complained of denying the motion for reconsideration,[11] such resolution being assailed as having been issued without jurisdiction resulting in its being "a nullity and in legal contemplation * * * inexistent.[12]

The first petition[13] was filed on September 6, 1968 and the second[14] on September 12, 1968. Respondents were required to answer on or before September 16, 1968. The hearing on both petitions took place on September 17, 1968, and thereafter the case was submitted for decision. On September 18, 1968, a resolution was issued by us dismissing both petitions, without prejudice to an extended opinion. This is it.

1. The issue is thus clear-cut and well-defined. It is whether a presidential certification in 1963, resulting in an award in 1966, embodying a collective bargaining agreement arrived at by disputants sufficed to vest jurisdiction on respondent Judge to act on a petition filed on August 29, 1968 by the respondent Social Security System, in effect seeking an interpretation of Article 23 of such collective bargaining agreement? As thus put, the answer cannot be in doubt.

As was made clear earlier, it must be in the affirmative. It cannot be otherwise if deference be paid to the appropriate provisions of the Court of Industrial Relations Act,[15] the compulsory arbitration aspect of which is unavoidable whenever there is a presidential certification of a "labor dispute in an industry indispensable to the national interest." [16] As provided in the Court of Industrial Relations Act: "Whenever a doubt shall arise as to the meaning or interpretation of an award, order or decision of the Court of Industrial Relations, any interested

party may petition the Court to determine such meaning or interpretation and the Court, upon receiving such petition, shall set a date for the hearing of the case and shall dispose of the same as soon as practicable." [17] As a matter of fact, in the preceding provision, the power of the Court of Industrial Relations goes farther, for at any time "during the effectiveness of an award, order or decision, the Court may, on application of an interested party, and after due hearing, alter, modify in whole or in part, or set aside any such award, order or decision, or reopen any question involved therein." [18] Moreover, the competence of the Court of Industrial Relations to act, as set forth in the very same section, lasts as long as the period specified in such award, order or decision. "In the absence of such specification, any party or both parties to a controversy may terminate the effectiveness of an award, order or decision after three years have elapsed from the date of said award, order or decision by giving notice to that effect to the Court: * * *." [19]

In this particular instance, there is no question that under the collective bargaining agreement which was embodied in the award of August 5, 1966, the period of effectivity dated from July 1, 1966 and continues up to June 30, 1969, or for a period of three years. [20]

The power of the Court of Industrial Relations which, as thus phrased, is comprehensive in character, has been given an interpretation by us consistent with the well-nigh sweeping reach of its language. It has never been construed in a niggardly sense; the recognition of such authority has been full and sympathetic, never grudging.

So it has been from the earliest case decided in 1939, *Goseco v. Court of Industrial Relations*. [21] Such an approach was manifested there. Petitioner landowner in that decision contended that there being a decision of respondent court of December 28, 1937, copy of which was furnished other respondents on January 20, 1938, it had become final and definite as of January 25, 1938, from which the conclusion was that respondent court exceeded his jurisdiction when, acting on a motion for reconsideration dated February 13, 1938, the court granted the same on February 28, 1939.

Why such a contention should be rejected was explained by Justice Laurel: "The narrow construction suggested by the petitioner is perhaps justified if we adopt but a fragmentary view of the law." [22] Such should not be the case, according to the opinion, as it did not take into consideration the provision empowering the Court of Industrial Relations "on application of an interested party, and after due hearing, [to] alter, modify in whole or in part, or set aside any such award, order or decision, or reopen any question involved therein." [23] From which, the conclusion follows: "If the respondent court may, at any time, alter, modify or set aside an award, order or decision, then the reconsideration of its decision of December 28, 1937, upon application, in the form of a motion for reconsideration filed by the respondents Roman Belleza and others, and after due hearing, was in compliance almost to the letter with the proviso just quoted. It would appear idle, therefore, to contend that in so doing, the respondent court overstepped its jurisdiction." [24] Moreover, Section 18 of the Act was likewise cited in the opinion from which the valid inference was drawn "that, since no time is fixed within which the said court may clarify or unravel the meaning or interpretation of an award, order or decision, it may do so at any time, thus inducing the further conclusion that no such award, order or decision is meant to be definitive in the sense that it is beyond recall." [25]

To such a spirit, fealty has been shown in subsequent decisions. [26] As was stated by this Court in *Church v. La Union Labor Union*: [27] "The clear object of these provisions is undoubtedly to give to the court a continuing control over the case, in the interest of management and labor, as long as it remains under its control and jurisdiction, in order to accord substantial justice to the parties * * *, in line with the liberal policy of the law which enjoins that 'the Court shall act according to justice and equity and the substantial merits of the case, without regard to technicality or legal forms and shall not be bound by any technical rules of legal evidence but may inform its mind on such manner as it may deem just and equitable * * *.'"

Also, to the same effect, this excerpt from *Hacienda Luisita v. National Labor Union*: "As the time for authority to change is thus expressly fixed by law at three years, it stands to reason that in the absence of any other agreement to the contrary, and for reasons of justice and equity, any party to an agreement may change or modify the same upon the expiration of the period of three years from the date thereof." [28] Then, too, "the industrial court can at any time during the effectiveness of an award alter and modify in whole or in part said award or reopen any question involved therein under Section 17 of Commonwealth Act No. 103, and such is what said Court has done when it made the award extensive to the new employees, * * *." [29]

We do not go as far as to hold that once there is a presidential certification under Section 10 of the Industrial Peace Act, the provisions of Commonwealth Act No. 103 necessarily apply. Nor is it necessary. For the purpose of passing upon these two petitions, it suffices to declare that there being a previous presidential certification resulting in an award, the effectivity of which continues up to the present, respondent Judge could appropriately rely on the two above sections for the purpose of considering the merit or lack of it of the urgent petition filed by respondent Social Security System. As to the power of respondent Judge, once there is a presidential certification to require the parties to maintain the status quo, the Union not to go on strike and the management not to declare a lockout, that is a settled matter. [30]

It is in the light of the above considerations that the jurisdiction of respondent Judge to issue the challenged orders is sustained.

2. One other matter. The failure to abide by the orders and processes of judicial and quasi-judicial agencies like the Court of Industrial Relations gives rise to a serious concern. It engenders at the very least the well-founded suspicion that such an attitude betrays an absence of good faith. It is indicative of a belief at war with all that adjudication stands for.

No one may be permitted to take the law into his own hands. No one, much less the party immediately concerned, should have the final say on the validity or lack of it of one's course of conduct. Centuries of reliance on the judicial process repel such a notion. As was so aptly stated in *Gompers v. Buck's Stove & Range Company*: [31] "If the party can make' himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls the 'judicial power of the United States' would be a mere mockery."

Nor is this all. Such refusal to accord due respect and yield obedience to what a court or administrative tribunal ordains is fraught with much graver consequences. Today, it may be only petitioner Union. If such a conduct were not condemned, some other group or groups emboldened by the absence of any reproof or disapproval may conduct themselves similarly. The injury to the rule of law may well-nigh be irreparable.

Law stands for order, for the peaceful and systematic adjustment of frictions and conflicts unavoidable in a modern society with its complexities and clashing interests. The instrumentality for such balancing or harmonization is the judiciary and other agencies exercising quasi-judicial powers. When judicial or quasi-judicial tribunals speak, what they decree must be obeyed, what they ordain must be followed. A party dissatisfied may ask for a reconsideration and, if denied, may go on to a higher tribunal. As long as the orders stand unmodified, however, they must, even if susceptible to well-founded doubts on jurisdictional grounds, be faithfully complied with.

Such is the way of the law. So it has been in the past. So it should continue to be. If it were otherwise, the intellect no longer holds sway, the dictates of moderation are ignored, and passion takes over. The words of Dean Pound come to mind: "Civilization involves subjection of force to reason, and the agency of this subjection is law." [32]

It is well that petitioner's counsel during the hearing of this case affirmed in unequivocal language the absence of any intent to defy the rule of law. There should have been, however, a greater realization on the part of petitioner that law, to borrow the language of Justice Frankfurter, "alone saves a society from being rent by internecine strife or ruled by mere brute power however disguised." [33]

He was careful to note of course: "Only when a court is so obviously traveling outside its orbit as to be merely usurping judicial forms and facilities, may an order issued by a court be disobeyed and treated as though it were a letter to a newspaper." [34] That does not help the cause of petitioner at all. It would be the height of unreason to consider the actuations of respondent Judge as outside the orbit of a court and a mere usurpation of judicial power.

There is here no "indisputable want of authority." There could have been doubts as to its competence, it is true. It is equally well-settled, however, that a tribunal, whenever confronted with a particular question, is not devoid of the authority to pass precisely on the existence or non-existence of its power to act. Whether, therefore, the urgent petition of respondent Social Security System is proper for respondent Judge to pass upon is not for petitioner itself to decide. The remedy, if need there be for such, may be supplied by a higher tribunal.

Even if, therefore, the good faith of petitioner be conceded, the failure to abide by the commands of the orders herein challenged finds no justification if the rule of law has any meaning at all. So it must be even if petitioner in all sincerity is of the belief that the failure to assert its claim as to the lack of jurisdiction may imperil the gains of labor. Thus: "It does not mitigate such defiance of law to urge that hard-won liberties of collective action by workers were at stake. The most prized liberties themselves pre-suppose an independent judiciary through which these liberties may be, as they often have been, vindicated. When in a real controversy, such as is now here, an appeal is made to law, the issue must be left to the judgment of courts and not the personal judgment of one of the parties. This principle is a postulate of our democracy." [35]

It is to be admitted of course that labor has not always found things easy. It is understandable that management to protect its own interest may fail to yield its assent however justly founded the claims of the former may be. Nor is the power that capital commands to be underestimated. Precisely, for that reason, the framers of our Constitution saw to it that the rights of labor are expanded and protected. [36] The statutory implementation of such constitutional intent has been impressive. Judicial decisions have invariably displayed a similar solicitude for the welfare of labor. When, however, as unfortunately did happen here, it engages in conduct at war with the fundamental postulate of the rule of law, it cannot and should not expect judicial approval or sympathy. So it is in this case.

WHEREFORE, the petition for certiorari and prohibition with a plea for preliminary injunction, L-29471, and the other petition for certiorari with preliminary injunction, L-29487, both filed by the Philippine Association of Free Labor Unions, are dismissed. Without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Sanchez, Castro, Angeles, and Capistrano, JJ., concur.

Dizon, J., concurs in the result.

Zaldivar, J., is on official leave.

[1] L-29471, Petition, Annex A.

[2] Ibid, Annex G.

[3] Ibid, Annex J.

[4] L-29487.

[5] Commonwealth Act No. 103 (1936).

[6] Ibid, Section 17.

[7] Ibid, Section 18.

[8] Case No. 46-IPA.

[9] Petition in L-29471, Annex A.

[10] L-29487.

[11] Ibid, par. 9

[12] Ibid, Grounds and Reasons for the Allowance for the Writs Applied For, par. 5.

[13] L-29471.**[14] L-29487.**

[15] Commonwealth Act No. 103 (1936).

[16] Section 10, Industrial Peace Act (Republic Act No. 875) reads as follows: "Sec. 10. Labor Disputes in Industries Indispensable to the National Interest. - When in the opinion of the President of the Philippines there exists a labor dispute in an industry indispensable to the national interest and when such labor dispute is certified by the President to the Court of Industrial Relations, said Court may cause to be issued a restraining order forbidding the employees to strike or the employer to lock-out the employees pending an investigation by the Court, and if no other solution to the dispute is found, the Court may issue an order fixing the terms and conditions of employment. "

[17] Section 18, Commonwealth Act No. 103 (1936).

[18] Section 17, Ibid.

[19] Ibid.

[20] L-29487, Annex C-1, Petition, paragraph 10 of Urgent Petition of Respondent Social Security System.

[21] 68 Phil. 444 (1939).

[22] Ibid, pp. 448-449.

[23] Ibid, p. 449.

[24] Ibid.

[25] Ibid, pp. 449-450.

[26] Cf. Luzon Brokerage Co. v. Luzon Labor Union, 83 Phil. 801 (1949) and San Pablo Oil Factory v. CIR, L-18270, Nov. 28, 1962.

[27] 91 Phil. 163, 168-169 (1952), Cf: Hotel & Restaurant Free Workers v. Kim San Cafe & Restaurant, 102 Phil. 470 (1957); National Development Company v. CIR, 106 Phil. 307 (1959).

[28] L-13072, March 30, 1960.

[29] NAWASA v. NAWASA Cons. Unions, L-18938, August 31, 1964.

[30] Section 4, Commonwealth Act No. 103.

[31] 221 US 418 (1911).

[32] Pound, The Future of Law, 47 Yale L. J., 1, 13 (1937).

[33] Frankfurter, J., concurring, United States v. United Mine Workers of America, 330 US, 258, 308 (1947).

[34] Ibid, pp. 309-310.

[35] Ibid. p. 311.

[36] Article II, Section 5 and Article XIV of the Constitution.

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