

PHILIPPINE EDUCATIONAL INSTITUTION AND LEONCIO B. MONZON, PETITIONERS, VS. MLQSEA FACULTY ASSOCIATION AND DIONISIO Q. QUIMOSING, RESPONDENTS.

G.R. No. L-24019. November 29, 1968

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f470d8bbbe51/>

FERNANDO, J.:

In the light of our controlling decisions,[1] there can be no question as to the power of the Court of Industrial Relations to inquire into alleged unfair labor practice acts attributed to the petitioner Philippine Educational Institution. It is now well settled that the full protection of the Industrial Peace Act may be availed of by faculty members of such an institution of whom respondent Dionisio Q. Quimosing was one.

Moreover, the facts as found, as will hereafter be more fully explained, must remain undisturbed, in the absence of any showing of grave abuse of discretion. That ought to have placed beyond question in the usual course of things the decision arrived at by the Court of Industrial Relations, now sought to be reviewed, as far as the commission of unfair labor practice acts and the consequent right to reinstatement with backpay of respondent Quimosing.

It is not the case here. For the scope and extent of the enforceability of such a right must be inquired into, there being an allegation, which was not denied, that petitioner Philippine Educational Institution, had as of March 12, 1964, been dissolved. Such an issue, the answer to which should prove decisive of this litigation, was unfortunately left unresolved by the labor court.

The Court of Industrial Relations on August 11, 1964, through the Honorable Ansberto P. Paredes, rendered its decision, a reconsideration, of which was denied by the court en banc on December 18, 1964, finding as proven the unfair labor practice acts attributed to now petitioner Philippine Educational Institution. It ordered reinstatement with back pay.

In the complaint for unfair labor practice acts, filed by an acting prosecutor of such court against the above educational institution, with now petitioner Leoncio B. Monzon, being included, it was alleged that Dionisio Q. Quimosing, one of the professors in the School of Engineering and Architecture of the respondent Philippine Educational Institution, was on March 20, 1960 elected president of the MLQSEA Faculty Association, which entity was included as a complainant. Respondents in the unfair labor practice case, now petitioners," were duly informed of his election as such on April 8, 1960. Then on May 13 of the same year, charges for unfair labor practice acts were filed against the above respondents on behalf of the union and its fifteen dismissed members. Less than a month later, on June 11, Quimosing's teaching load was reduced. Thereafter, on or about Sept. 10, 1960, he was informed that he would not be given any teaching assignment for the second semester of the School Year 1960-1961.[2]

In the responsive pleading filed by now petitioners, as re-spondents, there was a denial of the material averments of the complaint. It was alleged that the reduction in the teaching load was due to the diminished number of first

and second year students in that institution. Mention was likewise made of the fact that complainant Dionisio Quimosing himself advised respondents that he did not like to stay in such school, preferring to teach at the Guzman Institute of Technology.[3]

With the issues thus joined, the case was heard by the Hon. Ansberto Paredes, Associate Judge of the Court of Industrial Relations. In his decision of August 11, 1964, affirmed by the court en banc, he found as proven the following facts: "Respondents are guilty of unfair labor practice acts. The series of events, like the election of Quimosing as president of the union, the confrontation by President Monzon about his union activities, filing unfair labor practice complaint against respondents which took place prior to the reduction of the load of Quimosing and the ultimate separation of Quimosing from the faculty of the School of Engineering and Architecture show that management dismissed Quimosing for no other cause than his union membership and activities. * * *"[4]

To the contention that Quimosing's load was reduced due to the diminished enrolment, it was considered a sufficient answer that the subjects taken from him were given to a professor who was "a non-union member * * *"[5]

Nor did the explanation that his teaching load was reduced because he was likewise connected with the Guzman Institute of Technology find acceptance. According to the decision: "(1) Quimosing would not choose Guzman Institute of Technology because his position at the MLQSEA was more stable than at the GIT, for he was one of the founders of the former school; [and] (2) He had interest in the said school as he was stockholder thereof."[6]

Nor could the decision give credence to the argument that his teaching at the Guzman Institute of Technology was in violation of the school's regulations for "(1) it is an undisputed fact that Quimosing had no knowledge of such rule, neither does the Bureau of Private Schools prohibit the same; (2) other instructors of the school who were non-union members like Mrs. Lourdes Baron, Mr. Valentin de la Puente, Arnulfo Quintanas, Carlos Banaag, Procopio Eleazar, the late Paul Verzosa and Dean Alma Jose, were allowed to teach in other schools * * *"[7]

1. As mentioned at the outset, the above facts must be deemed conclusive as far as we are concerned, there being no abuse of discretion shown.

It was Justice Laurel who, in the first decision, promulgated in 1939, concerning the scope of the power of this Court to alter factual conclusions reached by the Court of Industrial Relations, expressed the view that we should not disturb "the findings of facts made by the Court of Industrial Relations * * *"[8] A year and two months later, on November, 1940, he was much more definite. Such findings "are conclusive and will not be disturbed in the absence of a showing [of abuse of discretion]."[9]

Such a doctrine was reiterated after the Republic came into existence, by the then Justice, later Chief Justice, Paras, who used and employed more emphatic language. It was his view that we are not authorized to make a factual inquiry, the ruling of the Court of Industrial Relations being decisive.[10] Justice Tuason restated the matter thus: "Only questions of law, which must be distinctly set forth, may be raised in an appeal by certiorari from an award, order or decision of the Court of Industrial Relations. * * * In consonance with this rule, we have steadfastly refused to interfere with the findings of fact of that court. * * *"[11]

In 1949, the Laurel formulation was again followed, this Court stating that the findings of fact of the Court of Industrial Relations "are conclusive upon this court in the absence of a clear abuse of discretion." [12] It would follow then that as long "as there is evidence to support a decision of the industrial court," it may not be revoked or reversed "just because it is not based on overwhelming or preponderant evidence." [13] In one decision though, in consonance with the statutory language, Justice Tuason spoke of the need for the evidence in support being

"substantial or credible." [14]

Whenever the finding of the Court of Industrial Relations is one of fact then, it is one ordinarily which this Court as noted by Chief Justice Paras is "not authorized to review, much less alter." [15] Or as he phrased it differently but to the same effect, we "are not in a position to pass upon [it]" in view of its being "conclusive." [16] Or as more categorically set forth by him a year later: "It is needless to state that under the rules and repeated decisions of this Court findings of fact of the Court of Industrial Relations in an appeal by certiorari are conclusive and cannot therefore be reviewed." [17]

So it has remained up to the present. [18] In a 1962 opinion, the doctrine was phrased a little differently. Thus: "It is a firmly established and well-known rule 'that as long as there is evidence to support the decision of the Court of Industrial Relations, this Court should not interfere, nor modify nor re-verse it, just because it is not based on, an overwhelming or preponderant evidence.'" [19] A little later the same year however, there was a reiteration of the view that this Court would desist from reviewing or altering findings of fact of the Court of Industrial Relations, "unless completely devoid of basis" or arrived at with "grave abuse of discretion." [20]

The doctrine as formulated in the latest opinion of this Court, through Justice Makalintal, is to the effect that on a matter "addressed to the sound discretion" of the Court of Industrial Relations, "upon its own consideration of all the 'pertinent circumstances', there must be a showing that "such discretion has been gravely abused" to justify a reversal on our part. [21] There is no such requisite showing here.

It is beyond question therefore, that on the facts as found by the Court of Industrial Relations and there being no abuse of discretion shown, the unfair labor practice acts imputed to petitioners must be accepted as having been established. That would dispose of the first two errors imputed to the Court of Industrial Relations.

2. That brings us to what, at the outset, was set forth as the decisive issue, namely, the scope of the right to reinstatement with back pay of respondent Quimosing, in view of the allegation that petitioner Philippine Educational Institution was, dissolved as of March 12, 1964.

In the brief for the petitioners, the third error assigned challenged the correctness of the decision insofar as it would reinstate respondent "to his former position and [given] his original load without loss of whatever rights, privileges and benefits, including seniority with full back wages from the time of his dismissal up to his actual reinstatement, minus his earnings elsewhere during the pendency of this case." [22]

In support of the above third assignment of error, the brief for the petitioners alleges: "Appended to as Annex C-1 of the Petition is a copy of the Certificate of the Securities and Exchange Commission to the effect that the Philippine Educational Institution, Inc., the former employer of the respondent Dionisio Q. Quimosing, was dissolved as of March 12, 1964. As a consequence of its dissolution on the date above-mentioned, the said corporation is now in the process of liquidation. The corporation is completely out of business and the school which it operated before is closed; the corporation cannot operate said school or do any other business without violating the corporation law. The Philippine Educational Institution, Inc. cannot, even if it wants to, operate any school at all; all that it can do is to liquidate its assets and liabilities. How then could Quimosing be reinstated to his former position when the school in which he was teaching during the first semester of 1960-1961 is closed. To what former positions can he be reinstated? The answer is obvious: None!" [23]

The brief then noted that respondents, while admitting the dissolution of petitioner Philippine Educational Institution, would hold the MLQ Educational Institution responsible for the liability thus incurred. Petitioners characterized such a contention as "absurd." [24] They explained why: "The MLQ Educational Institution, Inc. is a corporation separate and distinct from the Philippine Educational Institution, Inc., and it cannot be made responsible for the liabilities of another corporation that has been dissolved. We do not think that this allegation

in the said Affirmative Defenses warrants serious consideration. The MLQ Educational Institution, Inc. is not even a party to this case; it has never been accused of unfair labor practice and certainly no judgment can be rendered against it." [25]

Respondents, in seeking to refute the third assignment of error, would point out "that the Court of Industrial Relations has not made any finding of fact as to the dissolution of the petitioner institution." [26] They argue that such a matter could "be determined by the Court of Industrial Relations in due and proper time. And the time for determining whether respondent Quimosing can be reinstated to his former position in the petitioner institution is when the decision of August 11, 1964 will be implemented on motion for execution. It is believed that that will be the time when petitioners can raise the issue as to these facts." [27]

There would be nothing arbitrary or unreasonable if this Court, considering the certification of the Securities and Exchange Commission as to the dissolution of the Philippine Educational Institution and the failure of respondents to deny such a fact as noted in the brief for the petitioners, would rule on the impossibility of such reinstatement under the circumstances and the limitation of such monetary liability to a period not extending beyond March 12, 1964.

Nonetheless, in the light of the basic principle that sustains both *Durable Shoe Factory v. Court of Industrial Relations*, [28] and *Columbian Rope Co. of the Phil. v. Tacloban Association of Laborers and Employees*, [29] it would be more desirable if the Court of Industrial Relations were given the opportunity to make an express finding of fact on the matter. This is likewise to adhere to the doctrine announced by us, barely two months ago, in *Gracilla v. Court of Industrial Relations*, [30] In that case, having in mind, *Serrano v. Public Service Commission*, [31] we emphasized that not only would a determination of such character be in consonance with the deference paid to the cardinal primary rights of due process in proceedings of a quasi-judicial character, the administrative agency being called upon to decide every relevant issue raised, but also, would avoid the untoward effect flowing from the absence of such a determination by the administrative agency, resulting in the exercise of our power of review being, as far as such issue is concerned, condemned to futility.

WHEREFORE, the decision of August 11, 1964, as affirmed by the Court en banc on December 18, 1964, is affirmed, insofar as respondents are found guilty of the unfair labor practice acts complained of, but the case is remanded to the Court of Industrial Relations, for it to make a determination, according to law, as to whether or not petitioners Philippine Educational Institution was, as alleged, dissolved as of March 12, 1964, and, if in the affirmative, to fix the extent and scope of the right of respondent Quimosing to back wages from the time of his dismissal up to such date of dissolution. If the fact of such dissolution is not established, the Court of Industrial Relations should adjudge the matter in a manner consistent with our opinion. Costs against petitioners.

Makalintal, Zaldivar, Sanchez, Castro, and Capistrano, JJ., concur.

Concepcion, C.J., Reyes, and Dizon, JJ., did not take part.

[1] *Far Eastern University v. Court of Industrial Relations*, L-17620, August 31, 1962; *Feati University v. Bautista*, L-21278, December 27, 1966.

[2] Brief for the Petitioners, Appendix, Decision of the Court of Industrial Relations, pp. 13-14.

[3] *Ibid*, pp. 14-15.

[4] *Ibid*, pp. 17-18.

[5] *Ibid*, p. 18.

[6] Ibid, pp. 18-19.

[7] Ibid, p. 19.

[8] Pambusco Employees' Union, Inc. v. Court of Industrial Relations, 68 Phil., 591, 597 (1939).

[9] Manila Electric Co. v. National Labor Union, 70 Phil. 617, 620 (1940). This doctrine was reiterated in Mindanao Bus Co. v. Mindanao Bus Co. Employees Assn, 71 Phil. 168, 177 (1940); Bohol Land Trans. v. BLT Employees Labor Union, 71 Phil. 291, 296 (1941); Olaivar v. Manila Electric Co., 71 Phil. 503, 505 (1941). Cf. Rex Taxicab v. Court of Industrial Relations, 70 Phil. 621, 631 (1940).

[10] Leyte Land Trans. Co. v. Leyte Farmers' and Laborers' Union, 80 Phil. 842, 845 (1948).

[11] Kaisahan v. Court of Industrial Relations, 81 Phil. 566, 568-569 (1948). The need for such findings being supported by substantial or credible evidence was stressed by the same jurist. Union of Phil. Edu. Emp. v. Phil. Edu. Co., 91 Phil. 93, 101 (1952).

[12] Bachrach Motor Co. v. Rural Transit Em-ployees' Assn., 85 Phil. 242, 245 (1949).

[13] Philippine Newspaper Guild v. Evening News, Inc., 86 Phil. 303, 312 (1950).

[14] Union of the Phil. Edu. Emp. v. Phil. Edu. Co., 91 Phil. 93, 101 (1952).

[15] Atok-Big Wedge Mining Co. v. Atok-Big Wedge Mutual Benefit Assn., 93 Phil. 62, 63 (1953).

[16] Heacock Co. v. National Labor Union, et. 95 Phil. 553, 559 (1954).

[17] Santos, et al., v. Court of Industrial Relations, et al., 98 Phil. 23, 28 (1955).

[18] Pangasinan Trans. v. C.I.R., 101 Phil. 480 (1957); G. P. T. C. Employees Union v. C. I. R., 102 Phil, 538 (1950); National Fastener Corp. v. C.I.R., L-15834, San. 20, 1962; San Miguel Brewery v. Santos, L-12682, Aug. 31, 1961.

[19] National Labor Union v. C.I.R., L-14975, May 15, 1962.

[20] Kaisahan v. Tantangco, L-18338, Oct. 31, 1962. See also Rizal Cement Workers Union v. C.I.R., L-18442, Nov. 30, 1962; Industrial Corn. Agricultural Workers Organization v. Bautista, L-15639, April 30, 1963; Lu Do v. Phil. Land-Air-Sea Labor Union, L-18450, May 29, 1964; National Shipyards and Steel Corp. v. C.I.R., L-20838, July 30, 1965; Manila Pencil Co. v. C.I.R., L-16903, Aug. 31, 1965; East-Asiatic Co. v. C.I.R., L-17037, April 30, 1966; Barnachea Tabigne, L-22791, May 16, 1967.

[21] Laguna College v. C.I.R., L-28927, Sept. 25, 1968.

[22] Decision, Annex A, Brief for the Petitioners, p. 20.

[23] Ibid, pp. 10-11.

[24] Ibid, p. 11.

[25] Ibid, pp. 11-12.

[26] Brief for the Respondents, p. 16.

[27] Ibid, pp. 17-18.

[28] 99 Phil. 1043 (1956).

[29] L-14848, Oct. 31, 1962.

[30] L-24489, September 28, 1968.

[31] L-21465, August 30, 1968.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.