

**COLGATE-PALMOLIVE PHILIPPINES, INC., PETITIONER, VS.
DOMINADOR DE LA CRUZ, FELIPE BILLED, SULPICIO GALICIA,
JULIAN RAVAO, FLAVIANO SON, PABLO ALFORQUE, PEDRO OLEDEN,
HONORIO DA...**

G.R. No. L-23015. May 30, 1972

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Petitioner Colgate-Palmolive Philippines, Inc. seeks to nullify the order of the respondent Court of Industrial Relations dated October 25, 1963 and its resolution en banc dated January 31, 1964 (pp. 15-16, rec.).

In a complaint dated July 2, 1959, respondents Dominador de la Cruz, Felipe Billedo, Sulpicio Galicia, Julian Ravao, Flaviano Son, Pablo Alforque, Pedro Oleden, Honorio Daclison, Felipe Llarenas, Emilio Buaron, Lope Montano, Limneo Marcial and Luis de Vera, employees of herein petitioner firm, charged the latter with unfair labor practice as herein petitioner dismissed them for organizing a labor union in the company (Case No. 2088-ULP) (Annex "A", pp. 17-21, rec.) to which herein petitioner filed its answer dated July 20, 1959 (Annex "B", pp. 22-23, rec.).

After due hearing, C.I.R. Associate Judge Arsenio I. Martinez rendered a decision dated July 13, 1962 (Annex "C", pp. 24-57, rec.) dismissing for lack of merit the aforementioned unfair labor practice charge as follows:

"WHEREFORE, respondent Colgate Palmolive Philippines, is hereby absolved of the Unfair Labor Practice acts imputed by the complainants and the complaint is hereby DISMISSED for lack of merit. Considering however the length of service of herein complainants with respondent company, the Court feels that justice and equity demand that complainants be paid the money equivalent of other rights and privileges to which they are entitled under the law or contract, like accrued vacation and sick leave, bonuses and the like. Consequently, the Chief Examiner of the Court is hereby directed to proceed to the company, and examine company's books and record to determine the amount to which complainants may be entitled to, under the foregoing premises." (p. 57, rec.).

The aforesaid decision became final on August 10, 1962 because herein petitioner did not file any motion for the reconsideration of the same, nor interposed an appeal therefrom, which finality was stressed by herein respondent Court in its order dated October 25, 1963 (Annex "G", pp. 66-68. rec.).

Because the aforesaid decision became final and executory, the Chief Examiner, pursuant to the directive contained in its dispositive part, conducted the examination of the books and records of the company to determine the money value of the other rights and privileges of the herein private respondents, like accrued vacation and sick leave as well as bonuses from the date of their employment as security guards until their dismissal on January 25, 1958, and accordingly submitted his report dated October 3, 1962, stating that herein private respondents were already paid their separation pay, the money value of their accrued vacation leave, and the 1957 special Christmas pay (bonus), but they were not paid the money equivalent of their unused or unenjoyed sick leave in the amount

of P4,030.69 and the separation pay paid to herein private respondent Limneo G. Marcial was short by P86,44 (Annex "D", pp. 58-59, rec.; Appendix "I", p. 60, rec.).

In a pleading dated October 12, 1962, herein petitioner filed its objection to the aforesaid report of the Chief Examiner with respect to the unenjoyed sick leave of herein private respondents on the ground (1) that after declaring in its order of July 13, 1962 that herein petitioner is not guilty of unfair labor practice, herein respondent Court of Industrial Relations has no jurisdiction to order herein petitioner to pay or entertain any money claims, which should be filed in the proper court; and (2) that it is not the policy of herein petitioner to pay the money value of unused sick leave of its employees which is not commutative or convertible into cash if unenjoyed, although cumulative up to 45 days (Annex "E", pp. 61-62, rec.).

After herein private respondents filed their answer dated December 5, 1962 to herein petitioner's opposition to the C.I.R. Chief Examiner's report (Annex "F", pp. 63-65, rec.), C.I.R. Associate Judge Arsenio Martinez issued the questioned order dated October 25, 1963 directing herein petitioner to deposit with the Court of Industrial Relations the amount of P4,030.69 within ten (10) days from receipt thereof, for further disposition of the C.I.R. on the ground (1) that the decision of July 21, 1962 had long become final and executory on August 10, 1962, and (2) that petitioner's own Exhibits "7", "8", and "9" as well as the collective bargaining agreement on sick leave with pay do not prohibit payment in cash of unused sick leave (Annex "G", pp. 66-68, rec.).

In an order dated January 31, 1964, the herein respondent Court of Industrial Relations en banc denied the motion dated November 2, 1963 filed by herein petitioner (Annexes "H" & "I", pp. 69-83, rec.) for the reconsideration of the order dated October 25, 1963 (Annex "K", p. 89, rec.).

Hence, this petition.

Petitioner firm does not dispute the finding that the dismissed employees have unused earned sick leave, nor the money value thereof corresponding to each of them as graphically shown in Appendix "I" (p. 60, rec.).

The main issue is whether the Court of Industrial Relations has jurisdiction to decree the payment of the money equivalent of the unused sick leave of herein private respondents in the same decision which absolved herein petitioner of the unfair labor practice charge filed against it by herein private respondents, who were found to be legally dismissed by herein petitioner.

Mr. Chief Justice Concepcion, after making a comprehensive review and analysis of the jurisprudence on the matter, recapitulated in *Mindanao Rapid Co., Inc., etc. vs. Omandam*,^[1] *Rudy Dominguez vs. Pepsi Cola Bottling Co., Inc.*,^[2] *Juan Glipo vs. A.L. Ammen Trans. Co., Inc.*,^[3] *Democratic Labor Assoc., etc. vs. Judge Guillermo Villasor, etc., et. al.*,^[4] *Manila Cordage Workers' Union vs. Hon. Samuel F. Reyes, etc.*,^[5] and *National Mines & Allied Workers' Union vs. Hon. Perfecto Quicho, etc., et. al.*^[6] that under Section 5-a of Republic Act No. 875, otherwise known as the Industrial Peace Act, the Court of Industrial Relations has exclusive jurisdiction over unfair labor practice cases, which exclusive jurisdiction "shall not be affected by any other means of adjustment or prevention that has been or may be established by an agreement, code, law or otherwise;"^[7] that for the Court of Industrial Relations to acquire jurisdiction under Republic Act No. 875 over an unfair labor practice case, (aside from a case certified by the President of the Philippines to the Court of Industrial Relations as one involving national interest, or arising under the Eight-Hour labor law or the Minimum Wage Law), there must exist between the parties an employer-employee relationship or the dismissed employee must seek his re-instatement, without any one of which circumstances the claim becomes a mere money claim that comes under the jurisdiction of the regular courts;^[8] that even if no unfair labor practice charge has as yet been filed, as long as an unfair labor practice is involved, the case falls within the exclusive jurisdiction of the Court of Industrial Relations;^[9] and that while in ordinary civil actions in the regular courts, the question of jurisdiction is

determined by the allegations in the complaint, the rule differs in labor disputes in that the Court has set a criterion that whether the actions complained of arose out of, or are connected or interwoven with, the unfair labor practice case, is a question of fact that should be brought to the attention of the trial court or the Court of Industrial Relations to enable it to determine whether it has jurisdiction or not and the Court of Industrial Relations or trial court is duty bound to find out whether there is really a labor dispute by the reception of evidence, in view of the fact that the complaint is usually so adroitly or artfully drafted as to conceal the fact that an unfair labor practice is involved.[10]

The decision dated July 13, 1962, dismissing the unfair labor practice charge for lack of merit, expressly decrees "that justice and equity demand that complainants be paid the money equivalent of other rights and privileges to which they are entitled under the law or contract, like accrued sick and vacation leave, bonuses and the like. Consequently, the Chief Examiner of the Court is hereby directed to proceed to the company, and examine the company's books and record to determine the amount to which complainant may be entitled (to), under the foregoing premises."

The petitioner did not ask for reconsideration of the aforequoted portion of the decision, much less appeal therefrom. Petitioner is merely appealing from the implementing orders dated October 25, 1963 and January 31, 1964. Hence, the entire decision had already become final and executory. The phraseology of that portion of the dispositive part of the decision leaves no room for equivocation or misunderstanding as to its patent import that the dismissed employees should be paid the money equivalent of their accrued and unpaid sick leave as well as other rights and privileges and that the C.I.R. chief examiner was directed to examine the company's books to determine the amount thereof. If upon receipt of the decision petitioner honestly believed then that the said portion of the dispositive part of the decision is null and void as beyond the jurisdiction of the Court of Industrial Relations to adjudicate after absolving the petitioner of the unfair labor practice charge, it should have seasonably filed a motion for reconsideration of the same or interposed an appeal therefrom. Petitioner did not even object to the examination by the chief examiner of its books. It was only almost three months from the date of the receipt of the decision of July 13, 1962 when the petitioner filed its objection dated October 12, 1962 to the report of the chief examiner dated October 3, 1962 impugning the jurisdiction of the court to decree the questioned award. It is apparent that the reason why petitioner neither moved for the reconsideration of the challenged award nor appealed therefrom, was because it was hoping or expecting that the Court of Industrial Relations chief examiner would not discover from the firm's books that the thirteen (13) dismissed employees had earned but unpaid sick leave. But when the chief examiner came up with a report adverse to its expectations, petitioner now impugns the authority of the court to award the money value of the earned sick leave. A party cannot now invoke lack of jurisdiction on the part of the Court of Industrial Relations to escape its liability, after it has kept silent over such alleged absence of jurisdiction, which silence is tantamount to recognition of the power of the Court of Industrial Relations to decree the award, if not active deception on its part. The Court frowns upon such "undesirable practice" of the party submitting himself to the decision and thereafter attacks the same when the implementation of the decision becomes adverse to him.

By virtue of the aforesaid circumstances, the Sibonghanoy doctrine should be applied with equal vigor to the petitioner.[11]

The fact that in the Sibonghanoy case the question of lack of jurisdiction was raised for the first time only after the lapse of fifteen (15) years, does not remove the case at bar from the reach of the Sibonghanoy rule; because as the Supreme Court, thru Mr. Justice Dizon, enunciated in said case the doctrine of estoppel by laches or of stale demands "is based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and, unlike the statute of limitations, is not a mere question of time but is principally a question of the

inequity or unfairness of permitting a right or claim to be enforced or asserted." [12] Reiterating the rule in an American case, the Sibonghanoy case further stated "that the question whether the court had jurisdiction either of the subject matter of the action or of the parties was not important in such cases because the party is barred from such conduct not because the judgment or order of the court is valid and conclusive as an adjudication, but for the reason that such practice cannot be tolerated — obviously for reasons of public policy." [13]

It should be stressed that in the Sibonghanoy case, the money claim amounting to only P1,908.00, is by express legal provision clearly within the original exclusive jurisdiction of inferior courts; but the claim was originally filed with and awarded by the Court of First Instance. [14] In the case at bar, the absence of jurisdiction on the part of the Court of Industrial Relations to decree monetary awards once the unfair labor practice charge is dismissed, is only implied thru judicial construction from the silence of Sec. 5(c) of the Industrial Peace Act. [15] There is greater reason therefore to apply the Sibonghanoy doctrine to the instant case.

The aggregate amount as found by the Court of Industrial Relations examiner and decreed in favor of the thirteen (13) dismissed employees collectively is P4,030.69 representing the money value of their unused sick leave (Annex "G", pp. 66-68, rec.). When broken down, P468.16 pertains to Dominador de la Cruz, P279.30 to Felipe V. Billedo, P369.60 to Sulpicio L. Galicia, P434.28 to Julian B. Ravao, P501.60 to Flaviano L. Son, P342.76 to Pablo B. Alforque, P327.18 to Pedro B. Oleden, P247.38 to Honorio D. Daclison, P221.94 to Felipe M. Llarenas, P194.51 to Emilio B. Buaron, P159.60 to Lope D. Montano, P167.58 to Limneo G. Marcial, and P316.80 to Luis S. de Vera (Appendix "1", p. 60, rec.).

If each of, the thirteen (13) dismissed employees is required to file a separate complaint for the amount allocated to him, that means thirteen (13) separate complaints in the city court of Manila. Even assuming that each of them will be allowed to file a pauper's complaint and therefore exempted from filing fees, the amount adjudicated to each of them will not go far to cover their expenses during the progress of the trial and each will have spent more than the amount of his claim before the trial could be terminated especially the separate claim for less than P200 each of Emilio B. Buaron, Lope D. Montano and Limneo G. Marcial. The biggest claim is only P501.60 in favor of Flaviano L. Son. And if the litigation becomes protracted, their claims would be worth nothing at all. The dismissed employees would be lucky if they will not find themselves in debt even before the termination of the cases in the regular courts.

Rejection of such jurisdiction on the part of the Court of Industrial Relations over the questioned award, would in the language of the Sibonghanoy case compel the thirteen (13) dismissed employees to file thirteen separate claims before the Manila City Courts and hence "to go up their calvary once more. The inequity and unfairness of this is not only patent but revolting." [16]

Moreover, Sec. 20 of the C.I.R. charter, otherwise known as Commonwealth Act No. 103, as amended, provides "that in hearing, investigation and determination of any question or controversy, and in exercising any duty and power under this Act, the Court shall act according to justice and equity and substantial merits of the case, without regard to technicalities or legal forms and shall not be bound by any technical rule or legal evidence but may inform its mind in such manner as it may deem just and equitable." This injunction for the Court of Industrial Relations to act according to justice and equity and substantial merits of the case, has been repeatedly stressed by Us in several cases. [17]

In the Kapisanan case, *supra*, this Court, thru Mr. Justice Barredo, ruled that by the provision of Section 20 of Commonwealth Act No. 103, "the industrial court is disengaged from the rigidity of the technicalities applicable to ordinary courts. Said court is not even restricted to the specific relief demanded by the parties but may issue

such orders as may be deemed necessary or expedient for the purpose of settling the dispute or dispelling doubts that may give rise to future disputes." [18] It is thus patent that the Court of Industrial Relations can grant the questioned relief in favor of the dismissed employees even if the same were not so expressly spelled out in their complaint; because such relief falls under the specific prayer for re-instatement with back wages and all other rights and privileges appertaining to their position as well as the general prayer "for such other reliefs as may be deemed just and equitable in the premises" in their complaint.

In a protracted legal battle, capital can always protect its interest with its vast and superior resources as well as skilled legal services. Labor does not have such resources under its command; for which reason, the Constitution compels the State — including the courts as organs of the State — to accord labor the needed protection and assurance of social justice. From the very beginning, because of these essential differences in resources — and in power and influence — the battle between capital and labor is always unequal because labor is always the weaker of the two protagonists. To compel labor to run to the regular courts for such money claims covering unenjoyed sick leave, aggravates the inequality, imposes on the laborer greater burdens which they cannot bear and would reduce to nothing whatever money they may expect to recover for the cash value of their unused sick leave will surely be eaten up in expenses even before the trial is over. The dismissed employees waited for this pittance for about thirteen years since they filed their complaint dated July 2, 1959 or about ten years since the challenged decision dated July 13, 1962. Must they wait another ten or thirteen years? The litigation may be decided long after death has claimed them. Such a result is neither the protection, much less social justice, which the Constitution guarantees them.

To refuse to recognize in the Court of Industrial Relations the authority to decree the cash equivalent of the earned but unused sick leave for the herein private respondents, simply because it dismissed the unfair labor practice charge, is to further emasculate its powers and defeats its usefulness to afford protection to the laborers and to secure to them social justice as commanded by the Constitution. [19]

This is not without precedent, for We sustained the jurisdiction of the Court of Industrial Relations over a suit purely and entirely for additional compensation for regular night work in the 1964 case of *Philippine Engineers' Syndicate, Inc. vs. Hon. Jose Bautista, et. al.*, [20] which expressly reiterated Our ruling in *NARIC vs. NARIC Workers' Union* [21] and *Shell Co. vs. National Labor Union*, [22] and the same ruling was enunciated in *Monaris vs. CNS Enterprises, et al.* [23] penned by Chief Justice Paras and *NASSCO vs. Armin, et. al.*, [24] *Isaac Peral Bowling Alley vs. United Employees, etc., et. al.*, [25] and *Detective, etc. vs. Guevarra, et. al.*, [26] that the Court of Industrial Relations has the power to determine the wages that night workers should receive under Com. Act No. 103, although there was no law actually requiring payment of such additional compensation for night work. Thus, Mr. Chief Justice Cesar Bengzon, in said *Philippine Engineers' Syndicate* case, *supra*, stated:

"True, in *PAFLU, et. al. vs. Tan, et. al.*, *supra*, and in a series of cases thereafter, we held that the broad powers conferred by Commonwealth Act 103 on the CIR have been curtailed by Republic Act 875 which limited them to the four categories therein expressed, in line with the public policy of allowing settlement of industrial disputes via the collective bargaining process; but we find no cogent reason for concluding that a suit of this nature — for extra compensation for night work falls outside the domain of the industrial court withal, the record does not show that the employer-employee relation between the 65 respondents and the petitioner had ceased.

"After the passage of Republic Act 875, this Court has not only upheld the industrial court's assumption of jurisdiction over cases for salary differentials and overtime pay or for payment of additional compensation for work rendered on Sundays and holidays and for night work but has also supported such court's ruling that work performed at night should be paid more than work done at daytime, and that if that work is done beyond the worker's regular hours of duty, he should also be paid additional compensation for overtime work. Besides, to

hold that this case for extra compensation now falls beyond the powers of the industrial court to decide, would amount to a further curtailment of the jurisdiction of said court to an extent which may defeat the purpose of the Magna Carta to the prejudice of labor." [27]

It should be emphasized that the 1959 decision of the NARIC case aforementioned was penned for a unanimous Court then of only seven members by Mr. Justice Felix Bautista Angelo, who also wrote the 1956 opinion of a bare majority of six Justices, with Justices Montemayor, J.B.L. Reyes and Concepcion (now Chief Justice) and Chief Justice Ricardo Paras concurring and dissenting in PAFLU, et. al. vs. Tan, et. al. [28]

The fact that the company has not adopted a policy of paying the money value of the unenjoyed sick leave of its employees, does not necessarily mean that it does not have the legal obligation to do so. It is no argument to state that if herein petitioner were to be compelled to pay such money value, it would be an unjust discrimination against its employees who previously resigned or were dismissed but were not paid the money equivalent of their unenjoyed sick leave. The failure of the company to reimburse its previously resigned or dismissed employees the money equivalent of their unenjoyed sick leave is certainly unjust; but such injustice should not be inflicted on herein private respondents who are demanding the same, which demand was sustained by the decision of the respondent Court of Industrial Relations dated July 13, 1962 (p. 57, rec.) that had long become final and executory on August 10, 1962 (p. 66, rec.) as implemented by the challenged orders dated October 25, 1963 and January 31, 1964 (Annexes "G" and "K", pp. 66-68, 89, rec.).

WHEREFORE, the appealed order and resolution respectively dated October 25, 1963 and January 31, 1964 are hereby affirmed and this petition is hereby dismissed, with costs against petitioner.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Fernando, and Antonio, JJ., concur.

Concepcion, C.J., on official leave.

Castro, J., took no part.

[1] G.R. No. L-23058.

[2] G.R.No. L-23473.

[3] G.R. No. L-23871.

[4] G.R. No. L-24232.

[5] G.R. No. L-24718.

[6] G.R. No. L-24956, Nov. 27, 1971, 42 SCRA 250.

[7] Rustan, etc. vs. Dalisay, G.R. No. L-32891, April 29, 1971, 38 SCRA 500, 506-7; Lakas, etc. vs. Abiera, G.R. No. L-29474, Dec. 19, 1970, 36 SCRA 437, 443.

[8] Bay View Hotel, Inc. vs. Manila Hotel Workers Union, et. al., G.R. No. L-21803, Dec. 17, 1966, 18 SCRA 946; Campos, et. al. vs. Mla. Railroad Co., et. al., G.R. No. L-17905, May 25, 1962, 5 SCRA 93.

[9] Rustan vs. Dalisay, supra; Phil. Communications, etc. vs. Nolasco, G.R. No. L-24984, July 29, 1968, 24 SCRA 321.

[10] Rustan vs. Dalisay, supra; Leoquinco vs. Canada Dry, etc., G.R. No. L-28621, Feb. 22, 1971, 37 SCRA 535.

[11] Tijam vs. Sibonghanoy, G.R. No. L-21450, April 15, 1968, 23 SCRA 29, and the cases cited therein.

[12] 23 SCRA 35, italics supplied.

[13] 23 SCRA 36, italics supplied; see also *Pindangan, etc. vs. Dans, et al.*, G.R. No. L-14591, Sept. 26, 1962; *Montelibano, et. al. vs. Bacolod-Murcia etc.*, G.R. No. L-15092; *Young Men etc. vs. C.I.R.*, G.R. No. L-20307, Feb. 26, 1965; *Mejia vs. Lucas*, 100 Phil. 277. [14] Sec. 88, Rep. Act No. 296, as amended.

[15] *Prisco vs. C.I.R.*, G.R. No. L-13806, May 23, 1960, 108 Phil. 134, 138.

[16] 23 SCRA 37.

[17] *Kapisanan, etc. vs. Hamilton, etc., et. al.*, G.R. No. L-23714, June 13, 1970, 33 SCRA 887, 907-908; *Ang Tibay vs. C.I.R.* Feb. 17, 1940, 69 Phil. 635; *Manila Trading and Supply Co. vs. Phil. Labor*, 71 Phil. 124.

[18] 33 SCRA 908, italics supplied.

[19] Sec. 5, Art. II and Sec. 6, Art. XIV, Constitution.

[20] G.R. No. L-16440, Feb. 29, 1964, 10 SCRA 379, 381-2.

[21] G.R. No. L-12075, May 29, 1959, 105 Phil. 891.

[22] Feb. 15, 1956, 81 Phil. 315.

[23] G.R. No. L-11749, May 29, 1959, 105 Phil. 1333.

[24] 104 Phil. 835.

[25] 102 Phil 219.

[26] G.R. No. L-8738, May 31, 1957; 101 Phil. 1234.

[27] 10 SCRA 381-382, italics supplied.

[28] 99 Phil. 854, 867, 869-880.

CONCURRING OPINION

TEHANKEE, J.:

I concur on the ground that since the unfair labor practice case was properly filed with the court of industrial relations, it acted within its authority in directing that "justice and equity demand that complainants be paid the money equivalent of other rights and privileges * * * like accrued vacation and sick leave, bonuses and the like," notwithstanding its dismissal of the unfair labor charge against petitioner-employer and its finding that respondents-complainants' dismissal was not on account of their union activities.

In *Alhambra Industries, Inc. vs. C.I.R.*[29] the Court dismissed a similar contention that under section 5(c) of the Industrial Peace Act, "it is mandatory upon respondent court to order the dismissal of the complaint, once it finds out that no unfair labor practice has been committed" and that any other relief sought should be by recourse to the ordinary courts.

The Court has long enunciated its stand against "split jurisdiction" that "(A) piecemeal resort to one court and another gives rise to multiplicity of suits. To force the employees to shuttle from one court to another to secure full redress is a situation gravely prejudicial. The time to be lost, effort wasted, anxiety augmented, additional

expense incurred — these are considerations which weigh heavily against split jurisdiction. Indeed, it is more in keeping with orderly administration of justice that all the causes of action here ‘be cognizable and heard by only one court; * * *.’”[30]

Furthermore, as stated in the main opinion, even if petitioner could have earlier properly raised a question of jurisdiction against respondent court, it is now barred from raising the question under the doctrine of *Tijam vs. Sibonghanoy*[31] that "after voluntarily submitting a cause and encountering an adverse decision on the merits, it is too late for the loser to question the jurisdiction or power of the court."

While petitioner may be correct that as a matter of contract and usage, sick leave granted employees must be used and is non-commutable, the fact remains that the commutation and payment of such unenjoyed sick leave of respondents were ordered in respondent court's judgment which long became final in 1962 without petitioner having filed an appeal, and may no longer be questioned now.

I therefore vote for the dismissal of the petition.

[29] 35 SCRA 550 (Oct. 30, 1970).

[30] *Rheem of the Phil. Inc. vs. Ferrer*, 19 SCRA 130 (Jan. 27, 1967) cited in *Pacaña vs. Cebu Autobus Co.*, 32 SCRA 442 (April 30, 1970).

[31] 23 SCRA 29 (Apr. 15, 1968), as recently reaffirmed in *Calderon vs. Public Service Commission*, 38 SCRA 624 (Apr. 30, 1971).

CONCURRING OPINION

BARREDO, J.:

I concur wholeheartedly in the ruling that the jurisdiction of the Court of Industrial Relations once it takes cognizance of an unfair labor practice case is not limited by the apparently restrictive language of Section 5(c) of the Industrial Peace Act[32] which provides:

"(c) The testimony taken by the Court or such member of the Court or the Hearing Examiner shall be reduced to writing and filed with the Court. If, after investigation, the Court shall be of the opinion that any person named in the complaint has engaged in or is engaging in any unfair labor practice, then the Court shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and take such affirmative action as will effectuate the policies of this Act, including (but not limited to) reinstatement of employees with or without backpay and including rights of the employees prior to dismissal including seniority. Such order may further require such person to post the court's order and findings in a place available to all the employees and to make reports from time to time showing the extent to which the Court's order has been complied with. If after investigation the Court shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Court shall state its findings of fact and shall issue an order dismissing the said complaint. If the complaining party withdraws its complaint, the Court shall dismiss the case."

particularly when it is read in the light of paragraph (a) of the same section which reads thus:

"(a) The court shall have jurisdiction over the prevention of unfair labor practice and is empowered to prevent

any person from engaging in any unfair labor practice. This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that has been or may be established by an agreement, code, law or otherwise."

It must be admitted that, inasmuch as under the provision just quoted, the jurisdiction conferred upon the Industrial Court in unfair labor practice cases is "over the prevention" thereof, and more specifically, the provision says that said court is "empowered to prevent any person from engaging in any unfair labor practice," the thought that in said cases the court can do no more and no less than issue an order, in case it finds the respondent guilty, "requiring such person to cease and desist from such unfair labor practice and take (apparently, only in such eventuality but not in any other instance) such affirmative action as will effectuate the policies of this Act, including (but not limited to) reinstatement of employees with or without backpay and including rights^[33] of the employees prior to dismissal including seniority," while in the event it should "be of the opinion that no person named in the complaint engaged in or is engaging in any such unfair labor practice, then the Court shall (only) state its findings of fact and shall issue an order (limited only to) dismissing the complaint" is not altogether implausible specially when the point is viewed exclusively from the standpoint of interpretation of the plain words employed by the legislature. On the other hand, however, I cannot perceive any sound reason of policy or otherwise why proven matters related directly to the charge of unfair labor practice as tried by the court, even if the charge itself is not substantiated to the degree required to prove an unfair labor practice, which, of course, must be proven convincingly and clearly, may not, by a process of statutory construction, be considered as something that is within the ambit of the court's power to utilize as basis for any relief that the court may deem justified to grant to any of the parties before it, provided naturally that all those legally interested have had full opportunity to be heard.

To start with, as I see it, the provisions of Section 5 (c), abovequoted, empowering the court, in the event it finds that an unfair labor practice has been committed not only to issue a cease and desist order but also to "take such affirmative action as will effectuate the policies of this Act," including reinstatement, backpay and other rights, have the effect of constituting the particular unfair labor practice charged as a single cause of action justifying several reliefs. In other words, reinstatement, backpay, recognition of seniority, etc. are not distinct causes of action from each other but only separate and independent reliefs that can be demanded together with the main relief consisting of the order to cease and desist, and, consequently, they should not as a rule be made the subject of separate complaints, for that would be violative of the rule against splitting of a cause of action to make the different parts thereof the subject of separate complaints (sections 3 and 4, Rule 2 of the Rules of Court; 1 Moran, Comments on the Rules of Court, pp. 117-118, 1970 ed.).

To sustain the theory of petitioner would in effect require the splitting of the cause of action of the laborers-respondents. Worse, it would be forcing the said respondents to go to different courts to obtain reliefs arising from a cause of action within the jurisdiction of the Industrial Court. I hold, therefore, that the seeming restrictive import of the aforequoted provisions has to yield to the necessities of the situation in order to give way to the considerations of convenience and expeditiousness underlying the rule against splitting a single cause of action.

This reasoning is not new in the labor jurisprudence of this Court. Along the same lines as this is the ratiocination pursued in the cases cited in the main opinion penned by Mr. Justice Makasiar from *Philippine Engineers' Syndicate vs. Bautista* to *Detective vs. Guevarra*, under which the Court considered demands for the payment of differentials, night work and Sunday and holiday works as included in the contemplation of the provision conferring jurisdiction upon the Industrial Court in matters related to the law on hours of work and overtime pay, Commonwealth Act No. 444. The irresistible trend of these cases was most clearly expressed and formulated by Mr. Justice Conrado Sanchez in *Bay View Hotel vs. Manila Hotel Workers' Union*, 18 SCRA 946, 952-953, in

these words:

"Two grievances remain.

"One is that petitioner 'has not been refunding in full' to the waiters and roomboys the amounts collected from customers as extra 'service charge' in lieu of 'tips'.

"The other is that petitioner has failed to comply 'with the grant of vacation leave of three (3) days a year in accordance with the Collective Bargaining Contract.'

"Whether the two causes just mentioned, standing alone, belong to the domain of the CIR, we need not now consider. The industrial court has jurisdiction over the main causes of action with respect to minimum wage, overtime compensation and unfair labor practice. Which places the complaint herein in its entirety, including the two, within the jurisdiction of the industrial court. Because, all of said claims arose out of the same employment.

"3. But, petitioner takes the position that juris-diction over one is not jurisdiction over all.

"This Court, however, already had occasion to rule in a case (Gomez vs. North Camarines Lumber Co., Inc., G.R. No. L-11945; August 18, 1958, which involves two claims: separation pay and overtime compensation. See also: Pambujan Sur United Mine Workers vs. Samar Mining Co., Inc., 94 Phil. 932, 938.) similar in factual context to the present, as follows:

“* * * But considering that in this case, plaintiff-appellant's main claim is for the collection of overtime compensation, which comes within the jurisdiction of the Industrial Court, We see no reason for dividing the 2 causes of action involved therein and for holding that one falls within the jurisdiction of one court and the remaining cause of action of another court. * * *’

"We find reinforcement of this view in PRISCO, supra, where express pronouncement was made that as long as the employer-employee relationship exists or is sought to be re-established, the industrial court 'has jurisdiction over all claims arising out of, or in connection with, employment.' "

citing, aside from Prisco, the ruling enunciated by Mr. Justice Alfonso Felix in Gomez vs. North Camarines Lumber Co., Inc., 104 Phil., 294, 300-302, which is along the same vein, in principle, as the earlier ponencia of Mr. Justice Felix in Isaac Peral Bowling Alley vs. United Employees Welfare Association, 102 Phil., 219.

Stated differently, the law abhors the splitting of jurisdiction as it shuns splitting of a single cause of action. Understandably, why should parties be made to shuttle from one court to another, as emphasized by Mr. Justice Teehankee in his separate concurring opinion in this case? I do believe that in the Alhambra opinion rendered for the Court by Mr. Justice Teehankee, even if the Court had been convinced that the case did not involve in fact an unfair labor practice, still We would have ruled in favor of sustaining the integrated jurisdiction of the Industrial Court.

Indeed, another avenue of approach leads to the same conclusion. In Isaac Peral Bowling Alley, supra, the basic consideration was stated thus:

"IV. In view of the absence of express legislation granting employees of private firms or establishments the benefits of vacation and sick leaves with pay, said employees are not assured of such privileges, which are proper subject matters for collective bargaining between employers and employees. Although strictly speaking, therefore, there is no ground for the granting of said privileges, the Court of Industrial Relations in the exercise of its broad powers under Commonwealth Act No. 103 had on several occasions dealt with and granted claims for these benefits. With the enactment of Republic Act No. 875 and the abolition of the Court's general jurisdiction over labor disputes, this power seems to have been curtailed. It is believed, however, that whenever the Court of Industrial Relations may exercise its power of compulsory arbitration, as when a case is certified

to it by the President of the Philippines, being again possessed of general powers, said Court may still grant these benefits. (See authorities cited in Francisco's Labor Laws, Vol. II, 3rd ed., p. 508 etseq.)"

More expansively, it may be said not without rational basis that the broad powers of the Court of Industrial Relations as the tribunal for the settlement of labor disputes not withdrawn from the pale of compulsory arbitration by the letter and spirit of the Industrial Peace Act may be availed of for the adjudication of controversies between laborers and employers, which is but logical, considering that, as stated by our Acting Chief Justice, Mr. Justice Jose B.L. Reyes in his concurring and dissenting opinion in *PAFLU vs. Tan*, 99 Phil., 854:

"One need not range far search of cogent reasons in support of the exclusive jurisdiction herein advocated. The evolution of our labor and social legislation exhibits a decided and unmistakable tendency to entrust the solution of labor-management conflicts to specialized administrative organs: Court of Industrial Relations, Industrial Safety Bureau, National Employment Service, Labor Conciliation and Wage Administration Service, Workmen's Compensation Commission, Court of Agrarian Relations. Whether the tendency is due to the Legislative having believed that the regular Judges, trained in strict legal questions of property and contract, are ill prepared to cope with labor and tenancy disputes that demand a different perspective and a compromising temperament, aimed above all at minimizing friction and avoiding paralization of the processes of production; or because it was believed that the quick solution of social problems demanded more simplified and less protracted procedures; or because as it has been suggested, courts and lawyers are becoming obsolete, the policy of specialized offices for special problems clearly exists and should not be evaded.

"With particular reference to labor injunctions, the all important issue is whether a given case involves or grows out of labor dispute. Our Judges of the Court of Industrial Relations are certainly much better qualified to determine such issue than the regular judges, experienced as the former are in the multifarious aspects that such dispute may assume. Why should we entrust this and other related questions to judges who have not handled labor disputes on any previous occasion? The very case before us is proof that to do so would be to nullify the restrictions imposed by law on labor injunctions, because of the Judges' unfamiliarity with the policies and interests involved. It was not so long ago, either, that complaints were being aired that the regular courts are far too generous in granting *ex parte* preliminary injunctions, without due regard for the social aspects of the cases brought before them; and this Court has recently passed upon cases where squatters on public thoroughfares came to be protected by *ex parte* injunctions improvidently issued that took long years to correct."

In this connection, I maintain that in ascertaining the jurisdictional boundaries of the Industrial Court in unfair labor practice cases, it is not enough to confine our sight to the provisions quoted above. I believe that the legislature wisely added Paragraphs (d) and (e) to said provisions in order to enable the court to fully exercise the specific powers allocated to it and thereby settle, adjudicate and decide not only the main cases submitted to it but, in the language of Paragraph (d), also "all other matters relative to such disputes (unfair labor practice cases)."

I have chosen to express these thoughts as the specific bases for my concurrence in the judgment of the Court in this case because frankly, I have still to be convinced of the soundness of allowing conduct amounting to estoppel and laches, which are equity principles, to have the effect of conferring jurisdiction upon a court, when there is no specific legal provision granting it such authority whether expressly or impliedly. Much as I believe in the comprehensiveness of the authority of the Supreme Court to determine by construction the extent of allocations of jurisdiction defined by the legislature, I do not feel it is justified for the Court to enlarge the area clearly set down by law, as this would amount to judicial legislation which to me is as bad as any other offense against the rule of law. Briefly, I want to stick to the fundamental rule that jurisdiction is conferred by nothing else but statute, admittedly not only by specific metes and bounds in black and white but also by necessary implication,

never by any act of the parties or even by the courts, including the Supreme Court. Submittal by a party to a court that has no power to act in the premises vests no whit of authority upon the court and the error of such party in going to it binds it in no way to its unauthorized pronouncements and orders. It is as simple as that.

I join in the judgment to affirm the resolutions appealed from.

[32] The whole section 5 sets down the procedure for unfair labor practice cases in the Court of Industrial Relations.

[33] Presumably meaning restoration of other rights of employees, etc.

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