

MALAYA WORKERS UNION (PAFLU), ET AL., PETITIONERS, VS. THE COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS

G. R. Nos. L-17880 and L-17881. April 28, 1963

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Review on certiorari of a decision of the Court of Industrial Relations.

Petitioners Restituto Gumboc, Nicodemus Gloria, Tranquilino Abellano and Anita Advincula, members of petitioner Malaya Workers Union (PAFLU), were the complainants in two cases of unfair labor practice (Cases Nos. 1842 and 1845-ULP) filed in the Court of Industrial Relations against their former employer, respondent Bagumbuhay Cigar and Cigarette Factory, of which, respondents Yu Te is owner-manager and Pia Wa is assistant manager. The employer was charged with having dismissed its four employees for union activities.

On January 30, 1960 the court decided the two consolidated cases, dismissing the complaints for unfair labor practice but ordering respondents "to reemploy "Anita Advincula as soon as necessity for work arises, with priority right over all others and to reinstate, without back wages, Restituto Gumboc, Nicodemus Gloria and Tranquillno Abellano." On February 6, 1960 respondents filed a motion for reconsideration of the decision on the ground that the Industrial Court cannot order reinstatement once It makes the finding that the dismissals do not constitute an unfair labor practice. On October 31, 1960 the court en banc passed a resolution deleting the order of reinstatement from the decision. The present petition for review hinges on a single issue: Whether the Court of Industrial Relations has power to order reinstatement in an unfair labor practice case where it made no finding that the employee had been discriminatorily dismissed.

The question is not of first impression. In the case of Baguio Gold Mining Company vs. Benjamin Tabisola, et al.,^[1] the Court said:

"The law is clear. In an unfair labor practice case where the Court of Industrial Relations finds that the person charged in the complaint has engaged or is engaging in unfair labor practice, the court is expressly granted the power to order reinstatement with or without back pay. But this authority had been implicitly withheld where the charge is not substantiated. Then, the Court of Industrial Relations is directed to simply dismiss the complaint.

"In support of the view that the Industrial Court possesses the questioned authority, respondents contend that said court, under Commonwealth Act 103, has broad powers including reinstatement and award of back wages; and that in approving Republic Act 875, Congress had not intended to place the employee in a situation where after his unfair labor practice charge is dismissed, he may not be accorded the necessary protection guaranteed by the Constitution and the civil code.

"The authority of the Court of Industrial Relations to render reinstatement under Commonwealth Act 103 is confined to instances covered thereby, i.e., when the court is exercising its power of arbitration and conciliation. In unfair labor practice cases, which are distinctive proceedings prosecuted like criminal offenses,

the Industrial Court is Inhibited from exercising its powers of arbitration and conciliation.

"The dismissed employee is not entirely without remedy if his charge of unfair labor practice fails and his complaint dismissed, because the breach by the employer of the obligation to him may be redressed like an ordinary contract or obligation."

The decision appealed from, as amended by the resolution of respondent Court en banc of October 31, 1960, is affirmed, with costs against petitioners.

Bengzon, C, J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, Dizon, and Regala, JJ., concur.

[1]L-15265 April 27, 1962. See also National Labor Union vs. Insular-Yebana Corporation L-15863, July 31, 1961; Cagalawan vs. Customs Canteen, L-16031, October 31, 1961; and San Miguel Brewery, Inc. vs. Floresca, et al., L-15427, April 26, 1962.

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