

PREMIERE PRODUCTIONS, INC., PETITIONER, VS. PHILIPPINE MOVIE PICTURES WORKERS' ASSOCIATION, RESPONDENT.

G.R. No. L-8048. June 30, 1955

Ponente: BENGZON, J.

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BENGZON, J.:

On December 3, 1953, in its case No. 598-V (3) the Court of Industrial Relations, sitting in banc, ordered the Premiere Productions Inc. to pay the back wages of 44 employees whom this Court had ordered reinstated by its decision dated March 25, 1953 in G.R. No. L-5621, "Philippine Movie Pictures Workers' Association v, Premiere Productions Inc."

Believing that this Court's order of reinstatement did not contemplate the payment of back wages, Premiere Productions perfected an appeal which was docketed here as G.R. No. L-7338. Pending the appeal, however the Workers' Association filed in the Industrial Court a motion to require Premiere (appellant) to deposit with its Clerk -in, accordance with sec. 14 of Commonwealth Act 103 as amended the amount of salaries due the aforementioned 44 employees. And over Premiere's vigorous opposition, the motion was granted.

Whereupon this petition for cartiorari was submitted, it being the petitioners position that the order was wrong: first, because the right to back wages was pending decision before this Supreme Court, and second, because petitioner had not been given the opportunity to show the exact amount due, if any.

Answering the first contention, respondents cite the provisions of section 14 of Commonwealth Act 103 which reads partly as follows:

"At the expiration of ten days from the date of the award, order, or decision, in cases brought under the provisions of section four hereof, Judgment shall be entered in accordance therewith, unless during said ten days an aggrieved party shall appeal therefrom to the Supreme Court of the Philippines by writ of Certiorari as hereinafter provided. The institution of such an appeal shall not, however, stay the execution of the award, order, or decision sought to be reviewed, unless for special reasons the Court shall order that execution be stayed, x x x."

The petitioner points out in reply that the statute makes reference to section 4, concerning disputes causing or likely to cause a strike or lockout, and that here is no strike or danger of strike.

Regarding the second point, petitioner claims that when the motion to deposit was heard, respondent produced testimony as to the amount of wages due the 44 employees, in accordance with the computation attached to its motion Annex A, However when it (petitioner) called witnesses -nine of the laid-off employees themselves - to dispute the Association's estimate, by showing that said employees had been re-employed in the meantime or had performed remunerative work, the presiding judge sustained the Association's objection to further testimony, expressing his opinion that the purpose of the hearing was merely to order a deposit, not actual payment.

Knowing the distinction, but doubting the equitable effects of the order to deposit -it deprived one party in the

meantime of the use of his money, and at least P9,000 should not allegedly be deposited because it will not be ultimately be paid - we gave due course to this petition for review.

However, having recently disposed of the main case G.R. No. L-7338 declaring that the 44 employees are entitled to back pay, we feel that the questions raised herein need not be examined for adjudication, It is better in the interest of justice to dismiss this as a moot case, so that the back-pay award may be carried out as promptly as possible.

Petition dismissed. No costs.

Padilla, Reyes, Jugo, Bautista Angelo, Labrador, Concepcion, and Reyes, J.B.L., JJ., concur.

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