

NATIONAL POWER CORPORATION, PETITIONER, VS. NEW EMPLOYEES AND WORKERS ASSOCIATION AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-33472. December 29, 1971

Ponente: FERNANDO, J.

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FERNANDO, J.:

The issue raised, one of first impression by the way, is simple and uncomplicated. In deciding two labor cases on June 30, 1970,[1] this Court resolved to refer the matter back to respondent Court of Industrial Relations so that the claim of petitioner National Power Corporation, the employer, that the strike of the labor union was illegal, could be determined before the economic demands that had to be considered in Such cases should be passed upon. Once remanded and the hearing set before respondent Court, there was an order by its Presiding Judge, Arsenio I. Martinez, to the effect that there would be a simultaneous reception of evidence on both the legality of the strike as well as such economic demands. Petitioner duly made its objection, but it did not prevail. It would insist on a prior resolution of the legality of the strike. It was opposed to another kind of evidence being offered in the meanwhile. It brought the matter to respondent Court en banc. It was rebuffed a second time. Hence this petition for review. As noted at the outset, the question does not possess too much difficulty, but in view of its novel character, the petition was given due course. After a study of the matter, it is the conclusion of this Court that the order of respondent Court challenged is not tainted by any legal error of consequence. The petition must be denied.

The dispute arose in this wise. Our June 30, 1970 decision remanded the labor cases to respondent Court for this reason: "No adverse effect would be entailed if the Court of Industrial Relations would pass upon squarely as to whether the strike was legal before deciding the other issues. There was no question as to the legality of its power in the meanwhile to order the strikers to go back to work and thus avoid the dire possibility foreseen in the certification of 'huge economic losses, untold inconveniences and grave dangers to safety and human lives.' The Court is of the opinion that while the doctrine of the Philippine Can Co. case had been relaxed where we felt that the legality of a strike need not be inquired into, the situation confronting the Court of Industrial Relations here was such that a determination of the validity of this strike is crucial to the proper disposition of the matter." [2] After the remand, petitioner filed a motion for the deferment of further hearing on the matter until after the issue of legality of the strike of August 30, 1968 was finally resolved. On November 7, 1970, as noted, its Presiding Judge issued an order denying such motion. It was his view that a simultaneous hearing on the legality as well as the economic issues raised would not be inconsistent with the ruling of this Tribunal. As was therein stated: "A joint hearing of the strike legality and the economic issues, *** is not inconsistent with the above ruling. But before passing upon the economic issue this Court would decide the question of whether the strike of August 30, 1968 was legal or not, if legal, dispose of the economic issue in the same decision and appeals, if any, could be made to the Supreme Court questions of fact and law on all issues raised in one proceeding. To defer hearing on the economic issue until the legality of the strike is finally resolved would mean delay. With the view to

facilitating the early termination of the cases, considering that the issues are before the same Sala of this Court and the evidence in both issues are common or identical, it will be for an orderly administration of justice that the question of whether or not the strike was illegal and the economic issue be heard jointly." [3] There was a motion for reconsideration of such order of November 7, 1970, but it was denied by the respondent Court en banc on March 11, 1971. Hence this petition for review.

The issue raised, as was made clear at the outset, calls for an answer adverse to that of petitioner. Respondent Court; in sustaining the order of its Presiding Judge, did not act in contravention of law. There is no merit to this petition for review.

1. Why such should be the answer is not difficult to understand. There has been throughout all these years a recognition of the broad range of discretion vested in respondent Court. That is necessarily so in line with the responsibility thrust upon it as the governmental agency for effectuating the state policy on the solution of labor disputes. The assumption has been that with the wealth of experience thus gained in coping with the specific and limited sphere with which it deals, it could be trusted on the whole to arrive at solutions that are in accordance with the objectives of the law. Thus we do not feel called upon to set aside or disregard what it has decreed, save in clear cases of non-compliance with the applicable juridical norms. This is so with reference to the result reached. [4] It is no less true as to the procedure followed by it. [5] The same approach is thus reflected both as to what has been done and how it has come about. So it has been in the past. So it should be in this case.

In this, as in so many branches of public law, Justice Laurel blazed the trail. In the first case, *Goseco v. Court of Industrial Relations*, [6] where the extent of the power of respondent Court to fashion its procedural ways was passed upon, the basic principle was stated by him thus: "Justice, equity and the substantial merits of their cases are the keynote and controlling considerations of the law," [7] How such a doctrine did apply to the facts of this particular dispute, he explained in this wise: "It is in this obvious spirit of the law that the respondent court denied the petitioner's motion for reconsideration assailing its jurisdiction, in the following words: 'In view of the substantial merits of the case and in the interest of justice and equity, we are inclined to disregard in the present instance in favor of the laborers the application of the rigid rules of procedure and to declare, as we hereby do, without merit the second ground of the motion.' *** To rule, therefore, that the decision of the respondent court of December 28, 1937, attained finality ten days after its rendition in the sense that it became immune from further and subsequent revision or amendment, and that the respondent court, in so amending what it thought was not reflective of justice and equity, went beyond the bounds of its jurisdiction, is to uproot the very purpose of the law and to countenance the very mischief which it seeks to avoid, namely, the subjection of the respondent court to the technicalities of procedure. This is one of the cases where this court, by self-imposed limitation, should decline to override the judgment of the Court of Industrial Relations." [8]

The liberality with which the judiciary has appraised the modes of procedure of administrative tribunals is equally evident in American Law. In his authoritative *Administrative Law Treatise*, [9] Davis summarized the matter as follows: "Administrative hearings follow no single pattern. * * * Practices are extremely diverse, sometimes even within the same agency. Procedures vary all the way from a trial-type hearing to a public meeting, with all proportions of mixture of the two. Rare cases in which questions about hearing methods or order of proceedings have gone to court show judicial reluctance to upset administrative discretion." [10]

2. It would be a different matter, of course, if the challenged order could be assailed as deviating from our decision of June 30, 1970. There is nothing however on the face thereof that would indicate that there was such an absence of conformity. All that was required by us is that respondent Court determine the validity of the strike before passing upon the economic issues raised. There is nothing in what was held by us that would require it to hear the matter separately. There is no showing of a failure to abide by our pronouncement, much less an intent to

defy. Rather, it would seem that the procedure now being followed would be characterized by promptness and dispatch in the disposition of labor disputes. For if its decision would be that the strike was legal, then, necessarily, it would have to give due weight to the merits of the economic demands, if any. On the other hand, if the strike were declared illegal, nothing is lost if in the meanwhile the other issues are heard by it. Under the circumstances then, there is no justification for us to set aside the order complained of.

WHEREFORE, the order of November 7, 1970 of Presiding Judge Arsenio I. Martinez as well as the order of respondent Court en banc of March 11, 1971 are affirmed. Without pronouncement as to costs.

Concepcion, C.J., Reyes, Makalintal, Zaldivar, Ruiz Castro, Barredo, Villamor, and Makasiar, JJ., concur.
Teehankee, J., in the result.

[1] National Power Corporation v. National Power Corporation Employees and Workers Association, L-26169, and National Power Corporation Employees and Workers Association v. National Power Corporation, L-26178, June 30, 1970, 33 SCRA 806.

[2] Ibid, p. 811.

[3] Petition, Exhibit B., pp. 2-3

[4] Cf. Sanchez v. Court of Industrial Relations, L-26932, March 28, 1969, 27 SCRA 490.

[5] Pampanga Bus Co. v. Employees Asso., 84 Phil. 31 (1949); Church v. La Union Labor Union, 91 Phil. 163 (1952); San Miguel Brewery v. Court of Industrial Relations, 91 Phil. 178 (1952); Luzon Brokerage Co. v. Luzon Labor Union, 92 Phil. 61 (1952); Phil. Land-Air-Sea v. Cebu Portland Cement Co., 96 Phil. 920 (1955); Nicolas v. Castillo, 97 Phil. 336 (1955); Santos v. Court of Industrial Relations, 98 Phil. 23 (1955); Dimayuga v. Court of Industrial Relations, 101 Phil. 590 (1957); G. P. T. C. Employees Union v. Court of Industrial Relations, 102 Phil. 538 (1957); Brito v. Court of Industrial Relations, 108 Phil. 609 (1960); Cano v. Court of Industrial Relations, 109 Phil. 1086 (1960); Luzon Brokerage Co. v. Luzon Labor Union, L-17085, Jan. 31, 1963, 7 SCRA 116; Industrial, Commercial, Agricultural Workers Org. v. Bautista, L-15639, April 30, 1963, 7 SCRA 907; Phil. Sugar Institute v. Court of Industrial Relations, L-18930, Feb. 28, 1967, 19 SCRA 471; Maritime Co. of Phil. v. Paredes, L-24811, March 3, 1967, 19 SCRA 569; Taller Bisayas Employees & Workers As so. v. Panay Allied Workers Union, L-23927, Sept. 19, 1967, 21 SCRA 168; Kapisanan Ng Mga Manggagawa sa Manila Railroad Co. v. Hernandez, L-19791, Aug. 14, 1968, 24 SCRA 591; Sanchez v. Court of Industrial Relations, L-26932, March 28, 1969, 27 SCRA 490; National Waterworks & Sewerage Authority v. NWSA Consolidated Union, L-27463, May 16, 1969, 28 SCRA 171; Kapisanan Ng Mga Manggagawa sa Alak v. Hamilton Distillery Co., L-23714, June 30, 1970, 33 SCRA 887; Lakas Ng Manggagawang Makabayan v. Court of Industrial Relations, L-32178, Dec. 28, 1970, 36 SCRA 600.

[6] 68 Phil. 444 (1939).

[7] Ibid, p. 450.

[8] Ibid, pp. 450-451.

[9] Davis, Administrative Law Treatise, in four volumes. (1958)

[10] Davis, op. cit., pp. 577-578.

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