

JOVENCIO BROCE AND BIENVENIDO JIMENEZ, PETITIONERS, VS. THE COURT OF INDUSTRIAL RELATIONS AND DEMOCRATIC LABOR ASSOCIATION, RESPONDENTS.

G. R. No. L-12367. October 28, 1959

Ponente: LABRADOR, J.

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LABRADOR, J.:

Appeal by certiorari from a decision of Judge Baltazar M. Villanueva, Court of Industrial Relations, dated April 22, 1957, in case No. 33, for unfair labor practice in Cebu. In August, 1955, petitioners were charged with unfair labor practice for having interfered with, restrained or coerced their workers or laborers who are affiliated to, or are members of the respondent union. After hearing Judge Villanueva found that the complaint is sustained by the evidence submitted at the hearing; that in many instances, respondents showed their anti-union activities towards the Democratic Labor Union, complainant; that respondents were ordered to stop working in the hacienda owned and managed by the petitioners herein because they were members of the Democratic Labor Union; that Jimenez, petitioner herein, had been telling the members of the union that he advised or recommended to the owners of the hacienda not to give cash advances to the members of the union, etc. The judge, therefore, found the information well founded. Against this decision of the judge, a petition for certiorari has been filed directly with us.

The most important question which we think to be decisive of the case, is whether or not an appeal from a decision of a judge of the Court of Industrial Relations, as in this case, may be appealed directly to this Court, without the previous presentation of a motion for reconsideration of the decision before the Court of Industrial Relations en banc. Respondents claim that a motion for reconsideration to the court en banc is necessary before an appeal can be made in this Court, while petitioners claim that such step is not necessary in unfair labor practice cases, such as the case at bar. The reason for petitioners' contention is the fact that section 5(e) of Republic Act No. 875 confers power to the court or any judge thereof; that appeals in unfair labor practice cases are governed exclusively by Section 6 of Republic Act No. 875, which requires no motion for reconsideration to be presented, prior to the appeal to this Court, to the court en banc.

It is to be noted that Republic Act No. 875 does not propose to amend or modify the constitution of the Court of Industrial Relations or the procedure established in the Act of its creation (C.A. No. 103), or appeals therefrom. Section 1 of Said Commonwealth Act No. 103 expressly provides that if any of the parties aggrieved by a decision or ruling of any of the judges, requests for a reconsideration of said decision, it must be presented to the judges who shall sit together, and that the concurrence of at least three of the five judges shall be necessary for the pronouncement of a decision, order, or award. This provision has always been followed in cases of appeals to this Court by certiorari. To such effect are the rulings of this Court in the cases of Manila Terminal Relief and Mutual Aid Association vs. Manila Terminal Co., 88 Phil., 395; and Rizal Cement Co. vs. Court of Industrial Relations, G. R. No. L-10312, July 26, 1957. There is no provision in the Industrial Peace Act which modifies the constitution of the court or the procedure therein as expressed in Section 1 of Commonwealth Act No. 103. And the very language of said Industrial Peace Act provides that in unfair labor practice cases the person aggrieved by

any order of the court may appeal to the Supreme Court of the Philippines (Sec. 6, Rep. Act No. 875). The provision does not authorize an appeal from any decision made by a judge but only from decisions of the court. The court is constituted by a presiding judge and four associate judges (Sec. 1, C.A. No. 103). When, therefore, the Industrial Peace Act authorizes an appeal from a decision of the court to the Supreme Court, the decision that can be appealed is that rendered by the court en banc and not that rendered by any judge thereof.

The provision in Commonwealth Act No. 103 authorizing presentation of a motion for reconsideration of a decision or order of the judge to the court en banc, and not direct appeal therefrom to this Court, is also in accord with the principle of exhaustion of administrative remedies before resort can be made to this Court. If the court en banc can give the relief that a party may desire, there would be no need of coming to us for such relief. This procedural requirement that a reconsideration must first be sought from the court en banc is therefore based on principle and administrative efficiency, aside from the fact that it is expressly provided for by law.

We find no reason for deviating from this express provision of law which is based on a practical policy, and we are, therefore, constrained to dismiss the petition for certiorari, with costs against petitioners.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Endencia, Barrera, and Gutierrez David, JJ., concur.

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