

THE MANILA ELECTRIC COMPANY, PETITIONER, VS. THE NATIONAL LABOR UNION, INC., RESPONDENT.

G. R. No. 47279. November 25, 1940

Ponente: LAUREL, J.

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LAUREL, J.:

This is a petition for a writ of certiorari to review the resolution of the Court of Industrial Relations, dated January 31, 1940, denying the petitioner's motion for reconsideration of its previous order directing the reinstatement of laborers Daniel Sta. Ana, Guillermo Bularan and Pablo Francisco, and the payment of their wages from April 5, 1939, to the date of reinstatement.

The factual background which gave rise to the present proceedings appears to be as follows:

On February 8, 1938, the Secretary of Labor certified to the Court of Industrial Relations that an industrial dispute existed between the petitioner and certain of its employees, which was forthwith docketed as Case No. 10 and entitled "Cayo Alcoriza et al. vs. Manila Electric Company." The respondent National Labor Union, Inc., was subsequently substituted for the petitioners Cayo Alcoriza et al. in said case. On February 11, 1938, a preliminary hearing was held, in the course of which the Court of Industrial Relations issued an order prohibiting the petitioner from dismissing any of its employees without any justifiable cause and without first securing its consent. After trial on the main dispute, the court decided the controversy on January 31, 1939. Subsequently, on April 11, 1939, and while the proceedings on the main controversy continued because of certain motions filed by both the petitioner and the respondent after the rendering of the said decision, the petitioner filed a petition in the said case No. 10, asking authority to dismiss Daniel Sta. Ana, Guillermo Bularan and Pablo Francisco, who were then under suspension since April 5, 1939, for allegedly having maliciously accused their foreman, Conrado Bonifacio, and assistant foreman, Paulino Vasquez, of theft of company properties. In support of this petition it was urged that if these laborers were allowed to continue in the service, harmony in the relations of the workers in the garage department would be disrupted and the efficiency of the men impaired. An answer was filed by the laborers concerned through their attorneys on April 18, 1939, praying that the petition be denied and that the petitioner be directed to reinstate them in the service with pay from April 5, 1939, and alleging that the petitioner proceeded against them unfairly in connection with the incident complained of, motivated by its desire to get rid of them because of their union affiliation and activities. In its order of December 12, 1939, the court denied the petition and directed the immediate reinstatement of the three laborers in their former positions. The petitioner filed a motion for reconsideration and later a motion for new trial. On January 31, 1940, in a resolution of the court in banc both motions for reconsideration and new trial were denied, and on February 10, 1940, the present certiorari proceedings were begun.

The main question to be determined in the present proceedings is, whether the Court of Industrial Relations has the right and authority, under section 19 of Commonwealth Act No. 103, to order the readmission of the three laborers concerned for the reasons stated in the resolution complained of. The right of an employer to freely select or discharge his employees is subject to regulation by the State basically in the exercise of its paramount police

power (Commonwealth Act Nos. 103 and 213) * * * and in cases where the suspension or dismissal of an employee is whimsical or unjustified or is otherwise illegal, the employee will be protected. (Manila Trading & Supply Co. vs. Zulueta et al., G. R. No. 46853.) In the present case, the Court of Industrial Relations has found that there is no justifiable cause for the dismissal of laborers Sta. Ana, Bularan, and Francisco. These laborers had not been guilty of any illegal act against the petitioner. On the contrary, as the said court views it, "they had done nothing beyond attempting to protect the interests of their employer by denouncing what they thought constituted pilfering of its properties." According to the Court of Industrial Relations the claim of bad faith on the part of these laborers put forward by the petitioner had not been established, nor can it be fairly inferred from the facts. The fear expressed by the petitioner that if these men should be reemployed in the garage department they will commit acts of sabotage has been found by the said court to be farfetched. The said court further found that the actuations of the petitioner in the whole controversy were motivated by a carefully laid out plan to get rid of these three laborers and to discriminate against them as union members. The findings of fact of said court are conclusive and will not be disturbed in the absence of a showing that it has abused its discretion. (Central Azucarera de Tarlac vs. The Court of Industrial Relations et al., G. R. No. 46843.)

The petitioner complains against the action of the Court of Industrial Relations in finding in the resolution dated January 31, 1940, that the petitioner was discharging Daniel Sta. Ana, Guillermo Bularan, and Pablo Francisco because of their union affiliation, on the ground that at the hearing the issue was allegedly limited to determining whether or not these laborers had accused the foreman, Conrado Bonifacio, and the assistant foreman, Paulino Vasquez, of theft in bad faith. The petitioner avers that it could not then have properly submitted evidence to show that it was dismissing the three laborers for reasons not related at all to the fact of their union affiliation as such evidence would not have been material. We see no merit in this complaint. The petition for dismissal was premised on the ground that the accusations of the three laborers, which turned out to be false, have disrupted the garage department and that for the good of the service and the safety of the riding public, the three laborers must be dismissed. As stated in the forepart of this opinion, respondents answered praying that the petition be denied, alleging that the petitioner proceeded against them unfairly, motivated by its desire to get rid of them because of their union affiliation and activities. The question of unionism was thus squarely presented before the court, and the fact that its finding concerning this point appears in its resolution denying petitioner's motion for reconsideration and not in the original order denying the petition to discharge the laborers is of no moment. Even granting, however, that the petitioner's claim were correct, we find no reason for disturbing the action taken by the Court of Industrial Relations, which is a special court enjoined to "act according to justice and equity and substantial merits of the case, without regard to technicalities or legal forms and shall not be bound by any technical rules of legal evidence but may inform its mind in such manner as it may deem just and equitable". (Sec. 20, Commonwealth Act No. 103) ; Pambusco Employees' Union, Inc. vs. The Court of Industrial Relations et al., G. R. No. 46727.

The writ of certiorari prayed for is hereby denied, with costs against the petitioner. So ordered.

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

Writ denied.

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