

TALISAY-SILAY MILLING CO., PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS AND TALISAY EMPLOYEES AND LABORERS ASSOCIATION, RESPONDENTS.

G.R. No. L-7228. November 29, 1955

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 dated June 25, 1953 declaring illegal Pthe strike staged on December 17, 1952 by the members of the Talisay Employees and Laborers Association (TELA) who were working with the Talisay-Silay Milling Co., Inc. and ordering the strikers who were excluded to return, in accordance with the, stipulation entered into between the parties to be reinstated to their former' positions without payment of their back salaries.

On December 3, 1952, the Talisay Employees and Laborers Association, hereafter referred to as labor union submitted to the management of the Talisay-Silay Milling Co., Inc., hereafter referred to as the company, an eighteen point demand among which was the reinstatement of seven laborers who were dismissed for having stolen certain rails of the company giving said company a warning that it no satisfactory answer was given within 72 hours from receipt of the demand, the members of the union would declare a strike.

On December 7, the members of the union held a meeting wherein they voted to declare a strike in the event that the management fails to answer favorably the demands of the union. Notwithstanding the above decision to strike Felipe B. Lacson, the president of the union, went to Manila to seek the intervention of the Department of Labors in an effort to make the management act on the demands and, acceding to the request, the labor office set the date of the conference for their deliberation on January 7, 1953, at Baqolod City, But before the arrival of said date, or on December 17, 1952, the union made good its threat to strike.

On December 24, 1952, the company filed a petition in the Court of Industrial Relations asking that the strike be declared illegal. On December 26, 1952, the union in turn filed a petition asking the court to compel the company to act on its eighteen-point demand and to Slider the reinstatement of the 39 laborers allegedly discharged by the company. On the same date, the union, also filed a petition to restrain the company from employing strike-breakers and to require it to allow the striking laborers to immediately return to their work. And after the company and the union had filed their answers to their respective petitions, the case was set for hearing with due notice to both parties.

On the first day of the hearing, it was agreed by the parties, with the approval of the court, that the same would first be confined to the legality of the strike and to the issues presented in the motion filed by the union praying for a writ of preliminary injunction, and, in an effort to settle the strike and eventually effect the return of the strikers, the parties entered into a stipulation providing for a temporary settlement of their controversy. The gist of this stipulation. is that, pending the determination of their controversy, the strikers should be allowed to return to their work except those who in the opinion of the management had committed acts of sabotage against the

properties of the company, with the understanding that such arrangement should not in any manner affect the demands of the union. The right to do the screening of those who should be excluded was left to the discretion of the General Manager of the company, Mr. Mariano Castañeda. This stipulation was immediately implemented and on February 20, 1953 the laborers chosen were allowed to return subject to the conditions agreed upon in the stipulation.

After the parties had presented evidence on the question relative to the legality of the strike, the industrial court found that "the strike was for no apparent good reasons, trivial and unjustified and it was stage only to harass the company at such a critical period of the milling season and incidentally to force the granting of the 18-point demand," and, consequently, it declared the strike illegal. However, the court refused to take disciplinary action against the laborers who staged the strike on the ground that, while they were present at the meeting called for that purpose and actually voted to declare a strike, they merely did so in obedience to the suggestion or instigation of their leaders and, therefore, the latter are the ones who should be held responsible "following the theory set forth in the implied condition provided in section 19 of Commonwealth Act No. 103." And having in view this theory, the court ordered the return of the strikers who had been excluded without back pay, whereupon the company interposed the present petition for review.

Considering that the petitioning company is now disputing the findings of fact made by the industrial court in the sense that they are not borne out by the evidence and that there is need of revising the same in order that a proper and correct conclusion may be drawn therefrom for the proper determination of the rights and equities of the parties, we have taken pains to review the evidence even if the general rule applicable to a petition for review would authorize us merely to look into the questions of law and to consider the questions of fact as a settled matter, (*De Luna vs. Linatoc*, 74 Phil., 15)

We will begin by stating that the finding that the members of the labor union declared a strike on December 17, 1952 not of their own accord but merely to follow the desire of their leaders, more particularly the president and secretary-treasurer, is not borne by the evidence, for it clearly appears that in the two occasions where a meeting was called for the purpose of discussing the grievance of the union against the company, those who initiated the same were the members themselves who were apparently impatient in taking action in view of the apparent indifference of the management in connection with their eighteen-point demand aggravated by their impression that about thirty-nine of their fellow laborers were dismissed without sufficient justification. And the evidence shows that in those two occasions the two officials of the union were merely invited to address the meeting in order to explain the consequence of a strike. These leaders never informed them that their grievance against the company has already been brought to the knowledge of the Department of Labor who agreed to intervene in order to bring about a settlement of their differences. It cannot therefore be freely concluded that the ones most responsible for the strike were the leaders and not the members themselves considering that all of them had actually participated and voted for the declaration of the strike.

Another finding made by the respondent court is with regard to the purpose of the strike. The court found that this had its origin in the eighteen-point demand presented by the union with the warning that if within a period of 72 hours no favorable action is taken, the union would stage a strike, and as this period had elapsed without the company taking action thereon but instead, in the opinion of the union, proceeded to dismiss thirty-nine laborers affiliated to the union, the union decided to strike on December 17, 1952. While these facts were proven by the union, they were not however considered by the respondent court to be enough justification for the union to strike it appearing that the refusal of the company to entertain the demand was because it doubted the right of the union to enter into a collective bargaining with the company and because,—as the company explained,—over the thirty-nine laborers were not exactly dismissed but were merely placed on a rotation service during the milling

season. The respondent court also found that the decision reached by the union to stage a strike has already been abandoned when its president took up the matter with the Department of Labor and this office agreed to mediate and to tie the parties on January 7, 1953, and so, in the opinion of the court, the strike was unwarranted and illegal.

We are constrained to differ from this opinion of the respondent court. When the union submitted its eighteen-point demand with the warning that if action thereon is not taken within 72 hours it would stage a walkout, the union was merely exercising a right which is given to it by law to promote its interest. It was an action within the province of the law. In so doing, the union had a right to expect that the company would act according to the request and if it cannot do so, would at least give the union an explanation of its failure. The company not only failed to act but took a retaliatory measure by placing thirty-nine laborers on rotation service. The company practically ignored the demand when it did not even take the trouble of answering or explaining its stand on the matter. This silence was considered by the union as a rejection of its demand with the result that the laborers got together and defined their stand. They cannot therefore be blamed if they decided to strike. This attitude is clearly reflected in the letter of the president of the union to the Secretary of Labor dated December 11, 1952 wherein he asked the latter to intervene (Annex A).

On the other hand, the finding of the respondent court that the union has abandoned its decision to strike when it requested the intervention of the Department of Labor and the latter agreed to intervene is not also supported by the evidence for it clearly appears that the leaders of the union never informed the laborers of such official intervention and much less that the labor office had already agreed to hear their complaint, on January 7, 1953. Had they been informed of such intervention, they would not have probably carried out their decision to strike. As this was not done, they cannot therefore be blamed for the action they have taken.

We are therefore of the opinion that the respondent court, notwithstanding our diverging point of view, did not err in ordering the reinstatement of the strikers who were excluded by the management without back pay, and, hence, we affirm the decision appealed from, without pronouncement as to costs.

Paras, C.J., Bengzon, Padilla, Jugo, Labrador, Concepcion, and Reyes, J.B.L., JJ., concur.

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