

ROMULO C. NICOLAS, ET AL., PETITIONERS, VS. FULGENCIO DACARA, ET AL., RESPONDENTS.*G.R. No. 13956. January 29, 1960*

Ponente: LABRADOR, J.

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Petitioners herein, numbering 47 in all, are security guards working with the different firms, 30 of them with the Philippine Long Distance Telephone Company. They are affiliated with or recruited by the Enriquez Detective and Protective Agency, Inc. The respondents Fulgencio Dacara, et al., are also security guards affiliated with the Enriquez Detective and Protective Agency. They belong to the Free Special Watchmen and Special Police Union, a local of the Federation of Free Workers. On August 18, 1955 and November 25, 1955, respondents Fulgencio Dacara and companions filed two cases for unfair labor practice against the Enriquez Detective and Protective Agency, Inc. The action was brought through the union to which they belonged. After trial the Court of Industrial Relations found that the Enriquez Detective and Protective Agency, Inc. is guilty of unfair labor practice for having dismissed the said Fulgencio Dacara and companions, and rendered judgment ordering the said agency to pay them the sum of P53,000, more or less, by way of back wages.

The pertinent portion of the decision reads as follows: "To reinstate complainants * * * immediately and fully to their former or substantially equivalent positions, without prejudice to their seniority or other rights or privileges, and further allows said complainants with back wages from the time they were actually dismissed up to the time of reinstatement."

The above order having become final and executory, the clerk of the Court of Industrial Relations issued on January 22, 1958, an order for the execution of the judgment, the pertinent portion of which is as follows:

"You are further directed to collect from the respondent the amount of P53,498.67 and turn over the said amount to this Court for further disposition. In case you fail to collect the said amount you are hereby directed to cause to be made from the movable goods or chattels or in the absence thereof from the immovable properties of the respondent the equivalent amount of P53,498.67 and turn over the same to this Court. You may collect your legal fees from said respondent."

It appears from the record that in compliance with said order of execution, the sheriff was able to collect from customers of the Enriquez Detective and Protective Agency, Inc., the sums of P8,512.77 and P4,664.57, which amounts were deposited with the clerk of the Court of Industrial Relations, on April 25, 1958 and April 26, 1958, respectively. Thereafter, Romulo Nicolas and Angel S. Cataque and their companions filed with the court on April 12, 1958, an urgent motion to withdraw from the court their salaries in the total amount of P8,299.30 (see Annex "H" of Petition). The Court denied this motion for withdrawal, holding as follows:

"Both counsel for the movants and for the complainants agreed on the following facts, namely: The movants are not parties to the above-entitled cases nor have they filed any motion for intervention to the said cases; there is no pending insolvency proceedings filed by the respondents in the proper court; the sums of money paid by the different clients of the respondents belong to said respondents; and said money has been garnished

by the attaching sheriff and deposited now with the Court.

"Considering, therefore, that the money attached by the Sheriff of Manila now in the custody of this Court is money paid to the respondents by its several clients, one of which is Ker and Co., Ltd., for services rendered them by the security guards of said respondents, and there being no express provisions of law that said money is to be exempted from the execution issued by this Court in the above-entitled cases, and considering further that the movants are not parties to these cases, and that no insolvency proceedings have been filed by the respondents;

"Let the Urgent Motion filed by the movants be, as it is hereby, denied."

A motion for the reconsideration of the order was denied.

The respondent Free Special Watchmen and Special Police Union (FFW) subsequently secured an order from the lower court authorizing Fulgencio Dacara and his co-respondents herein to withdraw from the cashier of the court below the sums of P8,512.77 and P4,664.57 already mentioned above. Upon the denial of a motion presented by herein petitioners to reconsider this order, the present action was instituted in this court to prohibit the court from enforcing this order authorizing withdrawal, and to compel the court below to authorize the release of the moneys amounting to P8,512.77 belonging to petitioners herein. Upon the filing of the petition in this case, we give due course thereto and at the same time issued a writ of preliminary injunction prohibiting the payment authorized by the court below to the respondent Free Special Watchmen and Special Police Union and its members.

The report of the sheriff does not disclose from what company or companies said amount of P8,512.77 had been secured by him. But petitioners herein claim that the said amount represents their wages from different employers under which they had worked. Among the said employers are the Philippine Long Distance Telephone Company, employing 38 of the petitioners, Ker and Company, employing 2 of the petitioners, E. T. Yuchengco, Inc., employing 7 of the petitioners, etc. The allegation of the petitioners is that the total amount of P8,299.30 actually represents the salaries due the petitioners from their employers. Said allegation is not denied and the court below accepts the fact that the said sum represents salaries of guards employed by the different companies affiliated with the detective and protective agency. But it held that the petitioners herein were not parties in the case instituted by the respondents against the Enriquez Detective and Protective Agency, Inc. and that said moneys, therefore, belong to the respondent detective agency. But Ker and Company which intervened in the proceedings called attention to the fact that the amount given to the sheriff by it are wages due to two of the petitioners herein. To the same effect is the claim of the petitioners, i. e., that the total amount of P8,299.30 represents the salaries which 68 of them are entitled to receive from their different employers. (See Annex "H")

The claim of the petitioners herein that the sum of P8,299.30 represents salaries due them from the different establishments which employed them does not appear to be denied, so he cannot understand how the court below could have come to the conclusion that said wages are moneys belonging to the respondent detective and protective agency. In a case decided by us, involving affiliates of watchmen or detective agencies (Maligaya Ship Watchmen Agency, et al. vs. Associated Watchmen and Security Union (PTWO), 103 Phil., 920), we have held that the labor agency securing watchmen or security guards is not an independent contractor insofar as the guarding of the ships and their cargo is concerned; but the agencies merely recruit or furnish the security guards. We are inclined to believe, there being no reason to believe otherwise, and in view of the unchallenged claim of the petitioners that the total sum of P8,299.30 represents the wages due them from companies that have employed their services, that the said amount really and actually represents such wages. Under these circumstances, it cannot be said that said wages are moneys belonging to the respondent detective agency in this case.

We also find merit in the contention of the petitioners that the said amounts or wages earned by the petitioner, in

this case cannot be attached or garnished for the debts of the detective and protective agency to pay the back wages granted by the court in its decision in favor of the respondents Fulgencio Dacara and his companions against the Enriquez Detective and Protective Agency, Inc. Since the said moneys are salaries of petitioners, it was unlawful for the sheriff to have levied upon them as moneys belonging to the respondent detective and protective agency. Assuming that petitioners are affiliates of respondent detective and protective agency and their services were rendered through the intervention of the latter, which assigned petitioners to render service, all the right and interest that the detective agency had to the salaries earned by petitioners, was to receive the same for and on behalf of petitioners, in trust for the latter, subject to the agency's right to deduct from said salaries what corresponds to it for its services in securing the work for petitioners. If the detective agency receives the salaries of petitioners, an implied trust would arise to pay petitioners said sums as the latter's wages, in accordance with the provisions of Article 1453 of the Civil Code of the Philippines. As the said wages do not belong to the detective agency, the fund for said wages may not be attached to pay the judgment secured against the agency by respondent union for Fulgencio Dacara and his companions.

The order of the court sought to be reviewed is, therefore, erroneous insofar as it ordered the withdrawal of the funds under its control and payment thereof to the detective agency's creditors, the respondents Fulgencio Dacara and others, members of the Free Special Watchmen and Special Police Union (FFW). Only the share of the detective agency in said funds can be made subject to the judgment that respondents Fulgencio Dacara and his companions had obtained against the agency.

For all the foregoing considerations, the order appealed from is hereby set aside and the court below is hereby ordered to deliver to the petitioners the wages due each and every one of them according to the petition (Annex "H"), after deducting therefrom the ordinary fees that the detective and protective agency is entitled to collect from petitioners for assigning them to duty. Costs against respondents Fulgencio Dacara and his companions and the Free Special Watchmen and Special Police Union (FFW). So ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Concepcion, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David, JJ., concur.

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