

ANTAMOK GOLDFIELDS MINING COMPANY, RECURRENTE, CONTRA COURT OP INDUSTRIAL RELATIONS, AND NATIONAL LABOR UNION, INC., RECURRIDOS.

G.R. No. 46892. June 28, 1940

Ponente: IMPERIAL, J.

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IMPERIAL, J.:

Esta es una apelacion mediante certiorari interpuesta por la recurrente contra la orden dictada por el Tribunal de Relaciones Industriales el 6 de mayo de 1939 que le obligo a que reponga en sus anteriores trabajos o en otros substancialmente equivalentes a los 45 obreros enumerados en la peticion del 31 de marzo de 1939 y a los 10 obreros encabezados por A. Haber que fueron excluidos indefinidamente, dentro de 10 dias desde que reciba copia de la orden; que pague a estos 55 obreros los jornales que debieron haber percibido desde la fecha de su suspension o separacion hasta la de su reposition; y que pendiente de resolucio n las otras cuestiones que las partes han sometido, la recurrente se abstenga, bajo pena de desacato, de despedir o excluir, sin permiso previo del tribunal, a cualquier obrero o empleado que se hallaba bajo su servicio en la epoca en que surgid la disputa que este actualmente trabajando en las minas o que sea repuesto en su trabajo de conformidad con la orden; y contra la resolucio n del mismo tribunal del 17 de agosto de 1939 que denego la mocio n de reconsideracion de la recurrente presentada el 26 de mayo de 1939.

El 12 de diciembre de 1938 la recurrida National Labor Union, Inc., en representacion de los obreros y empleados de la recurrente que eran miembros de dicha union obrera, dirigio una carta a la recurrente solicitando 21 reclamaciones en favor de sus afiliados. La carta fue recibida por la oficina de la recurrente en Manila en un sobre timbrado por la estafeta de Baguio el 30 del mismo mes. Los funcionarios de la recurrente convocaron a un meeting a sus empleados el 2 de enero de 1939 y en el informaron a todos sus obreros que algunas de las demandas se habian aceptado y se habian puesto ya en practica, otras serian consideradas y las restantes iban a ser rechazadas por ser irrazonables, y se les aconsejo que no recurrieran a la violencia y observaran metodos legales en el arreglo de sus diferencias con la recurrente. En la noche del mismo dia los obreros y

empleados de la recurrente se declararon en huelga y abandonaron sus trabajos. La recurrente dio cuenta inmediatamente de esta huelga al Departamento del Trabajo y solicito su intervencion con el fin de solucionarla. El Secretario del Trabajo designo a Adolfo Umengan, Investigador Especial del Departamento, y a Eladio C. Leaiio, Defensor Publico de la Provincia Montanosa, para que intervinieran y vieran la manera de solucionar la huelga. Estos funcionarios convocaron una conferencia a la que acudieron funcionarios de la recurrente, representante de los huelguistas y Luis Lardizabal, Jefe de la Baguio Federation of Labor, una organizacion obrera afiliada a National Labor Union, Inc. Como resultado de la conferencia las partes convinieron en el siguiente arreglo amistoso:

"AMICABLE SETTLEMENT"

"In order to have the present strike of the contractors and laborers of the respondent company who staged a walkout on January 3, 1939, amicably settled, the parties hereby mutually agree to end the said strike under the condition that all laborers will be readmitted upon the execution of this agreement; provided, that all laborers whose services should be dispensed with due to lack of work in those tunnels where they are no longer needed will be given not less than fifteen days employment from the date of this settlement or resumption of work, and provided, further, that as soon as the stopes in 1360 and 1460 levels are opened and the services of men are needed, the company will give preference to efficient laborers when reducing the personnel as above mentioned in those working places and may transfer them to other divisions to replace inefficient men."

"In witness hereof, the laborers represented by a committee composed of Messrs. Luis Lardizabal, Tomas Dirige, Victoriano Madayag, Maximo Conaoi, Daniel Lambinico, and Juan Cerilo and the Antamok Goldfields Mining Co. as represented by its President, Mr. Andres Soriano, have hereunto placed their signatures this 4th day of January, 1939."

El convenio fue firmado por las partes el 4 de enero de 1939, pero los obreros no se presentaron sino a las 9 de la mañana del 6 del mismo mes. La gerencia de la recurrente no permitió, sin embargo, a ningún obrero que entrara en la sección subterránea conocida como "830 level" por la razón de que el aire se había viciado con motivo de la huelga y era necesario renovarlo con aire puro con el fin de evitar desgracias personales. Esta precaución la tomaron los obreros como una negativa de la recurrente a que ellos trabajaran de nuevo, por lo que se declararon otra vez en huelga. A los huelguistas se unieron por simpatía los obreros que trabajaban en la mina denominada "680 division," que es otra mina separada y situada a 3 kilómetros de la fábrica. Otra vez intervino el Departamento del Trabajo y por la mediación de Eladio C. Leano los obreros volvieron al trabajo en la noche del 6 de enero de 1939 en que los trabajos de mina se reanudaron paulatinamente.

El 9 de enero de 1939 el Departamento del Trabajo endoso la disputa al Tribunal de Relaciones Industriales de conformidad con el artículo 4 de la Ley No. 103 del Commonwealth y dicho Tribunal celebró la primera vista del asunto el 13 del mismo mes en la Ciudad de Baguio. En esta vista se discutieron una por una las 21 reclamaciones de la recurrida National Labor Union, Inc., y se llegó por las partes a un acuerdo sobre algunas de ellas, se sometieron otras a la decisión del Tribunal y las demás se dejaron pendientes para ser vistas y resueltas más tarde. El 31 de marzo de 1939, hallándose pendiente aun de decisión la mayor parte de las reclamaciones antes mencionadas, la recurrida National Labor Union, Inc., presentó una motion en que alegó que el capataz A. Haber y otros 9 obreros de la recurrente habían sido indefinidamente suspendidos el 29 del mismo mes; que estos obreros habían sido transferidos anteriormente a trabajos exteriores con el fin de proporcionar a la recurrente una excusa para separarles más tarde del servicio; que otro grupo de cerca de 30 obreros fueron despedidos por la compañía sin motivo alguno y sin autorización del tribunal; y que las suspensiones y separaciones que así se hicieron eran actos de venganza y discriminatorios para los obreros, por cuya razón se pidió que los funcionarios de la recurrente responsables de dichos actos sean castigados por desacato y que la recurrente sea obligada a reponer a los obreros en sus primitivos trabajos dentro de las minas y a pagarles sus salarios correspondientes al período en que fueron separados del servicio. La recurrente contestó la motion negando los hechos imputados y alegó que Haber y sus 9 compañeros fueron suspendidos por su continua holgazanería durante las horas de trabajo y por haberse negado constantemente a trabajar, y que los 45 obreros encabezados por el capataz Victoriano Madayag fueron despedidos por haber rehusado señalar a los responsables del maltrato del capataz Juan Moldero en la mañana del 30 de marzo de 1939. La motion se vio el 3 de abril de 1939 y en la vista las partes presentaron sus testigos. El tribunal designó a uno de sus agentes especiales para que se constituya en las minas de la recurrente y practicara una investigación con el fin de suplementar los hechos que se probaron durante la vista. Después de considerar las pruebas presentadas ante el y los hechos hallados por el comisionado nombrado, el

tribunal en su orden del 6 de mayo de 1939 declaro probados los hechos siguientes:

"1. The discharges and indefinite suspensions alleged in the motion were made by the respondent without first securing the consent of the Court in violation of the order of this Court of January 23, 1939."

"2. The discharges and indefinite suspensions were made by the respondent without just cause."

En la misma orden el Tribunal de Relaciones Industrials hace las siguientes consideraciones que apoyan las conclusiones a que ha llegado:

"In the order of January 23, 1939, the respondent was enjoined to refrain from discharging any laborer involved in the dispute without just cause and without previous authority of the Court. It appears and no denial of the fact is made by the respondent that the dismissal in one case and the alleged suspension for an indefinite time in the other, which has all the effects of a discharge, were made without seeking the authority of the Court."

"The charge that Haber and the group of nine laborers were indefinitely suspended because of continuous loafing and refusal to work was not established. The real motive behind the lay off was the completion of their work 'outside.' Under the circumstances, the provision of the order of March 21, to the effect that these men should be returned to their work underground after the completion of their work 'outside' should have been observed. The respondent instead of complying with the order laid off the men."

"The discharge of Victoriano Madayag and his forty-four companions as a result of the Moldero incident also lacks justification. In the case of Madayag, although he was present with Haber when Moldero was attacked, neither one is accused of the aggression. The two of them were conversing with Moldero when the latter was stoned from behind without anybody apparently being able to point out the aggressor. Less justification can be found for the discharge of the forty-four men as a result of the incident. The investigation disclosed that at the time of the assault, they were at the Creek busy with their work. Both the distance and the topographical situation of the place where the men were working, which is far and well below the bank of the place of the incident, precluded their hearing or seeing clearly what transpired above them in the place where Moldero was assaulted. An ocular inspection of the premises made by the investigator confirmed this view. So far as is known, despite the investigations conducted by the officials of the company and the policemen of the camp and by the constabulary authorities in Baguio, the person or persons responsible for the stoning has not been determined. The precipitate and unwarranted dismissal of the forty-five men after the incident seems to have been spurred by an over anxious desire on the part of the company to get rid of these men."

"As previously found, in the order of this Court of March 21, 1939, about 134 underground laborers of the respondent were transferred and made to work 'outside of the mines' or surface work. The majority of these men were muckers, miners, timbermen, trammers, and mine helpers and had to their favor from 6 months to 5 years service in the mines of the company and not a few of them have done underground work in several capacities and in different tunnels and divisions of the mine. Among them are found leaders of the movement of the laborers for higher pay and better working conditions which culminated in the strike called on January 3, 1939. These leaders have been prominent in the formation of the union and its activities and in connection with the strike. The temporary transfer of these men to 'outside' work was authorized by the Court in said order on the strength of the assurance of the respondent that no more work suited for them inside the mines existed. It was directed, however, in the aforesaid order that as soon as their work outside was completed the laborers should be immediately returned to their respective work inside the mines. Subsequent events and acts of the officials of the respondent in charge of the mines have convinced the Court that work existed and exists for the men inside the tunnels and their transfers were made to provide an opportunity to the company to dispense with their services as soon as the work outside is completed. The unwarranted discharges of Haber and nine others and those of Victoriano Madayag and his forty-four companions amply demonstrated this conclusion. Upon the company's own admission, as shown in its reports in the records and upon the findings of the investigator of the Courts more than four hundred (400) workers of different classes among them, muckers,

miners, timbermen, trammers and capataces coming from different mines in the regftm have been employed by the respondent as fresh laborers. Almost all, if not all, of these men are not members of the petitioner, the National Labor Union, Inc."

"At the same time the work in different tunnels and divisions in the mines are allegedly being completed, the old workers are being laid off. Although a small number of the men found transfer to other divisions being operated, the majority are being left without work. Instead of laying hands on the old men laid off and making them work in the tunnels needing hands and reinstating in the tunnel work those laborers transferred to the 'outside' department, the respondent preferred to take in and hire other workers coming from different places because evidently they are not members of the union."

"There is no doubt in the mind of the Court that a good number of the positions given of the men who were employed after the strike numbering more than four hundred to date could have been offered to the strikers who are now doing work 'outside' and other who have been laid off on the allegation that the underground work in which they were engaged had been completed. To believe that not a single man or say a few among the latter could have met the requirements set by the technical men of the company to perform the different classes of work for which the fresh men were engaged because they lack the required efficiency, experience, physique, intelligence and skill of the four hundred fresh laborers would be shutting the eyes of the court to realities. These men prior to the occurrence of the dispute, had worked for months and many for years in the mines of the respondent and it can not be easily accepted that their experience gained in their particular lines in the very property of the respondent would be inferior to that attained by the other workmen in other mines in the district for an equal period of time. Their inefficiency as a whole group can not be successfully sustained now because they were not transferred to surface work for this reason but because of the alleged lack of work or completion of their work underground. Had any of them been inefficient in the past, it can not be explained why such laborer continued in the service as the records of the company abound with instances of discharges made in the past of laborers who were found either inefficient or incompetent or whose services were unsatisfactory."

"The company asserts ignorance of the union affiliations of the men in the mine but the evidence stands uncontradicted that before the strike was called a petition was presented by the men to the management carrying the signatures of about eight hundred (800) workers demanding higher pay and better working conditions. When the men struck, the operation of the mine was completely paralyzed and there is a strong indication that a great majority of the workers joined openly the strike. It would not have been difficult for the respondent, with the means at its command, to find for itself the employees and laborers who remained loyal to the company and to consider those who struck as either members of the union or its sympathizers."

"The respondent's claim as to the motive for the suspension and discharges lacks substance and support in the evidence and the inferences to be drawn from it. From all what appears, it is inferred that the respondent desires to discourage membership in the union and to rout it if possible. The wholesale discharges were the expression of such desire. The acts in the mind of the Court, are calculated to have two effects. They will not only immediately affect the discharged laborers but would also discourage other laborers from joining or remaining members of the union."

"The allegation that it has always been the policy to consider the laborer's connection with the company terminated upon termination of the working place in which he is employed is not supported by the facts. It has been shown that as a general rule when work in a place is completed, workers are transferred to another working place in one level or to another level, although in some instances days may elapse before all the men in a bunch can be absorbed in different levels."

"It is alleged that mining operations in the property vary and involve several types, and that a miner, for example, may be good in one type, but that it does not necessarily follow that he can do good work in another type. And that the employment of men in particular jobs not suitable for them increased the cost of production

as a result of lower output. Consequently; the respondent vehemently insists in its right of selecting the men that it should employ and that in the exercise of this right it should not be restrained or interfered with by the Court. It contends that as to the fitness of a laborer to do a particular type of work the opinion of the management or its technical men should be respected. But all these arguments are meaningless in the face of the finding of the Court that the underground laborers transferred to the 'outside' work are not wanting in experience, efficiency and other conditions alleged to be found among the fresh laborers. The special qualifications to do particular work can not rightly be invoked in favor of the employment of new laborers most especially in those cases of common or unskilled labor like muckers, trammers, helpers, etc."

"Under normal circumstances, the exercise of judgment of the employer in selecting men he is to employ should not be interfered with. But when such judgment is arbitrarily exercised to the prejudice of members of a labor union whose rights should be safeguarded in consonance with the policies of the law, the Court not only feels it justified but rightly its duty to interfere to afford protection to the laborers affected."

La recurrente presentó una extensa motion de reconsideración de la indicada orden, motion que fue denegada por la resolución del 17 de agosto de 1939. La orden del 6 de mayo de 1939 y la resolución del 17 de agosto del mismo año son las que dieron lugar a la apelación interpuesta por la recurrente.

La recurrente sostiene que la Ley No. 103 del Commonwealth, conforme ha sido enmendada por las leyes Nos. 254 y 355, es anticonstitucional (1) porque infringe el principio de separación de poderes; (2) porque por ella la Asamblea Nacional abdica de su facultad legislativa violando la doctrina sobre delegación de poderes; (3) porque las facultades judiciales que la ley confiere al Tribunal de Relaciones Industriales, consideradas separadamente, son arbitrarias e irrazonables y permiten la privación de la libertad y propiedad sin el debido proceso de ley; y (4) porque suponiendo que la ley es válida y constitucional en su totalidad, la parte, por lo menos, del artículo 20 que dispone que el Tribunal de Relaciones Industriales "adoptara sus reglamentos de procedimiento" debe declararse nula e inválida porque infringe el artículo 13 del Título VIII de la Constitución de Filipinas que obliga al Tribunal de Relaciones Industriales a observar las reglas generadas de procedimiento aplicables a los tribunales de justicia. La recurrente alega en este respecto que como a ella se le ha sometido a un procedimiento arbitrario y distinto del que se aplica a los demás litigantes en los tribunales de Filipinas, se le ha negado el debido proceso de ley y el principio de igual protección ante las leyes.

La Ley No. 103 del Commonwealth que, como su título indica, provee a la protección del obrero, creando un Tribunal de Relaciones Industriales facultado para fijar un jornal mínimo para los obreros y la renta máxima que se ha de pagar por los inquilinos; para poner en vigor el arbitraje obligatorio entre patronos o propietarios y empleados o inquilinos, respectivamente, y prescribe penas por la infracción de sus decretos, se ha promulgado por la Asamblea Nacional en virtud de los preceptos contenidos en el artículo 5, Título II; artículo 6, Título XIII; y artículos 1 y 2, Título VIII, de la Constitución de Filipinas que disponen:

"ART. 5. El Estado cuidará de promover la justicia social a fin de asegurar el bienestar y la estabilidad económica de todo el pueblo."

"ART. 6. El Estado deberá proteger a todos los trabajadores, especialmente a las mujeres y a los menores de edad, y deberá regular las relaciones entre propietarios e inquilinos, y entre el trabajo y el capital en la industria y la agricultura. El Estado podrá establecer el arbitraje obligatorio."

"Art. 1. El Poder Judicial estará investido en un Tribunal Supremo y en otros tribunales inferiores que se establezcan por ley."

"ART. 2. La Asamblea Nacional tendrá la facultad de definir, prescribir y distribuir la jurisdicción de los varios tribunales, * * *"

En cumplimiento de los preceptos constitucionales transcritos, la Asamblea Nacional promulgo la Ley No. 103 del Commonwealth que crea el Tribunal de Relaciones Industriales que es un tribunal especial con facultades judiciales (*Pambusco Employees Union vs. Court of Industrial Relations et al.*, G. R. No. 46727; *Ang Tibay et al. vs. Court of Industrial Relations et al.*, G. R. No. 46496, opinion concurrente del Magistrado Jose P. Laurel). El articulo 1 de dicha ley provee que el Tribunal de Relaciones Industriales ejercera jurisdiction para considerar, investigar, decidir y zanjar toda cuestion, asunto, conflicto o disputa que afecte o surja entre patronos y empleados u obreros, y entre propietarios e inquilinos o aparceros, y para regular las relaciones entre los mismos, con arreglo y sujecion a las disposiciones de la ley. El articulo 4 dispone que el tribunal tomara conocimiento, para fines de prevention, arbitrage, decision y ajuste, de cualquier conflicto agrario o industrial que motive o de lugar a una huelga o paro a causa de diferencias que surjan en la cuestion de jornales, participation o compensation, horas de trabajo o condiciones de aparceria o empleo, entre patronos y empleados u obreros, y entre propietarios e inquilinos o aparceros, siempre que el numero de empleados, obreros, inquilinos o aparceros afectados exceda de treinta, y que el conflicto agrario o industrial se someta al tribunal por el Secretario del Trabajo, o por una o ambas partes interesadas, cuando el referido Secretario del Trabajo certifique en cuanto a su existencia y la conveniencia de la intervention del tribunal en bien del interes publico. Y el articulo 20 preceptua que en la vista, investigation y resolution de cualquier cuestion o conflicto, y en el ejercicio de cualquiera de sus deberes y facultades, el tribunal actuara de acuerdo con la justicia y la equidad y los meritos substanciales de la causa, sin consideracion a los tecnicismos o formulismos legales, y no estara sujeto a cualesquier reglas tecnicas de prueba legal, sino que formara juicio de la manera que crea justo y equitativo. La Ley No. 103 confiere al Tribunal de Relaciones Industriales plena facultad discrecional para resolver y decidir las disputas agrarias e industriales de la manera que crea justo y equitativo, prescindiendo de los tecnicismos y formulismos legales, y la facultad asi concedida es judicial y no legislativa, por lo que no infringe el principio de separacion de poderes, la prohibition sobre delegacion de facultades legislativas ni la proteccion igualitaria ante la ley. Como se ha dicho en el asunto de *Cincinnati, W. & Z. R. Co. vs. Comm'rs, of Clinton County* (1852), 1 Ohio St., 88, citado en el asunto de *Rubi et al. contra La Junta Provincial de Mindoro*, 39 Jur. Fil., 675, "Existe una verdadera diferencia entre delegar la facultad para dictar leyes, lo cual supone necesariamente discrecion en cuanto a lo que hayan de ser aquellas, y conferir atribucion o discrecion para hacerlas cumplir, discrecion que debe ejercitarse con arreglo a la ley. La primera no puede hacerse en modo alguno; contra la segunda no cabe interponer objecion alguna."

Para reforzar los argumentos en favor de la anticonstitucionalidad de la Ley No. 103 la recurrente hace hincapie en lo resuelto en el asunto de *Schechter vs. United States* (1935), 295 U. S., 496, 79 Law. ed. 270, en que el Tribunal Supremo de los Estados Unidos declaro anticonstitucional la National Recovery Act. Existe, sin embargo, una marcada diferencia entre dicho asunto y el que se considera porque la National Recovery Act en vez de crear un tribunal de justicia, creo juntas con facultades legislativas y autorizo al Presidente de los Estados Unidos a promulgar codigos que prescriban las reglas de procedimiento con el fin de realizar los propositos de la ley.

El ultimo fundamento que se alega en contra de la validez de la Ley No. 103 se hace consistir en que las facultades judiciales que concede al Tribunal de Relaciones Industriales son tan arbitrarias e irrazonables que permiten la privacion de la libertad y la propiedad sin el debido proceso de ley; y que su articulo 20, por lo menos, adolece de este defecto fundamental porque confiere al Tribunal de Relaciones Industriales la facultad de dictar sus propias reglas de procedimiento, lo cual contraviene el articulo 13, Titulo VIII, de la Constitucion que prescribe que el Tribunal Supremo dictara reglas concernientes a los escritos de alegaciones, practica y procedimiento uniformes para todos los tribunales de la misma categoria.

El articulo 20 de la Ley No. 103 se lee asi:

"ART. 20. Reglamentos del Tribunal.—El Tribunal de Relaciones Industriales promulgara sus reglas de procedimiento y tendra las demas atribuciones que en general corresponden a un tribunal de justicia: Entendiendose, sin embargo, Que en la vista investigación y resolución de cualquier cuestión o conflicto, y en el ejercicio de cualquiera de sus deberes y facultades en virtud de esta Ley, el Tribunal actuara de acuerdo con la justicia y la equidad y los meritos "substantiales de la causa, sin consideración a los tecnicismos o formulismos legales, y no estara sujeto a cualesquiera reglas, técnicas de prueba legal, sino que formara juicio de la manera que crea justo y equitativo."

Una simple lectura de dicho artículo demuestra que la ley no ha facultado al Tribunal de Relaciones Industriales a investigar y resolver las cuestiones y conflictos entre obreros y patronos, e inquilinos y propietarios, de una manera arbitraria y caprichosa sin someterse a una norma de conducta determinada. El artículo dispone claramente que las reglas de procedimiento que adopte, a las cuales debiera ajustarse el tribunal, deberán inspirarse en la justicia y la equidad, y prescribe que el criterio que se forma debiera fundarse en los meritos substantiales de la causa sin consideración a los tecnicismos o formulismos legales. La Ley No. 103 que crea un tribunal especial denominado Tribunal de Relaciones Industriales con facultad para dictar sus propios reglamentos y para resolver y decidir los conflictos agrarios e industriales de acuerdo con los dictados de la justicia y equidad, no puede ser impugnada bajo el fundamento de que autoriza la privación de la libertad y propiedad sin el debido proceso de ley; ni pugna con el precepto del artículo 13, Título VIII, de la Constitución porque el Tribunal de Relaciones Industriales no es de la misma categoría que los juzgados municipales, juzgados de paz y juzgados de primera instancia para los cuales se han dictado los reglamentos de los tribunales por el Tribunal Supremo.

En relación con la validez y constitucionalidad de la Ley No. 103 y sus enmiendas, insertamos a continuación la opinión concurrente del Magistrado Laurel en el asunto de Ang Tibay, *supra*, cuyas observaciones servirán para rebustecer la proposición sentada de que la referida ley y sus enmiendas es válida y no infringe la Constitución.

"It should be observed at the outset that our Constitution was adopted in the midst of surging unrest and dissatisfaction resulting from economic and social distress which was threatening the stability of governments the world over. Alive to the social and economic forces at work, the framers of our Constitution boldly met the problems and difficulties which faced them and endeavored to crystalize, with more or less fidelity, the political, social and economic propositions of their age, and this they did, with the consciousness that the political and philosophical aphorism of their generation will, in the language of a great jurist, 'be doubted by the next and perhaps entirely discarded by the third.' (Chief Justice Winslow in *Gorgnis v. Falk Co.*, 147 Wis., 327; 133 N. W., 209.) Embodying the spirit of the present epoch, general provisions were inserted in the Constitution which are intended to bring about the needed social and economic equilibrium between component elements of society through the application of what may be termed as the *justitia communis* advocated by Grotius and Leibnits many years ago to be secured through the counterbalancing of economic and social forces and opportunities which should be regulated, if not controlled, by the State or placed, as it were, in *custodia societatis*. The promotion of social justice to insure the well-being and economic security of all the people' was thus inserted as vital principle in our Constitution. (Sec. 5, Art. II, Constitution.) And in order that this declaration of principle may not just be an empty medley of words, the Constitution in various sections thereof has provided the means towards its realization. For instance, section 6 of Article XIII declares that the State 'shall afford protection to labor, especially to working women and minors, and shall regulate the relations between landowner and tenant, and between labor and capital in industry and in agriculture. The same section also states that 'the State may provide for compulsory arbitration in extraordinary cases mentioned in section 16, Article VI, of the Constitution, the President of the Philippines may be authorized by law, for a limited period and subject to such restrictions as the National Assembly may prescribe, to 'promulgate rules and regulations to carry out a declared national policy. Albeit, almost at the same time the Congress of the United States approved the National Labor Regulations Act (49 Stat., 449) on July 5, 1935, commonly known as the Wagner Act, we were in the Philippines headway towards the adoption of our fundamental law, pursuant to congressional authority given in the Tydings-McDuffie Independence Act, approved March 24, 1934. In our

Bill of Rights we now find the following provision 'The right to form associations or societies for purposes not contrary to law shall not be abridged (Par. 6, section 1, art. III, Constitution.) What was an agitation in the United States which brought about the recommendation by the Commission on Industrial Relations created by an Act of Congress in 1912 for the adoption of a Labor Bill of Rights as an amendment to the United States Constitution is, in our case, virtually an accepted principle, which may be expanded and vitalized by legislation to keep pace with the development of time and circumstances.

"By and large, these provisions in our Constitution all evince and express the need of shifting emphasis to community interest with a view to affirmative enhancement of human values. In conformity with the constitutional objective and cognizant of the historical fact that industrial and agricultural disputes had given rise to disquietude, bloodshed and revolution in our country, the National Assembly enacted Commonwealth Act No. 103, entitled 'An Act to afford protection of labor by creating a Court of Industrial Relations empowered to fix minimum wages for laborers and maximum rental to be paid by tenants, and to enforce compulsory arbitration between employers or landlords, and employees or tenants, respectively; and by prescribing penalties for the violation of the orders' and, later, Commonwealth Act No. 213, entitled, 'An Act to define and regulate legitimate labor organizations.' (As to this last act, vide 'findings and policy,' preamble [sec. 1] of the Wagner Act [49 Sta., 449]).

"Commonwealth Act No. 103, approved October 29, 1936, was originally Bill No. 700 of the National Assembly. More light is shed by the explanatory statement of the Bill than by what transpired in the course of the deliberation of the measure in the legislative chamber. 'El presente proyecto de ley,' thus begins the explanatory statement of Bill No. 700, 'crea una Junta de Relaciones Industriales * * * y provee el arbitraje obligatorio * * * de acuerdo con el Artículo 6, Título XIII de la Constitución, el cual provee que 'El Estado podrá establecer el arbitraje obligatorio.'" "Incorporating the conclusion reached by a committee appointed, a year or so before it was observed that 'bajo la legislación actual' "— evidently referring to Act No. 4055— 'no existe instrumento adecuado para evitar las huelgas. El Departamento de Trabajo desempeña meramente el papel de pacificador entre las partes en controversia y sus decisiones no son obligatorias ni para los patronos ni para los obreros. El pueblo ha llegado a un grado de desarrollo industrial, que hace imperiosa el que la intervención del gobierno en estos conflictos sea mas efectiva * * *.' The creation of a Court of Industrial Relations was thus proposed, endowed "no solamente del poder de arbitrar sino tambien del deber de investigar, decidir, y hacer recomendaciones sobre las cuestiones en conflicto y los problemas que afectan al Capital y al Trabajo en la Industria y la Agricultura bajo la dirección del Presidente de la Mancomunidad de Filipinas o a petición del Secretario del Trabajo

* * * * *

"From what has been stated, it appears that the legislation which are now called upon to construe was enacted in pursuance of what appears to be the deliberate embodiment of a new social policy, founded on the conception of a society integrated not by independent individuals dealing at arms' length, but by interdependent members of a consolidated whole whose interests must be protected against mutual aggression and warfare among and between diverse and diverse units which are impelled by countervailing and opposite individual and group interests, and this is particularly true in the relationship between labor and capital. Social and industrial disturbances which fifty years ago were feudal-like and of isolated importance may now well result in a serious strain upon the entire economic organism of the nation. In the United States labor legislation has undergone a long process of development too long to narrate here, culminating in the enactments of what were commonly known as the Clayton Act, the Norris-La Guardia Act, and finally, the Wagner Act and the Fair Labor Standards Act of 1938. The Wagner Act created the National Labor Relations Board as an instrumentality of the Federal Government in the settlement of labor disputes, which device is aimed at the avoidance of unnecessary friction between labor and capital and the establishment of industrial peace. Scrutiny of legislation in that country and of pronouncements made by its Supreme Court reveals a continuous renovation and change made necessary by the impact of changing needs and economic pressure brought about by the irresistible momentum of new social and economic forces developed here. In the light of changes that have occurred, it is

doubted if the pronouncements made by the said Supreme Court in 1905 (*Lochner v. New York*, 198, U. S., 4-5) or in 1908 (*Adair v. U. S.*, 52 Law. ed. 430, 208 U. S., 161, and *Coppage v. Kansas*, 236 U. S., 1)—cases which are relied upon by the petitioner in its printed memorandum—still retain their virtuality at the present time. In the Philippines, social legislation has had a similar development, although of course to a much smaller degree and of different adaptation giving rise to several attempts at meeting and solving our peculiar social and economic problems. (See Commonwealth Acts Nos. 37, 104, 139, 211; Presidential Message to the National Assembly, September 2, 1936; Executive Order No. 49, S. 1936). The system of voluntary arbitration devised by Act No. 4055 of the defunct Philippine Legislature has apparently been abandoned by the enactment of the aforementioned Commonwealth Acts Nos. 103 and 213. In the midst of changes that have taken place, it may likewise be doubted if the pronouncement made by this court in the case of *People vs. Pomar* (46 Phil., 440)—also relied upon by the petitioner in its printed memorandum—still retains its virtuality as a living principle. The policy of *laissez faire* has to some extent given way to the assumption by the government of the right of intervention even in contractual relations affected with public interests."

* * * * *

"In Commonwealth Act No. 103, and by it, our Government no longer performs the role of a mere mediator or intervenor but that of the supreme arbiter."

En su siguiente senalamiento de error la recurrente alega que la conducta del investigador, la investigacion que practice y la manera como conocid del asunto el Tribunal de Relaciones Industrials le privaron de una vista imparcial y justa, y constituyen privacion de su propiedad sin el debido proceso de ley. Para demostrar la carencia de fundamento del senalamiento de error, creemos suficiente reproducir a continuacion la forma como se practico la investigacion por el comisionado nombrado por el Tribunal de Relaciones Industrials y la manera como se celebro la vista por dicho tribunal, tal como se expone en la orden del 6 de mayo de 1939.

"Hearing was held on April 3, 1939, where witnesses for both the petitioners and the respondent testified. To supplement the facts brought out at the hearing, the Court ordered one of its Special Agents to proceed to the premises of the mines to conduct a further investigation."

El comisionado fue nombrado por el Tribunal de Relaciones Industrials en el ejercicio de su facultad conferida por el articulo 10 de la Ley No. 103 del Commonwealth y en la inspeccion y vistas que celebraron el comisionado y el tribunal, respectivamente, las partes estuvieron representadas debidamente, fueron oidas y presentaron las pruebas que tenian disponibles y creyeron conveniente ofrecer. Tales inspeccion y vistas tenian el caracter de una vista judicial imparcial y justa y constituyen el debido proceso de ley que garantiza la Constitucion.

Sostiene igualmente la recurrente que la orden del 6 de mayo de 1939 es arbitraria porque no existen pruebas substanciales ni competentes que la sostengan. Sobre este extremo, las conclusiones de hecho que ha sentado el Tribunal de Relaciones Industrials demuestran que la orden impugnada esta sostenida por el resultado de la investigacion practicada por el comisionado y las pruebas que las partes presentaron directamente ante el Tribunal. En dichas conclusiones se han considerado y analizado por el Tribunal de Relaciones Industrials todas las pruebas que las partes presentaron y resulta inevitable la conclusion de que la orden no es arbitraria y esta justificada y sostenida por los hechos probados.

El ultimo senalamiento de error guarda relacion con la parte de la orden del 6 de mayo de 1939 que dispone que la recurrente pague a los 55 obreros repuestos los jornales que dejaron de percibir durante su separacion del servicio. La recurrente sostiene que esta parte de la orden equivale a una sentencia por danos y perjuicios que el Tribunal de Relaciones Industrials no puede pronunciar por carecer de jurisdiccion. La pretension no es meritoria. El Tribunal de Relaciones Industrials, conforme ya se ha dicho, es un tribunal especial y como tal tiene facultad para disponer que la recurrente pague los jornales de sus empleados y obreros que han sido repuestos. Los articulos 1 y 4 de la Ley No. 103 del Commonwealth, segun ha sido enmendado el primero por el articulo 1 de la

Ley No. 254, confieren facultad y jurisdicción al Tribunal de Relaciones Industriales para conocer, resolver y decidir todas las cuestiones, controversias y disputas entre patronos y obreros y propietarios y terratenientes, y los jornales de los obreros repuestos, durante el tiempo en que fueron separados del servicio, estaban incluidos en las controversias y disputas sometidas al Departamento del Trabajo y certificadas por este al Tribunal de Relaciones Industriales.

Se deniega el recurso de certiorari y se confirman la orden del 6 de mayo de 1939 y la resolución del 17 de agosto del mismo año, con las costas a la recurrente. Así se ordena.

Avanceña, Diaz, Laurel, y Moran, MM., están conformes,

Se deniega el recurso.

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