

NAPOLEON MAGALIT, ET AL., PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.

G. R. No. L-20448. May 25, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Napoleon Magalit, et al., all employees of the Philippine Charity Sweepstakes Office, filed a complaint for unfair labor practice with the Court of Industrial Relations against Geronimo Quadra, et al., charging them with a violation of the Magna Carta of Labor in that being supervisors they joined a union formed exclusively of rank and file employees of said office. Having found merit in the charge, a prosecutor of the court filed a formal complaint averring therein the requisite acts constituting the unfair labor practice complained of.

Notified of the charge, respondents answered denying the commission of the act imputed to them and alleging that the charge is but an election gimmick to discredit respondents in connection with the election of officers of the Philippine Charity Sweepstakes Employees Association for the year 1962 in order to bolster the chances of complainants who themselves were aspirants for the same or similar positions. Incidentally, respondents prayed that they be awarded damages in the amount of P10,000.00.

Honorable Jose S. Bautista, presiding judge, heard the case, and, thereafter, rendered decision dismissing the complaint. He found that under the charter creating the Philippine Charity Sweepstakes Office,[[1]] the general powers of the office are lodged in a board of directors, composed of five members, being its policy-determining body, and the general manager created therein is given the direction and control of the office in all matters not specifically reserved to the board. In addition, he is given the power to appoint the personnel of the office except the auditor and the personnel assigned to him, and in implementing the policies of the board, the general manager acts thru the department managers whose recommendations are merely routinary since the policies are already defined and fixed by the board. In short, he is of the opinion that the general manager is the only official in that office who may be considered as supervisor within the meaning of the Magna Carta.

This decision was affirmed by the court en banc, with the dissent of Judge Amando C. Bugayong. The case is now before us on a petition for review.

The issue now to be resolved is: Is there any factual basis for the conclusion that respondents are not supervisors within the meaning of the Magna Carta of Labor?

Under the law, supervisor means "any person having authority * * * to hire, transfer, suspend, lay-off, recall, discharge, assign, recommend, or discipline other employees * * * or effectively to recommend such acts if, in connection with the foregoing, the exercise of such authority is not of a merely routinary or clerical nature but requires the use of independent judgment" (Section 2 (k) Republic Act No. 875). This means that a person holds a supervisory position if, among others, he can recommend acts that are not merely routinary or clerical but require the use of independent judgment. Do the positions occupied by respondents include the performance of acts other than routinary, or which require the use of discretion? Do they have the power in connection with the duties of

their office to recommend the performance of acts which requires the use of independent judgment? To answer these questions it is necessary that we go to the nature of their positions and the functions and duties incident thereto.

In this connection, it is important that we take note of the statements the respondents have submitted to the Wage and Position Classification Office, WAPCO for short, denominated Position Description Forms wherein they made a detailed relation of their functions and duties. While the entries contained therein were personally made by the personnel concerned, they were all approved by their Department Heads and confirmed by the General Manager of the office. They were submitted to the WAPCO in order that this office may classify the positions then existing and may give them their proper classification and salary range. These statements are, therefore, official in character and as such, can be considered as the true index of the functions and duties of the employees concerned, since the law creating the Philippine Charity Sweepstakes Office does not mention any position other than that of the general manager, it merely empowers him to appoint the subordinate personnel that may be necessary. Hence, it can readily be seen that that position cannot be regarded as the only supervisor in legal contemplation for he alone cannot discharge and carry out the work envisioned by the law-makers 'in creating the Philippine Charity Sweepstakes Office.

Now, what do these Position Description Forms contain relative to the functions and duties of respondents. To this effect it is enough that we take a look at what it is related under the title "Statement of Duties" appearing in each and everyone of them and this much we will find: that each and everyone exercise general supervision over a group of executive assistants in performing a variety of research, administrative and technical duties, or is given the power to recommend action on a variety of matters pertaining to the operation of the business of the office and, in general, each performs such other duties as may be assigned to them by the general manager. These duties are given them in addition to other functions that are peculiar to the positions they hold. And judging from their nature there is no doubt that these officials come within the category of supervisors within the meaning of Section 2 (k) of Republic Act 875.

It is true that respondent Geronimo Quadra, besides his duties as chief legal officer, likewise acts as liaison officer between the Sweepstakes Office and those of Congress, the Civil Service Commission and the Office of the President, but this assignment does not strip him of his regular function as supervisor. In other words, notwithstanding this assignment, his supervisory power over the personnel working in his office is retained. His character as supervisor is not nullified.

WHEREFORE, the decision appealed from is reversed. It is hereby ordered that respondents cease to be member of respondent union, and as such should resign from the offices to which they had been elected. No costs.

Bengzon, C.J., Concepcion, Reyes, J. B. L., Paredes, Dizon, Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

[1] Republic Act No. 1169, as amended by Republic Act No. 1622.

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