

UNITED STATES LINES COMPANY, PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.

G.R. No. 15459. October 31, 1960

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

On or about February 21, 1956, the Associated Watchmen & Security Union (PTWO)-hereafter referred to as the Union-filed with the Court of Industrial Relations a petition, which was docketed as Case No. 328-MC, alleging that the United States Lines Company-hereafter referred to as the Company-"is a corporation engaged in the business of shipping and has in their employ in the Philippines, members of said Union," that the same "claims that the watchmen employed by said employer to watch aboard their ships while docked or staying in Philippine waters is an appropriate and separate bargaining unit"; that there is no other labor organization in said unit; that the number of employees therein is about thirty (30); and that the aforementioned "Union consists of the majority of the employees in the said bargaining unit," and praying that said Union be certified "as the appropriate collective bargaining agent of the unit at the establishment above-stated."

Subsequently, the Maligaya Ship Watchmen Agency-hereafter referred to as the Agency-was allowed to intervene in the case, which was heard jointly with cases Nos. 329-MC and 332-MC of the same court, instituted' by the Union against the American President Lines and Macondray & Co., respectively, as well as Case No. 10-IPA, entitled "U.S. Lines Co., et al. vs. Associated Watchmen and Security Union, et al." In the course of the trial, the Union amended its petition in the sense that "it covers only the Port of Manila," so as to "only ask a certification for the City of Manila." After appropriate proceedings, the Court of Industrial Relations, thereafter, rendered a decision, dated December 20, 1956, giving due course to the "petitions for certification election." The dispositive part of said decision reads:

"In view of the foregoing, the Department of Labor is hereby ordered to conduct a certification election, pursuant to Section 12 of Republic Act No. 875 and the Rules approved by this Court on September 4, 1953, in the premises that may be designated by the said Department to suit the convenience of the employees affected in Cases Nos. 328-MC, 329-MC and 332-MC, and also to observe the following in the conduct of such election:

1. To use payrolls of the several ships showing the watchmen or security guards who rendered services from January 18, 1956. The Intervenor Watchmen Agencies are hereby enjoined to furnish the Department of Labor or its representative the payrolls concerned;

2. To allow to vote watchmen or security guards who are present during the said period, including those who did not work during the said period because of illness or they were on vacation or were temporarily laid-off, but excluding those who have since quit or been discharged for cause and have not been re-hired or reinstated prior to the date of the election, and also excluding those who are on strike who are not entitled to reinstatement—to determine whether they desire to be represented for purposes of collective bargaining, by the Associated Watchmen and Security Union (PTWO) and the Maligaya Ship Watchmen Agency in Case No.

328-MC; the Associated Watchmen and Security Union (PTWO) and the Marine Security Agency in Case No. 329-MC; and the Associated Watchmen and Security Union (PTWO) and the City Watchmen Security Agency in Case No. 332-MC, or by neither;

3. Whether charges of the discriminatory discharge of certain watchmen or security guards were pending at the time of an election, such employees should be allowed to vote, but their ballots should be impounded and not counted unless the result of the election made it necessary, and that in that event the result of the election await the outcome of the proceeding on the charges;

4. In the Minutes of the Certification Election should appear the reason of the challenger and the ruling of the representative of the Department of Labor on the matter;

and to transmit to this Court the results of said election within the reglementary period provided by law."

This decision was, on petition for review by certiorari, affirmed by this Court in G. R. Nos. L-12208-11 on May 11, 1958. Subsequently, on January 2, 1959, the Department of Labor conducted the aforementioned certification election among the ship watchmen, and the Agency obtained the requisite majority vote, whereupon the Court of Industrial Relations, issued, in Case No. 328-MC, an order, dated January 23, 1959, certifying said Agency "as the sole and exclusive representative of all employees and laborers of the United States Lines, for the purpose of collecting bargaining agreement with respect to rates of pay, wages, hours of employment and other conditions of employment."

Alleging that this order is contrary to the evidence, the pleadings and the records of the case, as well as to law, in that it expanded the collective bargaining unit referred to in the petition—which, as amended, was limited to the watchmen employed to watch aboard the vessels of the Company while docked or staying in the Port of Manila—to include therein not only the watchmen working in Manila, but, also, all other employees and laborers of the United States Lines in Manila and in other parts of the Philippines, the Company moved for a reconsideration of said order and prayed that "the words 'of all employees and laborers of the United States Lines' appearing in the dispositive portion of said Order be changed to: 'of all watchmen rendering service on the vessels of the United States Lines in the Port of Manila' in order to conform with the pleadings, the evidence, the law and the decision of the Supreme Court in this case." Although neither the Agency nor the Union (PTWO) opposed the motion for reconsideration, the Court of Industrial Relations, sitting en banc, denied it in a brief resolution, dated February 19, 1959, stating that it "fails to find sufficient justification for altering or modifying the aforesaid Order." Hence, the Company seeks a review by certiorari of the aforementioned order of January 23, 1959 and resolution of February 19, 1959, and prays that both be set aside and that, in lieu thereof, "the Maligaya Ship Watchmen Agency be certified as the sole and exclusive representative of all watchmen rendering service on the vessels of the United States Lines in the Port of Manila," for the reason adverted to above.

In its answer to said petition for review, the Union (PTWO) alleged that "there is no need to alter the decision of the lower court because the said decision certifying the other respondent Union as bargaining agent for all laborers and employees, refers to the watchmen in the certified unit and to no other employees * * *."

Respondent Court, in turn "emphatically" denied, in its answer, that the order and the resolution complained of "expanded the collective bargaining Unit to include in said Unit all Office staff and Office employees of said company in Manila and * * * in its other branches," and alleged "that the claimed Unit expansion exists only in the mind of petitioner herein," that "from the pleadings in the cases a quo, the intention of the parties is clear, as a matter of fact in one of the hearings in the Court a quo, counsel for respondent Union (PTWO) manifested therein that the petition for certification is for the City of Manila and for watchmen Unit alone;" and that "the pleadings and intention of the parties being clear, the First Sala of respondent Court could not have intended to expand the bargaining Unit" in question.

It is conceded, therefore, that the pleadings, the evidence, and the decisions rendered in this case authorized a certification election for the bargaining Unit consisting only of the watchmen who rendered service on the vessels of the Company in the Port of Manila. The issue is thus circumscribed to whether the order of the lower court of January 23, 1959, certifying the Agency as the exclusive representative of all employees and laborers of the United States Lines for the purpose of collective bargaining, applies to employees and laborers of said enterprise who are neither watchmen nor working in the Port of Manila.

Petitioner maintains the affirmative, whereas the lower court and the Union sustain the negative view. What is more, the lower court asserts that it had no intention to expand the bargaining Unit in question beyond the extent contemplated in the pleadings, evidence and decisions already mentioned. Upon the other hand, despite due notice given thereto, the Agency has not cared to answer the present petition for review, thereby indicating that it has no objection thereto.

There being no dispute about the fact that the right of the Agency, under the decision of the lower court of December 20, 1956, as affirmed by this Court and implemented by the certification election held on January 2, 1959, is limited to being the sole representative, for collective bargaining purposes, of the watchmen working on the vessels of the Company docked or staying in the Port of Manila, and the lower court having expressed its lack of intent to go beyond the purview of said decisions, the issue concerning the meaning and implications of the order complained of has become moot, for which reason said order, construed in the limited sense just indicated, is hereby affirmed, without special pronouncement as to costs.

It is so ordered.

Paras, C.J., Bengzon, Padilla, Bautista Angela, Labrador, Reyes, J.B.L., Barrera, Gutierrez David, and Paredes, JJ., concur.

Order affirmed.

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