

JOSE S. GALVEZ, DECEASED (REPRESENTED BY HIS WIDOW AND HEIR), GRACIA VDA. DE GALVEZ, PETITIONER, VS. PHILIPPINE LONG DISTANCE TELEPHONE COMPANY AND THE COURT OF INDUSTRIAL RELATIONS...*G.R. No. L-16370. October 31, 1961*

Ponente: CONCEPCION, J.

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Appeal by certiorari from an order of the Court of Industrial Relations.

Petitioner herein, Gracia Vda. de Galvez, hereafter referred to as Mrs. Galvez, is the widow of the late Jose S. Galvez, who, during his lifetime was an employee of respondent Philippine Long Distance Telephone Company, hereafter referred to as the Company. Mr. Galvez had worked therefor from December 1, 1908 to December 31, 1941, when the operation of the Company was disrupted by the Japanese invasion and occupation of the Philippines. As of the date last mentioned, he had served the Company for thirty-three (33) years and one (1) month. Upon the liberation of the Philippines, or on April 1, 1945, Mr. Galvez was reinstated and continued under the employment of the Company for another five (5) years, ten (10) months and six (6) days, or up to February 7, 1951, when he died. Thus, his prewar and post-war services to the Company aggregated thirty-eight (38) years, eleven (11) months and six (6) days. Sometime in 1951, Mrs. Galvez received from the Company P24,000, as pension and death benefits due to the deceased under an Employees' Pension Plan adopted by the Company on September 18, 1923.

Subsequently, or on December 22, 1951, Crispin Jeturian and about sixty-three (63) other persons, who had served the Company as its prewar employees, instituted in the Court of Industrial Relations a proceeding for the collection of their proportionate shares in said Employees' Pension Plan, which had been discontinued by a resolution dated November 6, 1945, unilaterally taken by the Board of Directors of the Company, to be effective retroactively as of January 1, 1942. In due course, a decision was, on February 23, 1954, rendered in said proceeding, docketed as Case No. 639-V of the Court of Industrial Relations, directing payment to the petitioners therein of their respective proportionate shares in the aforementioned Employees' Pension Plan, as well as—to those who had not received their 30-day notice of dismissal from the service of the Company before the resumption of its business operations in 1946—a severance pay equivalent to one-month salary. With a slight modification, immaterial to the case at bar, said decision was affirmed by the Supreme Court in *Philippine Long Distance Telephone Co. vs. Jeturian, et al.*, G. R. No. Lr-7756, decided on June 20, 1955.

Later on, the Court of Industrial Relations ordered its chief examiner to liquidate said prewar pension plan. By an order dated May 12, 1956, the report thereon of said chief examiner was approved by the Court of Industrial Relations. The report specified the names of all prewar employees entitled to participate in the distribution of the Employees' Pension fund and the amount each was entitled to. It included the name of several persons not petitioners in the case, whose aggregate share was said to be P23,381.96. Among these persons was Jose S.

Galvez whose share, forming part of the sum last mentioned, amounted to P13,028.64. Thereafter, said non-petitioners, including Mrs. Galvez, on behalf of her deceased spouse, asked the Court of Industrial Relations to order the payment of their aforementioned shares, according to the examiner's report. Despite the opposition of the Company, predicated upon the theory that these claimants were not parties to the proceeding and could not invoke, therefore, the benefits of the aforementioned decisions (of the Court of Industrial Relations, of February 23, 1954, and of the Supreme Court, promulgated on June 20, 1955), the Court of Industrial Relations issued an order, dated January 8, 1959, granting said request and directing the Company to deposit with the cashier of said Court, within a specified time, the aforementioned sum of P23,381.96, exclusive of service fee. On motion for reconsideration filed by the Company, said order was affirmed by the Court of Industrial Relations, sitting en banc, in a resolution dated February 14, 1959. Thereupon, or on or about February 28, 1959, the Company filed with this Court a petition, docketed as G. R. No. L-15120, for review by certiorari of said order and the aforementioned resolution of the Court of Industrial Relations, dated January 8, and February 14, 1959, respectively, but the petition was dismissed by resolution of this Court of March 17, 1959, for lack of merit.

Presently, or on April 14, 1959, the Company filed with the Court of Industrial Relations a petition praying that it be no longer required to deposit the aforementioned share of Jose S. Galvez in the amount of P13,028.64, because Mrs. Galvez had already been paid P24,000, as above stated, inasmuch as, at the time of his death, Mr. Galvez was receiving a monthly compensation of P2,000 and under the rules governing the Employees' Pension Plan, he would have received only the salary for six (6) months, or P12,000, for his post liberation services, which were over five (5) years but less than ten (10) years, but was given the benefit of a provision prescribing a 12-month pay for those who had served ten (10) years or over, in view of his prewar services. By an order dated September 8, 1959, the Court of Industrial Relations held that amounts collectible by Jose S. Galvez under said pension plan for his prewar and post-liberation services were P13,028.64 and P12,000, respectively, or the aggregate sum of P25,028.64, and that since Mrs. Galvez had already received P24,000, the sum now due her is only P1,028.64, which the Company was ordered to deposit in court.

A reconsideration having been denied by the Court of Industrial Relations sitting en banc, Mrs. Galvez now seeks a review by certiorari of said order of September 8, 1959, upon the ground that it had in effect amended unlawfully the aforementioned order of January 8, 1959, which was already final and executory. By way of justification for the action complained of, the lower court stated in its order of September 8, 1959.

"The order of this Court dated May 12, 1956, approving the Report of Examiner in which the equities of all employees of the respondent company were determined in accordance with the decision of this Court in Case No. 639-V, Crispin Jeturian, et al. vs. Philippine Long Distance Telephone Co., as modified by the Supreme Court in G. R. No. L-7756, Philippine Long Distance Telephone Company vs. Crispin Jeturian, et al., recognizes the equity in favor of Jose S. Galvez in the pre-war pension plan, although his name was not specifically mentioned as one of the petitioners in said Case No. 639-V, being one of the employees of said company. The order of this Court of July 8, 1959 in the instant incidental case implements said Report of Examiner, thus giving effectively to the award in favor of Jose S. Galvez. We believe that this Court may in its sound discretion, after discovering—through hearings as was done in this case—a certain error which might do injustice to the aggrieved party if not corrected, alter or modify its order to accord substantial justice to the party concerned during the effectivity of an award, order or decision."

The lower court was thus aware of the fact that it was thereby altering or modifying its order of January 8, 1959. Regardless of the excellence of the motive for acting as it did, we are constrained to hold, however, that the lower court had no authority to make said alteration or modification. The order of January 8, 1959, awarding P13,028.64 to Jose S. Galvez, was affirmed by the Court of Industrial Relations sitting en banc, and an appeal by certiorari from said order and from the confirmatory resolution of said Court en banc was dismissed by this Court,

for lack of merit. As a consequence, said order of January 8, 1959 and the award of P13,028.64 in favor of Jose S. Galvez became executory and are no longer subject to alteration or modification (*Rattan Art & Decorations, Inc. vs. Rattan Art & Decorations (Daily Workers) Union*, G. R. No. L-6466, May 21, 1954; *Pepsi-Cola Bottling Co. of the P.I. vs. Philippine Labor Organization*, 88 Phil., 147).

The equitable considerations that led the lower court to take the action complained of cannot offset the demands of public policy and public interest—which are also responsive to the tenets of equity—requiring that all issues passed upon in decisions or final orders that have become executory, be deemed conclusively disposed of and definitely closed, for, otherwise, there would be no end to litigations, thus setting at naught the main role of courts of justice, which is to assist in the enforcement of the rule of law and the maintenance of peace and order, by settling justiciable controversies with finality.

Wherefore, the order appealed from is hereby set aside and another one shall be entered directing that within thirty (30) days from entry of judgment in this case, the sum of P13,028.64, exclusive of service fee, be deposited by respondent Philippine Long Distance Telephone Co. with the Court of Industrial Relations for the benefit of the heirs of Jose S. Galvez, with costs against said respondent. It is so ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Paredes, Dizon and De Leon, JJ., concur.

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