

AIRLINE PILOTS ASSOCIATION OF THE PHILIPPINES, PETITIONER, VS. PHILIPPINE AIRLINES, INC., RESPONDENT.

G.R. No. 168382. June 06, 2011

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

A judgment that has attained finality is immutable and could thus no longer be modified.

By this Petition for Review on Certiorari,[1] petitioner Airline Pilots Association of the Philippines (ALPAP) assails the Decision[2] dated December 22, 2004 and Resolution[3] dated May 30, 2005 of the Court of Appeals (CA) in CA-G.R. SP No. 79686, which found no grave abuse of discretion on the part of Department of Labor and Employment (DOLE) Secretary Patricia A. Sto. Tomas (Sto. Tomas) and Acting Secretary Manuel G. Imson (Imson) in issuing their respective letters dated July 30, 2003[4] and July 4, 2003,[5] in connection with ALPAP's motions[6] filed in NCMB NCR NS 12-514-97.

Factual Antecedents

The present controversy stemmed from a labor dispute between respondent Philippine Airlines, Inc. (PAL) and ALPAP, the legitimate labor organization and exclusive bargaining agent of all commercial pilots of PAL. Claiming that PAL committed unfair labor practice, ALPAP filed on December 9, 1997, a notice of strike[7] against respondent PAL with the DOLE, docketed as NCMB NCR NS 12-514-97. Upon PAL's petition and considering that its continued operation is impressed with public interest, the DOLE Secretary assumed jurisdiction over the labor dispute per Order[8] dated December 23, 1997, the dispositive portion of which reads:

WHEREFORE, this Office hereby assumes jurisdiction over the labor dispute at the Philippine Airlines, Inc. pursuant to Article 263 (g) of the Labor Code, as amended.

Accordingly, all strikes and lockouts at the Philippine Airlines, Inc., whether actual or impending, are hereby strictly prohibited. The parties are also enjoined from committing any act that may exacerbate the situation.

The parties are further directed to submit their respective position papers within ten (10) days from receipt of this Order.

SO ORDERED.[9]

In a subsequent Order dated May 25, 1998,[10] the DOLE Secretary reiterated the prohibition contained in the December 23, 1997 Order. Despite such reminder to the parties, however, ALPAP went on strike on June 5, 1998. This constrained the DOLE, through then Secretary Cresenciano B. Trajano, to issue a return-to-work order[11] on June 7, 1998. However, it was only on June 26, 1998 when ALPAP officers and members reported back to work as shown in a logbook[12] signed by each of them. As a consequence, PAL refused to accept the returning pilots for their failure to comply immediately with the return-to-work order.

On June 29, 1998, ALPAP filed with the Labor Arbiter a complaint for illegal lockout[13] against PAL, docketed

as NLRC NCR Case No. 00-06-05253-98. ALPAP contended that its counsel received a copy of the return-to-work order only on June 25, 1998, which justified their non-compliance therewith until June 26, 1998. It thus prayed that PAL be ordered to accept unconditionally all officers and members of ALPAP without any loss of pay and seniority and to pay whatever salaries and benefits due them pursuant to existing contracts of employment.

On PAL's motion, the Labor Arbiter consolidated the illegal lockout case with NCMB NCR NS 12-514-97 (strike case) pending before the DOLE Secretary since the controversy presented in the lockout case is an offshoot of the labor dispute over which the DOLE Secretary has assumed jurisdiction and because the factual allegations in both cases are interrelated.[14] In a Resolution dated January 18, 1999,[15] the NLRC sustained the consolidation of the illegal lockout case with the strike case, opining that the DOLE Secretary has the authority to resolve all incidents attendant to his return-to-work order.

Through then DOLE Secretary Bienvenido E. Laguesma, a Resolution[16] dated June 1, 1999 was rendered in NCMB NCR NS 12-514-97, declaring the strike conducted by ALPAP on June 5, 1998 illegal and pronouncing the loss of employment status of its officers and members who participated in the strike in defiance of the June 7, 1998 return-to-work order. The decretal portion of the Resolution reads:

WHEREFORE, PREMISES CONSIDERED, this Office hereby:

- x x x;

- DECLARES the strike conducted by ALPAP on June 5, 1998 and thereafter as illegal for being procedurally infirm and in open defiance of the return-to-work order of June 7, 1998 and, consequently, the strikers are deemed to have lost their employment status; and

- DISMISSES the complaint for illegal lockout for lack of merit.

SO ORDERED.[17]

In a Resolution[18] dated July 23, 1999, ALPAP's motion for reconsideration was denied. Thus, ALPAP filed a Petition for Certiorari[19] with the CA assailing both the June 1, 1999 and July 23, 1999 DOLE Resolutions. The case was docketed as CA-G.R. SP No. 54880.

Meanwhile, several ALPAP members filed separate individual complaints for illegal dismissal and non-payment of monetary benefits against PAL with the Labor Arbiters of the NLRC, questioning their termination as a result of the strike staged by other ALPAP members on June 5, 1998.[20] While these cases were pending, the CA, in CA-G.R. SP No. 54880, affirmed and upheld the June 1, 1999 and July 23, 1999 DOLE Resolutions in its Decision[21] dated August 22, 2001. ALPAP then sought a review of the CA Decision, thereby elevating the matter to this Court docketed as G.R. No. 152306. On April 10, 2002, this Court dismissed ALPAP's petition for failure to show that the CA committed grave abuse of discretion or a reversible error.[22] This Court's Resolution attained finality on August 29, 2002.[23]

Proceedings before the DOLE Secretary

On January 13, 2003, ALPAP filed before the Office of the DOLE

Secretary a Motion[24] in NCMB NCR NS 12-514-97, requesting the said office to conduct an appropriate legal proceeding to determine who among its officers and members should be reinstated or deemed to have lost their employment with PAL for their actual participation in the strike conducted in June 1998. ALPAP contended that there is a need to conduct a proceeding in order to determine who actually participated in the illegal strike since not only the striking workers were dismissed by PAL but all of ALPAP's officers and members, even though

some were on official leave or abroad at the time of the strike. It also alleged that there were some who joined the strike and returned to work but were asked to sign new contracts of employment, which abrogated their earned seniority. Also, there were those who initially defied the return-to-work order but immediately complied with the same after proper receipt thereof by ALPAP's counsel. However, PAL still refused to allow them to enter its premises. According to ALPAP, such measure, as to meet the requirements of due process, is essential because it must be first established that a union officer or member has participated in the strike or has committed illegal acts before they could be dismissed from employment. In other words, a fair determination of who must suffer the consequences of the illegal strike is indispensable since a significant number of ALPAP members did not at all participate in the strike. The motion also made reference to the favorable recommendation rendered by the Freedom of Association Committee of the International Labour Organization (ILO) in ILO Case No. 2195 which requested the Philippine Government "to initiate discussions in order to consider the possible reinstatement in their previous employment of all ALPAP's workers who were dismissed following the strike staged in June 1998." [25] A Supplemental Motion [26] was afterwards filed by ALPAP on January 28, 2003, this time asking the DOLE Secretary to resolve all issues relating to the entitlement to employment benefits by the officers and members of ALPAP, whether terminated or not.

In its Comment [27] to ALPAP's motions, PAL argued that the motions cannot legally prosper since the DOLE Secretary has no authority to reopen or review a final judgment of the Supreme Court relative to NCMB NCR NS 12-514-97; that the requested proceeding is no longer necessary as the CA or this Court did not order the remand of the case to the DOLE Secretary for such determination; that the NLRC rather than the DOLE Secretary has jurisdiction over the motions as said motions partake of a complaint for illegal dismissal with monetary claims; and that all money claims are deemed suspended in view of the fact that PAL is under receivership.

On January 24, 2003, the DOLE called the parties to a hearing to discuss and clarify the issues raised in ALPAP's motions. [28] In a letter dated July 4, 2003 [29] addressed to ALPAP President, Capt. Ismael C. Lapus, Jr., then Acting DOLE Secretary, Imson, resolved ALPAP's motions in the following manner:

X X X X

After a careful consideration of the factual antecedents, applicable legal principles and the arguments of the parties, this Office concludes that NCMB-NCR-NS-12-514-97 has indeed been resolved with finality by the highest tribunal of the land, the Supreme Court. Being final and executory, this Office is bereft of authority to reopen an issue that has been passed upon by the Supreme Court.

It is important to note that in pages 18 to 19 of ALPAP's Memorandum, it admitted that individual complaints for illegal dismissal have been filed by the affected pilots before the NLRC. It is therefore an implied recognition on the part of the pilots that the remedy to their present dilemma could be found in the NLRC.

X X X X

Thus, to avoid multiplicity of suits, splitting causes of action and forum-shopping which are all obnoxious to an orderly administration of justice, it is but proper to respect the final and executory order of the Supreme Court in this case as well as the jurisdiction of the NLRC over the illegal dismissal cases. Since ALPAP and the pilots have opted to seek relief from the NLRC, this Office should respect the authority of that Commission to resolve the dispute in the normal course of law. This Office will no longer entertain any further initiatives to split the jurisdiction or to shop for a forum that shall only foment multiplicity of labor disputes. Parties should not jump from one forum to another. This Office will make sure of that.

By reason of the final ruling of the Honorable Supreme Court, the erring pilots have lost their employment status and second, because these pilots have filed cases to contest such loss before another forum, the Motion and Supplemental Motion of ALPAP as well as the arguments raised therein are merely NOTED by this

Office.

ALPAP filed its motion for reconsideration[30] arguing that the issues raised in its motions have remained unresolved hence, it is the duty of DOLE to resolve the same it having assumed jurisdiction over the labor dispute. ALPAP also denied having engaged in forum shopping as the individual complainants who filed the cases before the NLRC are separate and distinct from ALPAP and that the causes of action therein are different. According to ALPAP, there was clear abdication of duty when then Acting Secretary Imson refused to properly act on the motions. In a letter dated July 30, 2003,[31] Secretary Sto. Tomas likewise merely noted ALPAP's motion for reconsideration, reiterating the DOLE's stand to abide by the final and executory judgment of the Supreme Court.

Proceedings before the Court of Appeals

ALPAP filed a petition for certiorari[32] with the CA, insisting that the assailed letters dated July 4, 2003 and July 30, 2003, which merely noted its motions, were issued in grave abuse of discretion.

In their Comment,[33] Sto. Tomas and Imson argued that the matter of who among ALPAP's members and officers participated in the strike was already raised and resolved by the CA and this Court. By filing the motions, ALPAP, in effect, initiated a termination case which is properly cognizable by the Labor Arbiter. And since several ALPAP members have already filed complaints for illegal dismissal and claims for salaries and benefits with the Labor Arbiter, ALPAP is thus engaging in forum-shopping when it filed the subject motions.

PAL, on the other hand, also claimed in its Comment[34] that ALPAP violated the principles governing forum shopping, res judicata and multiplicity of suits. It opined that when ALPAP questioned the loss of employment status of "all its officers and members and asked for their reinstatement" in its appeal to reverse the Decision of the DOLE Secretary in the consolidated strike and illegal lockout cases, the matter of who should be meted out the penalty of dismissal was already resolved with finality by this Court and could not anymore be modified.

The CA, in its Decision dated December 22, 2004,[35] dismissed the petition. It found no grave abuse of discretion on the part of Sto. Tomas and Imson in refusing to conduct the necessary proceedings to determine issues relating to ALPAP members' employment status and entitlement to employment benefits. The CA held that both these issues were among the issues taken up and resolved in the June 1, 1999 DOLE Resolution which was affirmed by the CA in CA-G.R. SP No. 54880 and subsequently determined with finality by this Court in G.R. No. 152306. Therefore, said issues could no longer be reviewed. The CA added that Sto. Tomas and Imson merely acted in deference to the NLRC's jurisdiction over the illegal dismissal cases filed by individual ALPAP members.

ALPAP moved for reconsideration which was denied for lack of merit in CA Resolution[36] dated May 30, 2005.

Hence, this petition.

Issues

I.

WHETHER X X X THE HONORABLE COURT OF APPEALS COMMITTED REVERSIBLE ERROR WHEN IT DECLARED THAT THE PUBLIC RESPONDENT DID NOT COMMIT GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK AND/OR EXCESS OF JURISDICTION WHEN IT REFUSED TO ACT ON ALPAP'S MOTIONS AND MERELY NOTED THE SAME.

II.

WHETHER X X X THE HONORABLE COURT OF APPEALS COMMITTED GRAVE MISTAKE IN DECLARING THAT THE 01 JUNE 1999 RESOLUTION OF THE DEPARTMENT OF LABOR AND EMPLOYMENT HAS ALREADY TAKEN UP AND RESOLVED THE ISSUE OF WHO AMONG THE ALPAP MEMBERS ARE DEEMED TO HAVE LOST THEIR EMPLOYMENT STATUS.[37]

ALPAP contends that it was erroneous for Sto. Tomas and Imson to merely take note of the motions when the issues raised therein sprang from the DOLE Secretary's exercise of authority to assume jurisdiction over a labor dispute which have nevertheless remained unresolved. ALPAP prays that the assailed letters dated July 4, 2003 and July 30, 2003 be declared null and void. It likewise seeks for a conduct of a proceeding to determine who actually participated in the illegal strike of June 1998 and consequently who, from its vast membership, should be deemed to have lost employment status.

Our Ruling

We deny the petition.

There was no grave abuse of discretion on the part of Sto. Tomas and Imson in merely noting ALPAP's twin motions in due deference to a final and immutable judgment rendered by the Supreme Court.

From the June 1, 1999 DOLE Resolution, which declared the strike of June 5, 1998 as illegal and pronounced all ALPAP officers and members who participated therein to have lost their employment status, an appeal was taken by ALPAP. This was dismissed by the CA in CA-G.R. SP No. 54880, which ruling was affirmed by this Court and which became final and executory on August 29, 2002.

In the instant case, ALPAP seeks for a conduct of a proceeding to determine who among its members and officers actually participated in the illegal strike because, it insists, the June 1, 1999 DOLE Resolution did not make such determination. However, as correctly ruled by Sto. Tomas and Imson and affirmed by the CA, such proceeding would entail a reopening of a final judgment which could not be permitted by this Court. Settled in law is that once a decision has acquired finality, it becomes immutable and unalterable, thus can no longer be modified in any respect.[38] Subject to certain recognized exceptions,[39] the principle of immutability leaves the judgment undisturbed as "nothing further can be done except to execute it." [40]

True, the dispositive portion of the DOLE Resolution does not specifically enumerate the names of those who actually participated in the strike but only mentions that those strikers who failed to heed the return-to-work order are deemed to have lost their employment. This omission, however, cannot prevent an effective execution of the decision. As was held in *Reinsurance Company of the Orient, Inc. v. Court of Appeals*, [41] any ambiguity may be clarified by reference primarily to the body of the decision or supplementary to the pleadings previously filed in the case. In any case, especially when there is an ambiguity, "a judgment

shall be read in connection with the entire record and construed accordingly." [42]

There is no necessity to conduct a proceeding to determine the participants in the illegal strike or those who refused to heed the return to work order because the ambiguity can be cured by reference to the body of the decision and the pleadings filed.

A review of the records reveals that in NCMB NCR NS 12-514-97, the DOLE Secretary declared the ALPAP officers and members to have lost their employment status based on either of two grounds, viz: their participation in the illegal strike on June 5, 1998 or their defiance of the return-to-work order of the DOLE Secretary. The records of the case unveil the names of each of these returning pilots. The logbook[43] with the heading "Return To Work Compliance/ Returnees" bears their individual signature signifying their conformity that they were among those workers who returned to work only on June 26, 1998 or after the deadline imposed by DOLE. From this crucial and vital piece of evidence, it is apparent that each of these pilots is bound by the judgment. Besides, the complaint for illegal lockout was filed on behalf of all these returnees. Thus, a finding that there was no illegal lockout would be enforceable against them. In fine, only those returning pilots, irrespective of whether they comprise the entire membership of ALPAP, are bound by the June 1, 1999 DOLE Resolution.

ALPAP harps on the inequity of PAL's termination of its officers and members considering that some of them were on leave or were abroad at the time of the strike. Some were even merely barred from returning to their work which excused them for not complying immediately with the return-to-work order. Again, a scrutiny of the records of the case discloses that these allegations were raised at a very late stage, that is, after the judgment has finally decreed that the returning pilots' termination was legal. Interestingly, these defenses were not raised and discussed when the case was still pending before the DOLE Secretary, the CA or even before this Court. We agree with the position taken by Sto. Tomas and Imson that from the time the return-to-work order was issued until this Court rendered its April 10, 2002 resolution dismissing ALPAP's petition, no ALPAP member has claimed that he was unable to comply with the return-to-work directive because he was either on leave, abroad or unable to report for some reason. These defenses were raised in ALPAP's twin motions only after the Resolution in G.R. No. 152306 reached finality in its last ditch effort to obtain a favorable ruling. It has been held that a proceeding may not be reopened upon grounds already available to the parties during the pendency of such proceedings; otherwise, it may give way to vicious and vexatious proceedings.[44] ALPAP was given all the opportunities to present its evidence and arguments. It cannot now complain that it was denied due process

Relevant to mention at this point is that when NCMB NCR NS 12-514-97 (strike/illegal lockout case) was still pending, several complaints for illegal dismissal were filed before the Labor Arbiters of the NLRC by individual members of ALPAP, questioning their termination following the strike staged in June 1998. PAL likewise manifests that there is a pending case involving a complaint[45] for the recovery of accrued and earned benefits belonging to ALPAP members. Nonetheless, the pendency of the foregoing cases should not and could not affect the character of our disposition over the instant case. Rather, these cases should be resolved in a manner consistent and in accord with our present disposition for effective enforcement and execution of a final judgment.

WHEREFORE, the petition is DENIED for lack of merit. The Decision of the Court of Appeals dated December 22, 2004 and Resolution dated May 30, 2005 in CA-G.R. SP No. 79686 are AFFIRMED.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Abad,[*] and Perez, JJ., concur.

[*]Per Raffle dated May 11, 2011.

[1] Rollo, pp. 66-91.

[2] Annex "B" of the Petition, id. at 97-106; penned by Associate Justice Rosalinda Asuncion-Vicente and concurred in by Associate Justices Eugenio S. Labitoria and Bienvenido L. Reyes.

- [3] Annex "A," id. at 93-95.
- [4] Annex "C," id. at 107.
- [5] Annex "D," id. at 108-110.
- [6] ALPAP's Motion dated January 10, 2003 and Supplemental Motion dated January 27, 2003, Annexes "F" and "E," id. at 113-117 and 111-112, respectively.
- [7] Annex "1" of PAL's Comment to the Petition, id. at 158.
- [8] Annex "2," id. at 160-162.
- [9] Id. at 162.
- [10] Annex "4," id. at 165-166.
- [11] Annex "5," id. at 167-168.
- [12] Annexes "8"- "8-M," id. at 188-201.
- [13] Annex "9," id. at 202-205.
- [14] Labor Arbiter Order dated August 21, 1998, Annex "10," id. at 206-211.
- [15] Annex "11," id. at 212-224.
- [16] Annex "13," id. at 273-279.
- [17] Id. at 279.
- [18] Annex "14," id. at 280-282.
- [19] Annex "15," id. at 283-326.
- [20] See Annexes "19," "20" and "21," id. at 344-355, 356-361 and 362-381, respectively; See also Annexes "K," "L" and "M" of petitioner ALPAP's Consolidated Reply, id. at 744-786, 787-841 and 842-854, respectively.
- [21] Annex "16" of PAL's Comment to the Petition, id. at 327-341.
- [22] See Resolution dated April 10, 2002 in G.R. No. 152306, Annex "17", id. at 342.
- [23] See Entry of Judgment, Annex "18," id. at 343.
- [24] ALPAP Motion dated January 10, 2003, Annex "F" of the Petition, id. at 113-117.
- [25] See CA rollo, pp. 273-278.
- [26] ALPAP Supplemental Motion dated January 27, 2003, Annex "E" of the Petition, rollo pp. 111-112.
- [27] CA rollo, pp. 203-216.
- [28] TSN of January 24, 2003 hearing in NCMB NCR NS-12-514-97, Annex "G" of ALPAP's Consolidated Reply, rollo pp. 658-671.
- [29] Supra note 5.
- [30] CA rollo, pp. 34-43.
- [31] Supra note 4.

[32] CA rollo, pp. 2-26.

[33] Id. at 296-313.

[34] Id. at 315-345.

[35] Supra note 2.

[36] Supra note 3.

[37] Rollo, pp. 78-79.

[38] Temic Semiconductors, Inc. Employees Union (TSIEU)-FFW v. Federation of Free Workers (FFW), G.R. No. 160993, May 20, 2008, 554 SCRA 122, 134.

[39] Exceptions to the rule on the immutability of a final judgment are: "(1) the correction of clerical errors; (2) the so-called nunc pro tunc entries which cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable." (Id.)

[40] Tamayo v. People, G.R. No. 174698, July 28, 2008, 560 SCRA 312, 322-323.

[41] G.R. No. 61250, June 3, 1991, 198 SCRA 19, 28.

[42] Filinvest Credit Corporation v. Court of Appeals, G.R. No. 100644, September 10, 1993, 226 SCRA 257, 267.

[43] Supra note 12.

[44] San Pablo Oil Factory, Inc. and Schetelig v. CIR [Court of Industrial Relations] and Kapatirang Manggagawa Assn., 116 Phil 941, 945 (1962).

[45] Annex "22" of PAL's Comment to the Petition, rollo pp. 382-387.

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