

NATIONAL LABOR UNION, INC., ET AL., PETITIONERS, VS. PHILIPPINE MATCH FACTORY AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. 47107. June 27, 1940

Ponente: MORAN, J.

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MORAN, J.:

Against the decision of the Court of Industrial Relations, denying the petitioners' petition (1) for the dismissal of one Pablo Pabalan, general foreman of the respondent Philippine Match Company, and (2) for their readmission to their employment in said company, this appeal by certiorari is interposed.

On August 31, 1939, the chapter of the National Labor Union, Inc., in the Philippine Match Company, handed a letter to the company, demanding the immediate dismissal of one Pablo Pabalan, a factory foreman. The factory manager, Mr. During, to whom the letter was addressed, requested the president of the chapter to specify the charges against Pabalan, upon which the company may proceed, if necessary, for appropriate investigation. In response thereto, the second letter was handed, but, like the first, it made no specific charges. Finally, upon the insistence of Mr. During, the Union addressed the company a third letter, in which four charges against Pabalan were specified. The matter was indorsed to the company's attorneys for investigation, and the case was adjudged without merits. As to the fourth charge, consisting in the supposed assault by Pabalan against one named Dineros, attorney (Brady for the company, upon knowing that a complaint has been filed in the city fiscal's office, where it was first dropped for failure of the complainant to furnish the address of the accused, caused the matter to be there reopened, obviously to accord the company and the union the benefit of an impartial investigation. In the meantime, while the fiscal's office was conducting the investigation, the officers of the union's chapter in the respondent company, tendered, en masse, their resignation. This was evidently in anticipation of an adverse decision on the matter of their petition and was designed to leave the company none to deal with on the Pabalan case, thus opening the way clear for a preconceived general strike. Three days later, or on September 16, 1939, the petitioners, without awaiting the outcome of the investigation of the city fiscal on the Dineros case, which he had announced he would release on September 18, declared a general strike, leaving the operations of the company in complete paralysis for fifteen days. The strike was immediately reported by the company to the Department of Labor, and a conference was immediately called, but as nothing was agreed upon thereafter the case was certified by the Secretary of Labor to the Court of Industrial Relations on September 21, 1939. Petitioners, through counsel, first objected to the jurisdiction of the court, but the objection was later withdrawn. On October 11, 1939, while the case was pending hearing in the Court of Industrial Relations, fifteen strikers, representing themselves to be duly authorized representatives of all the strikers, addressed a letter to the factory manager, seeking readmission to their employment. The company manager declined to take action upon the matter while the dispute was pending adjudication in the Court of Industrial Relations. Thereupon, petitioners, through counsel, filed a motion before the Court of Industrial Relations for an order to compel the respondent company to readmit the strikers. On November 6, 1939, the Court of Industrial Relations rendered judgment, denying the petition to

dismiss the company's foreman as well as the petition for the readmission of the strikers to their employment.

Upon the issue as to whether the factory foreman should or should not be dismissed, let it be observed that the findings of the Court of Industrial Relations are conclusive upon the facts. Upon the second issue, petitioners' claim for readmission to their employment rests (1) upon the implied condition in a contract of employment provided for in section 19 of Commonwealth Act No. 103, and (2) upon the broad proposition that their right to strike is recognized by law. There is nothing in the law invoked that supports the petitioners' contention.

The recognition, if at all, by law of the laborers' right to strike is, at most, a negative one, and, in the last analysis, nugatory. The provision of the Constitution on compulsory arbitration of industrial disputes and all the supplementary legislation enacted in pursuance thereof, rest upon the obvious policy of supplying lawful and pacific methods to laborers and employees in the vindication of their legitimate rights and the corresponding avoidance of a resort to strike. Thus, according to the explanatory note to Assembly Bill No. 700, which later became the present Commonwealth Act No. 103, the creation of the Court of Industrial Relations was aimed to supply an "adequate instrumentality to forestall strikers." The same purpose is no less clearly expressed in section 4 of Commonwealth Act No. 103. "It is thus obvious that, while the law recognizes, in a negative way, the laborers' right to strike, it also creates all the means by which a resort thereto may be avoided. This is so, because a strike is a remedy essentially coercive in character and general in its disturbing effects upon the social order and the public interests.

A situation is thus created where a remedy is not, in plain terms, outlawed, but is, by all means, discouraged. And, to the extent that our government is one of laws and not of men, what the law, at least in spirit, condemns, man must abstain from, if our orderly system is to prevail against the intrusion of mob rule. Accordingly, as the strike is an economic weapon at war with the policy of the Constitution and the law, a resort thereto by laborers shall be deemed to be a choice of a remedy peculiarly their own, and outside of the statute, and, as such, the strikers must accept all the risks attendant upon their choice. If they succeed and the employer succumbs, the law will not stand in their way in the enjoyment of the lawful fruits of their victory. But if they fail, they cannot thereafter invoke the protection of the law from the consequences of their conduct, unless the right they wished vindicated is one which the law will, by all means, protect and enforce.

In the instant case, the strike was clearly unjustified. The petition to the respondent company for the dismissal of its foreman has been accorded the attention that it merited. In fact, the company has even taken a measure beyond what may be expected of it, when it sought the reopening of the case in the fiscal's office to secure, for both parties, the benefit of an impartial investigation. When the petitioners, therefore, declared a strike even before the outcome of the investigation had been announced, and without previously having resorted to any of the pacific means provided by law, they have acted unreasonably, and, as such, the law cannot interpose its hand to protect them from the consequences of their behavior. Their cessation from their employment as a result of such an unjustified strike is one of such consequences which they must take by the choice of a remedy of their own, outside of the statute. To compel the respondent company, under the circumstances to readmit the petitioners to their employment would be to lend countenance to what the Constitution and the law seek to avoid, and give protection to those who, by their conduct, have forfeited their rights thereto.

Judgment is affirmed. With costs against petitioners.

Avanceña, C.J., Imperial, Diaz, and Concepcion, JJ., concur.

Laurel, J.:

I do not accept the reasoning of the foregoing opinion, but I concur in the result.

Judgment affirmed.

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