

CRISTOBAL OLAIVAR, PETITIONER, VS. MANILA ELECTRIC COMPANY, AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. 47828. April 14, 1941

Ponente: LAUREL, J.

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LAUREL, J.:

Cristobal Olaivar, petitioner herein, was one of the petitioners in Case No. 10 of the Court of Industrial Relations, entitled "Cayo Alcoriza, et al., petitioner, vs. Manila Electric Company, et al., respondent," and now entitled "National Labor Union, Inc., petitioner, vs. Manila Electric Company, et al., respondent." This case arose in view of the demand made by the employees of the respondent, Manila Electric Company, for the refund of the amount of six per cent (6%) deducted from their compensation by the said company from September 1, 1932 to January 15, 1937, under an alleged promise to refund the same, and for a general increase in their wages and a betterment of their working conditions. The case was certified by the Secretary of Labor to the Court of Industrial Relations on February 8, 1938. On January 31, 1939, the court rendered its decision denying the petition for the refund of the six per cent (6%) deductions but granting the petition for a general increase in wages and other labor demands. Both parties were dissatisfied with the decision and moved for its reconsideration. The court, however, in its resolution of May 5, 1939, denied the motions for reconsideration, and as neither of them appealed therefrom, the decision became final. It is alleged that the respondent company failed to comply with the terms of the final decision, and the National Labor Union, Inc., on July 15, 1939, moved in the Court of Industrial Relations to have the respondent company abide by the decision and to punish it for contempt if it should fail to do so.

It was during the pendency of this motion for contempt that the respondent company appears to have ordered the dismissal of Cristobal Olaivar from his employment as autobus driver, for refusing to submit to a disciplinary measure imposed upon him by the company. Believing that said dismissal was unjustified, the National Labor Union, Inc., filed with the Court of Industrial Relations a petition for the reinstatement of Cristobal Olaivar, but said court, in its order of August 23, 1940, dismissed the petition as unmeritorious. Hence, this petition for certiorari.

In the ultimate analysis, the point pressed here is one of fact. From the investigation conducted, it was found that Cristobal Olaivar, on October 13, 1939, while driving one of the auto-buses of the Manila Electric Company, struck an automobile belonging to Lieut. Conrado Uichanco while it was parked alongside Martin Ocampo street. Lieut. Uichanco had his car repaired and subsequently presented to the respondent company a bill for P9.68, covering the damage done to his car. This amount the company paid, but holding Cristobal Olaivar responsible for the damage, it required him to reimburse the said amount. Olaivar objected to paying the full amount, alleging that he was not totally to blame for the accident, and upon his refusal to accept this disciplinary action, the company discharged him.

When the question of Olaivar's reinstatement came up for decision in the Court of Industrial Relations, the

following was said:

"The Court cannot believe that the dismissal of Cristobal Olaivar was motivated by his union activities. If there had been a premeditated desire to dismiss him, he could have been immediately discharged upon the happening of the accident of October 13, 1939, above referred to. As there could be little doubt of Olaivar's responsibility for the damage done to Lt. Uichanco's car, the Company would have been in a better position to justify his dismissal. The fact that the Company gave Olaivar a chance to continue with his employment provided that he reimbursed the company for the damage occasioned by him sufficiently proves that the union activities of the laborer were not taken into account when the Company finally decided to separate him from the service."

Aside from the oft-repeated doctrine that it is not for this Court to review the findings of fact of the Court of Industrial Relations in the absence of a showing that it has abused its discretion (*Central Azucarera de Tarlac vs. The Court of Industrial Relations*, G. R. No. 46843; *Manila Electric Company vs. National Labor Union*, G. R. No. 47279; *Mindanao Bus Company vs. Mindanao Bus Company Employees*, G. R. No. 47544 and 47611; *Bohol Land Transportation Co., vs. BLT Employees Labor Union*, G. R. No. 47661), we are of the opinion that the petitioner has failed to substantiate his allegation that he was dismissed because of his union activities. It is possible that the dismissal of Cristobal Olaivar may not be totally free from at least a tinge of dislike on the part of the respondent company, but we cannot go beyond the evidence presented and otherwise venture to speculate and search at random the inner recesses of the conscience of the parties.

The petition is denied and the order appealed from affirmed, with the costs against the petitioner. So ordered.

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

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