

ISAAC PERAL BOWLING ALLEY, PETITIONER, VS. UNITED EMPLOYEES WELFARE ASSOCIATION AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. 15635. May 30, 1961

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-15635/>

CONCEPCION, J.:

Appeal by certiorari from an order and a resolution of the Court of Industrial Relations.

On September 30, 1958, we rendered a decision in "United Employees Welfare Association vs. Isaac Peral Bowling Alleys" (L-10327), affirming an order of respondent Court, dated December 9, 1955, directing the reinstatement of Petronio Beriña, Claro Bordones, Caruos Menodiado and Ramon Arevalo, as pinboys of respondent therein, Isaac Peral Bowling Alleys, hereinafter referred to as the Bowling Alleys, with back wages from November 11, 1952 to December 22, 1954. Upon motion for reconsideration filed by the Bowling Alleys, our aforementioned decision was clarified in a resolution of this Court, dated November 5, 1958, reading:

"Acting on the motion for reconsideration filed by respondent in G.R. No. L-10327 (United Employees Welfare Association vs. Isaac Peral Bowling Alleys), the Court RESOLVED to clarify its decision rendered on September 30, 1958, in the sense that respondent may deduct the wages or compensation the four pinboys mentioned therein may have received through employment during the period of the suspension from the back wages it has been ordered to pay them in the decision. (*Italics supplied.*)

Subsequently, the Bowling Alleys reinstated the pinboys aforementioned. Moreover, in compliance with the above-quoted resolution, respondent Court proceeded to receive evidence on the hearing of said pinboys from November 11, 1952 to December 22, 1954, so that the amount of said earnings may be deducted from the back wages they were entitled to receive from the Bowling Alleys, pursuant to our aforementioned decision, as clarified. Subsequently, or on May 25, 1959, respondent Court issued an order, pertinent parts of which we quote:

"The evidence presented establishes the facts that:

- Petronio Beriña—Through his own admission which was not contradicted by other evidence, Beriña worked casually and made a total amount of P40.00 only during the period of his suspension from November 11, 1952 to December 22, 1954.
- Claro Bordones—By agreement of the parties, for having undergone military training in the Philippine Army for the period covering July 12, 1954 to December 30, 1954, Claro Bordones received the total amount of P187.00.

So, therefore, deducting the amounts received by pinboys Beriña and Bordones during their suspension from the amounts that they shall receive from the respondent in accordance with the report of the Examiner, dated August 8, 1958, the total amount shall now be:

1. Carlos Menodiado P2,167.00 P2,167.00

2. Petronio Beriñas 1,651.69 P40.00 1,611.69

3. Claro Bordonos 1,980.75 187.00 1,793.75

4. Ramon Arevalo 1,183.70 1,183.70

Total P6,758.14

WHEREFORE, the respondent is hereby ordered to deposit with the Court the amount of P6,756.14 within five (5) days from receipt of this order for further disposition thereof and, in case of failure, the Clerk of Court is hereby directed to issue a writ of execution in accordance thereto."

The Bowling Alleys moved for a reconsideration of this order, but the motion was denied by a resolution of respondent Court sitting en banc. The case is now before us on appeal by certiorari, taken by the Bowling Alleys, from said order of May 25, 1959 and the resolution confirmatory thereof. The petition for review by certiorari was given due course insofar only as pinboys Petronio Beriña and Claro Bordonos are concerned.

The Bowling Alleys maintains, upon the authority of our decision in *Philippine Association of Free Labor Unions, et al., vs. Tan, et al.*, (99 Phil. 854; 52 Off. Gaz., [13] 5836), *Administrator of Hacienda Luisita Estate vs. Artemio Alberto*, L-12133 (October 31, 1958) and *Teodora Donato vs. Phil. Marine Officers Association, et al.*, L-12506 (May 10, 1959), that respondent Court had no jurisdiction to further hear this case for the purpose of receiving evidence and determining how much backpay is due to Petronio Beriña and Claro Bordonos. This pretense is devoid of merit, for said decisions refer to the jurisdiction of respondent Court under Republic Act No. 875, whereas the evidence in question was received and the order appealed from issued upon the authority of Commonwealth Act No. 103, as amended. Indeed, the present appeal is but an incident of Case No. 751-V(1) of respondent Court, which was commenced on October 10, 1952, or prior to the approval of the Industrial Peace Act on June 17, 1953. Having already acquired jurisdiction over the case, said Court retained, pursuant to section 27 of Republic Act No. 875, its authority to hear and decide all incidents thereof, according to the provisions of Commonwealth Act No. 103, until all issues therein shall have been fully settled and disposed of.

It is next urged that respondent Court should have deducted from the back wages of Petronio Beriña and Claro Bordonos the additional sums of P60.00 and P248.00, respectively, which according to the Bowling Alleys, have been earned by said pinboys, during the period aforementioned, aside from the amounts stated in the order appealed from. Suffice it to say, that the case is before us on appeal by certiorari (Commonwealth Act No. 103, section 14) in which questions of fact can not be raised (*Indias vs. Philippine Iron Mines*, 101 Phil., 278; 54 Off. Gaz., [6] 817; *Operators, Incorporated vs. Pelagio*, 99 Phil., 893; 52 Off. Gaz., [17] 7268; *Dee C. Chun & Sons, Inc. vs. Nahag*, 95 Phil., 837; *Tok Big Wedge Mining Co. vs. Atok Big Wedge Mutual Benefit Assn.*, 93 Phil., 62; *Javellana vs. Barilea*, 92 Phil., 600; *H. E. Heacock vs. NUL, et al.*, 95 Phil., 553; 50 Off. Gaz., No. 9, 4233; *Dee C. Chuan vs. CIR*, 85 Phil., 356; *Kaisahan Ng Manggagawa (CLO) vs. CIR*, 81 Phil., 566; *Olaivar vs. Meralco*, 71 Phil., 503, 505).

Wherefore, the order and the resolution appealed from are hereby affirmed, with costs against petitioner Isaac Peral Bowling Alleys. It is so ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Reyes, J.B.L., Barrera, Paredes, Dizon, De Leon, and Natividad, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.