

BATANGAS TRANSPORTATION CO., PETITIONER VS. BAGONG PAGKAKAISA, RESPONDENT.*G.R. No. 47403. November 16, 1940*

Ponente: LAUREL, J.

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This is a petition to review on certiorari the order of the Court of industrial Relations dated February 14, 1940, as well as its resolution dated April 6, 1940, issued in case No. 60, entitled "Bagong Pagkakaisa vs. Batangas Transportation Co.," the first directing the reinstatement by the herein petitioner, Batangas Transportation Co., of Ricardo Luna and Santos Ebreo with payment of their salaries from November 21, 1939, to the date of reinstatement, and the second denying the petitioner's motion for reconsideration.

On October 4, 1938, the Secretary of Labor certified to the Court of Industrial Relations that an industrial dispute existed between the herein petitioner and certain of its employees who are members of and represented by the herein respondent, "Bagong Pagkakaisa", which was forthwith docketed as the aforesaid case No. 60. After a preliminary hearing, the Court of Industrial Relations issued an order requiring the petitioner, inter alia, not to dismiss any of its employees and laborers without just cause and without the previous consent of said court. On November 21, 1939, Ricardo Luna and Santos Ebreo, autobus drivers, of the herein petitioner, were suspended indefinitely for overspeeding alleged to have been committed, respectively, by them on November 13, 1939 and November 10, 1939, of which suspension the petitioner sent to the Court of Industrial Relations a written notice dated November 21, 1939, wherein, at the same time, the petitioner requested the Court of Industrial Relations to approve the definite discharge of said employees. In its order of February 14, 1940, the Court of Industrial Relations found that the charges of overspeeding against the aforesaid drivers were not proved and it consequently directed the herein petitioner to reinstate the suspended employees and to pay their back salaries up to the date of reinstatement. The petitioner filed a motion for reconsideration which was denied by the Court of Industrial Relations in its resolution of April 6, 1940.

The Court of Industrial Relations based its order of reinstatement upon the finding that the charges of overspeeding against the suspended drivers were not established. Even if we could, we are not prepared to disturb said finding. (Commonwealth Act No. 103, sec. 15, as amended by Commonwealth Act No. 559.) But, in the record before us, we find that the petitioner bases its order of suspension and ultimate discharge not only on the charges of overspeeding but on various other offenses indicated in the service records of Ricardo Luna and Santos

Ebreo which were submitted in evidence before the court of Industrial Relations, to wit:

RICARDO LUNA

Date

Year

Reason for administrative action

Mgr.

Class

Amount

Feb. 24

1931

Speeding

R. F.

2.00

Dec. 13

1931

Forgetting gasoline

R. F.

2.00

Apr. 26

1932

For failure to report L.T.B. repair

R. F.

1.00

May 21

1932

Permitting cond to hold up TR 1\$ at Bafiadero and not re. porting

R. F.

3.00

Dec. 31

1932

Not stopping at R. R. Manalo warned

E. F.

5.00

Apr. 19

1933

Not stopping at R. R. crossing, last warning

E. F.

5.00

Nov. 7

1935

Speeding and reckless driving

E. F.

5.00

Feb. 11

1936

Disrespect and contempt for authority. Transfer to another line.

E. F.

5.00

Mar. 15

1936

Running under inflated 3-8-36.

E. F.

2.00

Aug. 11

1936

Running on flat tire 7-1-36

R. F.

5.00

June 7

1937

Reckless fast driving through Melon Stand near Alabang 6-2-37.

E. F.

3.00

June 22

1937

Pay for damage to TR 43 a-c accident 6-28-37 S. Pedro B

R. F.

2.62

July 2

1938

Running truck without a conductor, 6-24-38.

Warned

Nov.10

Left station without permission and which caused his trip to be delayed 1 hr. and 7 minutes, 10-24-39.

5.00

SANTOS EBREO

Date

Year

Reason for administrative action

Mgr.

Class

Amount

Mar. 26

1935

Running on flat tire, 3-6-35

E. F.

5.00

May 10

1935

Running on flat tire, 4-29-36

E. F.

3.00

July 28

1935

Racing with Pedro Bercilla TR-138.

E. F.

5.00

May 10

1936

Not turning trip record book for mileage

E. F.

1.00

Mar. 18

1937

Reported for work 35 minutes late, 2-12-37

E. F.

1.00

Nov. 12

1937

Driving too fast October 28 at 4 p. m. TR-60 km. Ill Bolboc Road

Last Warning

Sept. 14

1939

Not cleaning truck 9-2-39 W. M

Warned

Oct. 11

1939

Not helping passenger with baggage, 9-28-39

E. F.

2.00

We are of the opinion that the offenses above listed, if proven, are causes sufficient to justify the petitioner to suspend or discharge the employees in question, especially when it is borne in mind that the petitioner is engaged in the business of transporting passengers and must, therefore, have in its employ only drivers on whom the general public can depend for safe transportation of themselves and their belongings, not to speak of the right of the petitioner to feel reasonably certain that their drivers are competent and careful enough in the interest of self-protection as a common carrier. The record, however, shows that the evidence presented before the Court of Industrial Relations centered around the charges of overspeeding alleged to have taken place on November 10 and 13, 1939, and that no issue was joined as regards the other offenses above enumerated. As a matter of fact, the Court of Industrial Relations has not made any finding thereon. It becomes necessary for Ricardo Luna and Santos Ebreo to be given opportunity to disprove the specific acts of dereliction of duty contained in the above-mentioned service records. For this purpose, and in the interest of justice, the order and the resolution of the Court of Industrial Relations dated February 14, 1940 and April 6, 1940, respectively, will be, as the same are hereby set aside, and the case remanded to the Court of Industrial Relations for further proceedings and decision in accordance with law and conformably to this decision.

So ordered, without pronouncement as to costs.

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

Order and resolution set aside, and case remanded for further proceedings.

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