

MANILA TRADING & SUPPLY COMPANY, PETITIONER, VS. PHILIPPINE LABOR UNION, RESPONDENT

G. R. No. 47653. April 18, 1941

Ponente: MORAN, J.

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MORAN, J.:

On December 29, 1939, during the pendency before the Court of Industrial Relations of an industrial dispute between the Manila Trading & Supply Company and the Philippine Labor Union, now petitioner and respondent, respectively, one Felix Alcantara, an employee of said petitioner and member of respondent Union, was dismissed from his employment by the superintendent of the company for alleged disorderly conduct. The evidence submitted before attorney Escudero, to whom the Court of Industrial Relations committed the case for investigation, discloses that at about 4:40 p. m. of said day, a number of laborers in the used car department of the respondent company blew the horns of certain cars then in stock, obviously in celebration of the coming New Year. This conduct, now claimed by the company to be disorderly and therefore a justifiable cause of discharge, has been found by the investigator to be a practice tolerated by the company for two years prior thereto. While it is not clear whether Felix Alcantara was among those who blew then the horns of the cars, a fact denied by the respondent union, the Court of Industrial Relations, on the strength of the report of its investigator disclosing the above facts, adjudged Alcantara's dismissal without just cause and ordered his reinstatement and the payment of back wages from the time he was dismissed up to the time of his readmission. A motion for the reconsideration of this order of reinstatement having been denied, the company filed the instant petition for certiorari.

The petition raises two primary questions of law (1) Whether a decision of the Court of Industrial Relations on a commissioner's report without a prior hearing thereon is a deprivation of petitioner's right to a "fair and open hearing"; and (2) whether or not an employer, under Commonwealth Act No. 103, may at pleasure discharge its employees, with or without cause, provided only that such discharge is not by reason of the employee's union affiliation or activities.

The first of these questions has by us been laid at rest in a prior case involving the same parties to the instant dispute, wherein we held that, when the Court of Industrial Relations refers a case to a commissioner for investigation, report and recommendation, and at such investigation the parties were duly represented by counsel, heard or at least given an opportunity to be heard, the requirement of due process has been satisfied, even if the court failed to set the report for hearing, and a decision on the basis of such report, with the other evidence of the case, is a decision which meets the requirement of a "fair and open hearing." (*Manila Trading & Supply Company v. Philippine Labor Union*, G. R. No. 47486, Nov. 16, 1940).

Upon the second question, this Court, in a prior case also involving the same parties and on an identical issue, has likewise ruled:

"It is admitted, however, that an employer cannot legally be compelled to continue an employee or labourer in the service when a justifiable cause for his discharge exists, but since under section 19 of Commonwealth Act No.

103 the authority of the Court of Industrial Relation to require his continuance in the service in incidental to the pendency of an industrial dispute before it, it necessarily follows that the said court has the power to determine whether such cause exists. In the instant case, the Court of Industrial Relations having reached the conclusion that the dismissal of Andres Dimapiles is groundless and unjustified, the doctrine in *Manila Trading & Supply Co. vs. Zulueta et al.*, G. R. No. 46853, promulgated January 30, 1940, is not applicable. Upon the other hand, and as was observed in the case of *Ang Tibay vs. The Court Industrial Relations*, G. R. No. 46496, promulgated May 29, 1939, ‘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 interes.’” (*Manila Trading & Supply Company vs. Philippine Labor Union*, supra).

Petitioner also contends that after the main labor dispute has finally been decided by the Court of Industrial Relations, it has lost its jurisdiction to order the reinstatement of Felix Alcantara, this being merely an incident thereof. We are of the opinion, and so hold, that when an incidental dispute is submitted to the Court of Industrial Relations under the provisions of section 19 of Commonwealth Act No. 103 as amended, during the pendency of a main labor dispute certified to it under the provisions of section 4 of the law, the court retains jurisdiction to decide such incidental dispute even after final adjudication of the main question. This is so, because the jurisdiction which the Court exercises under section 19 is merely an extension of, and therefore the same, jurisdiction it has previously acquired under section 4 of the law.

On the matter of the finding of the Court of Industrial Relations to the effect that Alcantara’s dismissal is without just cause which, petitioner contends, is not supported by the evidence, suffice it to say that we see no whimsical abuse of discretion in the court’s appreciation of the evidence of the case.

Order is affirmed, with cost against petitioner.

Imperial, Diaz, Laurel, and Horrilleno, JJ., concur.

Order affirmed.

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