

BARDWIL BROS., PETITIONER, VS. THE PHILIPPINE LABOR UNION AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. 46562. September 13, 1939

Ponente: DIAZ, J.

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DIAZ, J.:

This certiorari proceeding is obviously the same as, or at least, a repetition of the former G. R. No. 46295 of this court, entitled Bardwil Bros., petitioner, vs. The Honorable Jose G. Generoso, as Judge of the Court of Industrial Relations, and the Philippine Labor Union, respondents, which was decided and terminated on December 16, 1938 (38 Off. Gaz., 2721), having been dismissed by the court for the reason that it had been instituted prematurely and because, on the other hand, the facts, declared by the respondent Court of Industrial Relations to have been established, in its order of August 19, 1938 (Exhibit B), issued in case No. 23 of said court, for the review of which the aforesaid proceeding had been commenced during the first days of September 1938, do not constitute a cause of action. The dispositive part of the order in question was as follows:

"Under the conclusions and considerations above set forth, the court orders that, pending the final determination of the dispute between the parties in this case:

"The respondent immediately readmit to work each and every one of the following workers: Amparo Pereras, Angelita Beltran, Ramona Cabanatan, Ambrosia Espiritu, Luz Dimacali, Josefina Milana, Josefa Jimenez, Erlina Lauz, Monica Melencio, Cirila Nery, Martina Rodriguez, Emilia de la Cruz, Leonidas Nery, Isabel Paico, Pilar Zapata and Esperanza Yanguas, giving them the same work they had at the time they were separated from the service and not dismissing them without just cause and previous authority from this court."

The order so made by the Court of Industrial Relations was precisely what the Philippine Labor Union, the petitioner in said case, had sought in its petition.

The dismissal of the first proceeding (G. R. No. 46295) was due to the fact that, pending the resolution of a motion filed in the above-mentioned case No. 23, of the Court of Industrial Relations by the petitioner as respondent therein, it instituted the aforesaid proceeding without waiting for the result of said incident, and it was not definitely known then what the resolution of the Court of Industrial Relations would be. This outcome was to compel the petitioner to return the said case No. 23 in order to urge the resolution of its motion for reconsideration. The result was adverse to it because the resolution rendered by the Court of Industrial Relations on February 11, 1939, stated as follows:

"We have reviewed the evidence and other merits of the present case relative to the motion for reconsideration of the order of August 19, 1938, and we arrive at the conclusion that there has been no showing of the commission of any error upon the issuance of said order, and that all the questions raised by the motion for reconsideration have been duly considered and determined upon the issuance of the order in question.

"Consequently, we maintain the conclusions, considerations and pronouncements of the aforesaid order of August 19, 1938.

"The petition of December 28, 1938, whose consideration was possible only after January 6, 1939, when the court was officially informed of the denial of the certiorari proceeding instituted on account of the order of August 19, 1938, is well founded, except with respect to the period of time corresponding to the salaries claimed by the dismissed workers.

"It is prayed that they be paid from April 18, 1938, that is, the date on which they were dismissed from their work.

"When the case of the readmission of the workers was submitted to the court by means of the motion filed on May 10, 1938, no allegation or petition was made relative to their right to receive salaries during the pendency of the motion.

"The case was instituted solely for the determination of the question whether or not their absolute separation from the service of the respondent was justified. The court arrived at the conclusion that they should be readmitted and since there was no pronouncement as to whether or not they should receive salaries pending the determination of the justifiability of their separation from the service, we are of the opinion that their right to receive salaries became operative only from the time the respondent was notified of the order of their readmission, that is, from the date of the cessation of the respondent's power to suspend them from the work in which they were engaged at the time the conflict, which gave rise to this case, started.

"Such notice was given on August 24, 1938, and had it not been for the certiorari proceeding instituted by the respondent in the present case, the period of unemployment of the workers, whose readmission was ordered, would not have been prolonged.

"Relying upon the foregoing conclusions and considerations, the court resolves:

"(a) To deny, as it hereby denies, the motion for reconsideration of August 31, 1938, filed by the respondent on the 1st of September of the same year.

"(b) To order, as it hereby orders, the respondent to comply with the order of August 19, 1938, within two days, and to pay to the workers referred to in said order the salaries they should have received from August 25, 1938, to the date of their readmission to work. So ordered."

The petitioner now contends, as it contended in the former certiorari proceeding with respect to the order of August 19, 1938 (Exhibit B), that said order and that of February 11, 1939 (Exhibit D), are null and void on the ground that they were issued by the Court of Industrial Relations without having jurisdiction either to take cognizance of the matter or to grant what the Philippine Labor Union prayed for therein, to wit: the readmission to work of the 16 workers enumerated in the former order and the payment to them of the salaries due them from April 18, 1938, to the date of their readmission.

We do not have before us any fact that may be of aid in deciding the questions raised by the petitioner, except those that may be inferred from the two orders in question. We are not authorized to review the facts because our jurisdiction or power is confined to determining whether or not, taking into account only the facts as found to have been proven by the Court of Industrial Relations, the conclusions of said court are in accordance with law. Said facts, as stated by the Court of Industrial Relations itself, are as follows:

"(1) On April 6, 1938, a petition signed by the workers of the respondent, praying,, among other things, for an increase in wages, was submitted to the manager thereof.

"(2) Twelve of the petitioning workers were dismissed from their work on April 18, 1938, for having submitted said petition of April 6th.

"(3) Four of the petitioners, who wanted to return to work upon the advice of the Department of Labor, were not accepted for having made common cause with their companions by joining the strike.

"(4) On account of the dismissal of workers, a strike was staged in the respondent's factory, which lasted several days.

"(5) During the six years previous to the dismissal in question, the factory did not reduce the number of its workers, notwithstanding the allegation of lack of work.

"In the petition, Esperanza Yanguas is not mentioned as having been dismissed, but she is so mentioned in the communication of the Secretary of Labor. That she is one of the dismissed workers is shown by the evidence for the petitioner as "well as by that of the respondent.

"The contention of the respondent that twelve of the petitioning workers have been dismissed for lack of work is, in the opinion of the court, without merit, because, while Mr. Golucke, manager of the factory for the last fifteen years or more, has testified on direct examination that the reason for the dismissal of the petitioning workers was the lack of work for them, and that the factory on other occasions suspended one or more workers many times for the same cause, readmitting them when it was necessary to do so, on cross-examination, however, he could cite only some months or periods in 1931 and 1933, as instances when work in the factory was suspended.

"One detail which counts in favor of the workers asking for readmission into the factory, is the fact that they, that is, Martina Rodriguez and Pilar Zapata, rendered services thereto from the year 1919, or for 19 years; Ramona Cabanatan from 1920, or for 18 years; Luz Dimacali and Josefina Milana from 1923, or for 15 years; Angelita Beltran from 1928, or for 10 years; Emilia de la Cruz from 1929, or for 9 years; Ambrosia Espiritu from 1933, or for 5 years; Leonidas Nery from 1934, or for 4 years, and the rest from one to three years. It so appears in Exhibit 3 of the respondent. If any of them has ever ceased to work during her long years of service with the factory, it was temporarily.

"If it were true that the manager of the factory, in dismissing workers thereof, as he has testified, took into consideration their efficiency records, it cannot be understood why he dismissed Ramona Cabanatan who had been working 18 years in the 'Laundry Inspection' department, first as ironer and later as overseer or inspector. The same thing may be said of Cabanatan's companions who were likewise dismissed, in spite of having many years of service.

"Another explanation given by the witness Golucke, manager of the respondent's factory, to prove the lack of work for the dismissed workers, consists in the merger of the 'Laundry Inspection' department in another some days after the conflict submitted to this court arose. This explanation is not satisfactory because, according to the evidence only a few of the dismissed workers were working in the 'Laundry Inspection' department. Furthermore, the merger having been effected after the start of the dispute which gave rise to this case, the court is inclined to believe that it has been another means of explaining the dismissal of the workers affected thereby.

"The allegation of the respondent that the petitioners Emilia de la Cruz, Leonidas Nery, Isabel Paico and Pilar Zapata were not dismissed but that they voluntarily left their work, is unfounded, because the evidence shows that they appeared at the factory for the purpose of resuming their work and were rejected."

We are of the opinion that the facts found by the Court of Industrial Relations to have been proven, which we cannot alter, justify the action taken by said court. Consequently, the argument that the dismissal of the 16 workers named in the order of August 19, 1938, was due to the lack of work to be given them, is unfounded. So also is the argument that the Court of Industrial Relations actually assumed the role of manager of the respondent company because it wanted to take upon its own account the determination by itself of whether the work and business of said company can and should continue. Commonwealth Act No. 103 has precisely vested the Court of Industrial Relations with authority to intervene in all cases of dispute between employers and laborers, as the one under consideration herein, over strikes arising from differences as regard wages, compensation, and other labor

conditions, and it is by virtue of such authority that it took cognizance of case No. 23, as soon as the Secretary of Labor, as we stated in our decision in the certiorari proceeding G. R. No. 46295, certified to it that there was an industrial dispute between the petitioner and its workers and employees.

The allegation that the petitioner has no work to give to the dismissed workers, not having received orders from America, and that it has been closing its business from time to time for lack of work, is but a mere argument which finds no support in the facts because, if it were true, the Court of Industrial Relations would have, so stated in its orders in question, and if there had been an omission on its part, the petitioner would have invited its attention thereto for the purpose of correcting said omission. Consequently, the alleged unconstitutionality of Commonwealth Act No. 108, by virtue of whose provisions the Court of Industrial Relations acted in the case under consideration, because it is permitted thereby to determine the necessity of having more or less number of workers in a particular business, and to compel the continuation of said business regardless of the economic conditions thereof, is unfounded, Inasmuch as there is of record not the slightest finding of fact of said court that may justify our making considerations and observations to that effect.

Wherefore, the writ applied for is denied, with the costs to the petitioner. So ordered.

Avanceña, C. J., Villa-Real, Imperial, Laurel, Concepcion, and Moran, JJ., concur.

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