

PARSONS HARDWARE CO., INC., PETITIONER, VS. THE COURT OF INDUSTRIAL RELATIONS AND PARSONS WORKERS & EMPLOYEES UNION, RESPONDENTS.

G.R. No. 48215. November 26, 1941

Ponente: MORAN, J.

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MORAN, J.:

On May 19, 1939, respondent Parsons Workers & Employees Union addressed a six-point petition to the management of petitioner here, Parsons Hardware Co., Inc., praying, among others, for a general increase in the salaries and wages of its employees and workers. The petition was denied and the Union thereafter sought the intervention of the Department of Labor. Efforts at amicable settlement failed, and on August 11, 1939, the Secretary of Labor certified the case to the Court of Industrial Relations for arbitration and settlement, under the provisions of section 4 of Commonwealth Act No. 103. Upon the question of the general increase in the salaries and wages of the employees and laborers of the petitioner here (the only question left unadjudged in the decision of the Court of Industrial Relations of August 24, 1939), evidence was submitted by both parties and a thorough examination of the financial condition of the company was ordered. On December 28, 1939, the Court of Industrial Relations rendered its supplementary decision, the dispositive part of which reads:

"After a careful consideration of all the facts submitted and the circumstances of the case the Court holds and so decides that the minimum wage of the workers should be fixed at P1.25 daily and P30.00 a month for the monthly salaried employees. The respondent Parsons Hardware

Company, Inc., is, therefore, hereby ordered to raise accordingly the minimum pay of all its employees and laborers effective January 2, 1940."

This decision was, after several incidents, finally complied with by the company with respect to twenty-three of its laborers. On September 23, 1940, respondent Union sought the application of the raise to sixteen laborers of the company who were not paid the minimum wage specified therein, and on December 5, 1940, another motion to the same effect was filed in behalf of two more laborers. The Court of Industrial Relations by its order of February 3, 1941, resolved both motions favorably to the respondent. Petitioner now challenges this order on two grounds: (1) that the eighteen employees and laborers concerned were not members of the Union on May 29, 1939 when the Union's petition was submitted to the company and, therefore, they are not entitled to the benefits of the minimum wage fixed by the decision of the court; and (2) that before a minimum wage may be made applicable to all employees and laborers, an order of the Court to that effect must have been issued pursuant to the provisions of section 5 of Commonwealth Act No. 103, and not under section 4 thereof, as in the instant case.

Upon the first ground urged by petitioner, even assuming that the eighteen laborers were not members of the Union at the time its petition for a general increase in salaries was submitted, we are of the opinion and so hold that as they are laborers of the company they are entitled to the increase. The order of the Court of Industrial Relations raising the minimum wage of laborers and employees of the herein petitioner applies to "all its

employees and laborers" without distinction as to whether they are or they are not members of the respondent Union. It has to be so, because to accord such increase only to members of the Union would constitute an unjust and unwarranted discrimination against the non-members. Upon petitioner's second ground, we have more than once said:

"Under the provisions of section 5, of Act 103, minimum wages are determinate in reference to a given industry or given locality, which should be of general application and have the force and effect of law, after approval by the President of the Philippines. This section however, does not contemplate the arbitration and settlement of industrial or agricultural disputes causing or likely to cause a strike or lockout, and is designed merely to provide for a workable device whereby a scheme of minimum wage or share for laborers or tenants in a given industry or locality may be evolved, whenever conditions therein warrant.

"If an industrial dispute between an employer and its employees causing or likely to cause a strike or lockout arises from differences as regards a minimum wage, the Court of Industrial Relations would be without authority to take cognizance of the dispute for arbitration and settlement unless the President of the Philippines, under section 5 of Commonwealth Act No. 103, directs it to investigate and study all pertinent facts related to the industry concerned, with a view to determining the necessity and fairness of fixing a minimum wage which shall apply generally to all the employees engaged in such industry. To adopt such a narrow construction would be to set at naught the plenary powers conferred upon the Court to enable it to settle all questions, matters, controversies or disputes arising between, and or affecting employers and employees and to frustrate the very objective of the law, namely, to create an instrumentality through which the intervention of the Government could be made effective in order to prevent non-pacific methods in the determination of industrial or agricultural disputes. It is fundamental that the intention and policy of the National Assembly, as expressed in the enactment, should be effectuated, and the Act should receive a construction that will lead to this result." (International Hardwood and Veneer Company vs. Pangil Federation of Labor, G. R. No. 47178, Nov. 25, 1940; Antamok Gold Fields Mining Company vs. Court of Industrial Relations et al., G. R. No. 46892, June 28, 1940; Mindanao Bus Co. vs. Mindanao Bus Company Employees Association, G. R. Nos. 47544 & 47611.)

Order is affirmed, with costs against petitioner.

Abad Santos, Diaz, Horrilleno, and Ozaeta, JJ., concur. Order affirmed.

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