

SIMEON CABAÑERO ET AL., PETITIONERS, VS. RAMON TORRES ET AL., RESPONDENTS.*G.R. No. 43935. August 31, 1935*

Ponente: MALCOLM, J.

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These special proceedings initiated, by two laborers against the Hawaiian Sugar Planters' Association, the Secretary of Labor, and certain public officials, are the sequel to previous proceedings between the same parties in this court, G. R. No. 43352.[1] In the case just referred to, the petition was dismissed because no ground existed for the issuance of a writ of prohibition, based on the premise that the Secretary of Labor would carry out his announced purpose to decline to issue a new license to the Hawaiian Sugar Planters' Association except upon a satisfactory showing that it has already acquired a juridical personality under the laws of the Philippine Islands. Thereafter, however, it is our understanding from the allegations of the present complaint and the answer interposed by the Solicitor-General in behalf of the respondents, that while the Secretary of Labor has not yet issued the license applied for by the Hawaiian Sugar Planters' Association, he is seriously considering the issuance of one because the association has a good record and is trustworthy. The Secretary of Labor also appears to have believed that the association would take steps looking to registration in the Bureau of Commerce, although counsel for the association in his memorandum intimates that the Secretary must have misunderstood the representative of the association.

As above indicated the petitioners are two among a large number of laborers who allege that they have valid and outstanding money claims against the Hawaiian Sugar Planters Association. The latter is an unincorporated organization made up of various corporations and companies interested in the sugar business in the Territory of Hawaii. Ever since the enactment by the Philippine Legislature of Act No. 2486 in 1915, the Hawaiian Sugar Planters' Association has secured a license permitting it to recruit laborers in the Philippines.

Said Act No. 2486, in relation with Act No. 4007, fixes a tax upon every person or entity engaged in recruiting or contracting laborers in the Philippines. A license is required before any person or entity engages in the industry referred to by the law. The license is secured from the Department of Labor to which department appears to have been granted exclusive authority in the premises.

The prayer of the instant petition is that we declare the license in behalf of the Hawaiian Sugar Planters Association, if one has already been issued, illegal and null and void, or if none has yet been issued, that we grant an injunction and prohibition against the issuance of a license. Casting overboard the vast amount of extraneous matter with which the petition and the exhibits are burdened, the gravamen of the complaint as understood by the respondents is that the Hawaiian Sugar Planters' Association is juridically non-existent and, therefore, cannot be the grantee of a license to recruit laborers within the Philippine Islands.

With the prayer of the complaint and the proposition emanating therefrom to the forefront, it should be understood that it is any "person" or "entity" which is authorized to contract laborers in the Philippines by securing a license.

Counsel for the respondent association does not contend that the association is included within the definition of juridical persons as found in the Civil Code. But counsel argues that the association can be considered an "entity" within the meaning of the law. It is unnecessary, according to the view we take of the case, to make express pronouncements on this question.

The point we desire to emphasize is, that on the Secretary of Labor is thrown the responsibility of determining if a license should be granted the Hawaiian Sugar Planters' Association. That according to our view indicates a discretionary authority to be exercised by the Secretary. He it is who is expected to see that justice is done labor in the Philippines, while at the same time seeing that justice is done to capital in its relations with labor. Should the Secretary maintain his former position to the effect that the Hawaiian Sugar Planters' Association must acquire a juridical personality before, license can be granted to it, this court would be inclined to stand back of the Secretary in his decision. On the other hand, if the Secretary desires to grant a license to the Hawaiian Sugar Planters' Association as it is now organized without further formalities, the court would be inclined to stand back of the Secretary on this proposition. In other words, it is for the Secretary of Labor and not for the Supreme Court to grant or not to grant the license.

In addition to what has been said, from another viewpoint it has occurred to us that possibly the laborers in question would find themselves better protected by permitting the Hawaiian Sugar Planters' Association to obtain a license, than by protesting against the issuance of a license to the association. We mean by this that the Hawaiian Sugar Planters' Association having taken advantage of the laws of the Philippines to advance its own purposes could not very well avoid service or financial responsibility when claims are filed against it in the courts. Indeed as we understand the attitude of counsel for the association, the latter is not seeking to shield itself behind such technicalities.

There are a multitude of other questions and incidents raised by the pleadings, the exhibits, and memoranda. However, we do not propose to let ourselves get lost in a discussion of these miscellaneous matters. The main issue is one of right and power—right in so far as the Hawaiian Sugar Planters' Association is concerned to claim a license, and power in so far as the Secretary of Labor is concerned to decide whether or not the association should be granted a license. Deciding that issue, we rule that the decision rests with the Secretary of Labor and that in deciding the question the Secretary exercises jurisdiction with which this court should not interfere.

In accordance with the foregoing, the petition will be dismissed, without costs.

Villa-Real, Imperial, Butte, and Goddard, JJ., concur.

[1] Cabañero and Mangornong vs. Torres, page 522, ante.

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