

DEE C. CHUAN & SONS, INC., PETITIONER AND APPELLANT, VS. THE COURT OF INDUSTRIAL RELATIONS, CONGRESS OF LABOR ORGANIZATIONS, KAISAHAN NG MANGGAGAWA SA KAHAY SA PILIPINAS, AND JU...

G.R. No. L-2548. January 28, 1950

Ponente: PARAS, J.

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PARAS, J.:

This is an appeal by the petitioner from a decision of the Court of Industrial Relations ordering the petitioner (1) to grant an increase of P0.030 a day to all its employees and laborers except workers under the "pakiao system"; (2) to grant its laborers, under certain conditions, 15 days vacation leave and 15 days sick leave both with full pay every year, and, upon the other hand, denying (a) petitioner's prayer for the reduction of the salaries and wages of its employees and laborers, including the work-contract laborers of Julian Lumanog; (b) petitioner's claim for damages resulting from its laborer's strike; (c) petitioner's prayer for the filing of a bond by Julian Lumanog under Act No. 3959 and for the reduction of wages of his work-contract laborers.

The contention of the petitioner that the strike declared by its laborers on April 12, 1947, is illegal or unjustified because it originated from unfounded demands and was planned by the Congress of Labor Organizations to create a general strike condition in Manila and embarrass the Roxas Administration, raises questions of fact decided adversely to the petitioner by the Court of Industrial Relations; and, it is now needless to state, we are not authorized to re-examine the same.

It appears that there was a previous industrial dispute between the petitioner and its laborers resulting in a strike which was decided and settled by the Court of Industrial Relations in a final judgment promulgated on November 23, 1946. It is presently argued by the petitioner that the effective duration of this judgment is three years during which a strike may not be staged. Section 17 of Commonwealth Act No. 103, invoked by the petitioner, provides that "An award, order, or decision of the Court shall be valid and effective during the time therein specified. 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: Provided, however, That 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."

The petitioner admits that this provision does not expressly prohibit the declaration of a strike during the effective duration of an award or decision, but contends that the prohibition may be inferred from the legislative intent of forestalling strikes. We cannot agree. A strike is not in itself inconsistent with or destructive of the efficacy of an award or decision, since the Court of Industrial Relations in proper cases may enforce the same during the statutory period. In other words, an employer as soon as the laborers walk out, may resort to said court and defeat the aims of the strike by alleging the existence of a binding decision settling a previous similar industrial dispute,

subject of course to the power of the court to reopen any question involved therein (sec. 17, Commonwealth Act No. 103, as amended). Capital need not, however, be apprehensive about the recurrence of strikes in view of the system of compulsory arbitration by the Court of Industrial Relations.

This conclusion on the basic phase of the case,—that the strike in question is legal and justified,—is necessarily fatal (1) to petitioner's claim for damages, even assuming that the Court of Industrial Relations has jurisdiction to pass thereon, and (2) to petitioner's claim that the striking laborers had ceased to be in its employ as a consequence of their unjustified strike.

The raise in wages and the 15-day vacation leave with full pay every year conceded to the workers by the Court of Industrial Relations were based on the financial ability of the petitioner as shown by the evidence adduced before and weighed by said court, and for us to review this feature of the case will involve a factual inquiry which we are not empowered to undertake.

The Court of Industrial Relations has also ordered the petitioner to grant its workers 15-day sick leave with full pay every year. In the case of *Leyte Land Transportation Company, Inc. vs. Leyte Farmer's and Laborers' Union*, L-1377, decided on May 12, 1948 (45 Off. Gaz., 4862)[1] we already sustained the authority of the Court of Industrial Relations to grant vacation and sick leaves with pay, and observed that "when there is an assurance of holidays and vacations, workers take up their tasks with greater efficiency and tend to sustain their productiveness for longer periods."

The claims of the petitioner against Julian Lumanog must also be overruled, first, because it is admitted that the latter is an independent contractor, and his laborers (who joined the strike) are therefore not in the service of the petitioner, with the result that the Court of Industrial Relations has no jurisdiction over them; and, secondly, because we have ruled that the strike in question is legal and justified, and cannot consequently be a cause for discharge.

The appealed decision of the Court of Industrial Relations is therefore affirmed, and it is so ordered with costs against the petitioner.

Ozaeta, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, and Torres, JJ., concur.

Moran, C. J., concurs in the result.

Feria, J., no part.

[1] 80 Phil., 840.

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