

CITIZENS LABOR UNION, PANDACAN CHAPTER, PETITIONER, VS. STANDARD-VACUUM OIL COMPANY RESPONDENT.

G.R. No. L-7478. May 06, 1955

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

This case was instituted by the Citizen's Labor Union, Pandacan Chapter, to review a decision by three Judges of the Court of Industrial Relations (Case No. 710-V) declaring a strike called by the Union against respondent standard Vacuum Oil Company, at midnight of July 2, 1952, to have been made for a trivial, unjust and unreasonable purpose, and therefore illegal, and authorizing the Company to dismiss and replace the workers who took part in said strike. Two judges dissented.

The facts are not in serious dispute. As narrated in the decision under review, the conflict arose from the issuance of a bottle of brake fluid to an outsider, in violation of company regulations. Benjamin Alvarez, a member of the Union, had been accused of this breach of rules but had stoutly denied it. The labor union appointed a committee, composed of some of its ranking officials, which investigated the matter from June 25 to June 28, 1952, questioning witnesses. After finishing its investigation, the Union addressed a communication to the personnel manager of the Company, informing the latter that their conclusion was that one of their members, Vicente Mauricio, Jr., had "tried to frame" Benjamin Alvarez regarding the issuance of the brake fluid; that in view thereof, the Union decided to expel Mauricio as "not fit to continue as such member"; requested the transfer of Mauricio "from the Pandacan Terminal to any other unit the Management may deem fit to place him", and that the transfer "be effected within 48 hours after receipt of this letter by the Management".

The Company's personnel manager, upon receipt of the letter, proceeded to make his own investigation; but as it could not be completed within the 48-hour term fixed by the Union, he asked the union officials for more time to complete his own investigation. The request was turned down by the Union, and the strike declared at midnight of July 2, 1952,

On the next day, July 3, the Company's attorneys filed a petition in the Court of Industrial Relations to have the strike declared illegal, and the Court summoned the parties for preliminary conference on the morning of July 5, 1952. It appears, however, that on July 4, 1952, the management sent to the Union a letter (Exhibit 5) informing it that Vicente Mauricio Jr., had voluntarily requested a transfer of assignment, but reiterating his innocence of the Union's charges; that it was necessary to continue the management's investigation; that the same

"will be conducted in the shortest time possible and you will be advised of the results promptly";

and ended with the following request:

"We therefore request that all employees return to work at once so that the necessary investigation can proceed without delay" (Exh. 5).

At the preliminary conference the next day, July 5th, the Union members expressed willingness to go back to

work, and Judge Roldan of the Industrial Court issued an ad interim order that the Company readmit the strikers. The strikers, therefore, returned to work after a strike that lasted barely two days.

On February 7, 1953, the Union filed a motion to dismiss that the Court left unresolved. Instead, on March 17, 1953, decision was rendered declaring the strike illegal as noted at the start of this opinion.

Considering that the weight of authority is that employees have a right, either individually or in combination, to quit working because a fellow employee is obnoxious to them (unless an employment contract for a definite period intervenes, or the move is actuated by malice), since employees may choose not only their employer but also their associates (31 Am. Jur., sec. 211, pp. 937-938; 63 C.J. 658; 56 C.J.S. p. 154), the only objectionable feature of the strike now under consideration appears to be the union's peremptory demand on the management to transfer Vicente Mauricio Jr. within 48 hours, and its subsequent refusal to extend that period. Such demand implied an unacceptable assertion of infallibility of the union's findings in matters affecting the character and innocence of a fellow man. But this obnoxious feature of the Union's position had disappeared by July 5, because the union members, after receiving Exh. 5, had expressed a willingness to return to work, and had thus receded from their former uncompromising attitude. The majority decision of the Court below is plain that the "back to work order" was issued because of the willingness of the laborers to return, evidently in response to the conciliatory tone of the letter, Exhibit 5; so that it can not be said that the return was in any way due to the Court's order, but rather the reverse.

Upon the other hand, as pointed out by the dissenting judges in the Court of Industrial Relations the letter Exh. 4 invited the workers to return to their posts, without making reference to the pending case, or imposing any condition or alteration of the terms of employment, and was thus a waiver of any right to consider the strikers as wrongdoers; and as previously observed, such invitation was accepted by strikers. Therefore, the Court of Industrial Relations should have granted the Union's motion to dismiss the proceedings, filed on February 7, 1953, for the matter had become moot. The parties had both abandoned their original positions and come to a virtual compromise and agreed to resume unconditionally their former relations. To proceed with the declaration of illegality would not only breach this understanding, freely arrived at, but unnecessarily revive animosities to the prejudice of industrial peace.

Wherefore, the decision under review is reversed and set aside, and the proceedings ordered dismissed. Without costs.

Pablo, Bengzon, Padilla, Montemayor, Reyes, Bautista Angelo, Labrador, and Concepcion, JJ., concur.

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