

ELKS CLUB, PETITIONER, VS. LEOPOLDO ROVIRA, JUDGE OF COURT OF INDUSTRIAL RELATIONS, AND UNITED LABORERS AND EMPLOYEES OF THE PHILIPPINES, RESPONDENTS.

G.R. NO. 48411. February 24, 1948

Ponente: FERIA, J.

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FERIA, J.:

This case is before us on appeal from a decision of the Court of Industrial Relations.

In *Sotto vs. Commission on Elections* (L-329, 43 Off. Gaz., 72), we stated that "a final judgment and decrees of the inferior or lower courts may be reviewed by this Court by appeal, writ of error, or certiorari. By appeal the appellate court reviews all the findings of law and of fact of the court a quo, as in special proceedings (Rule 105, Rules of Court). By writ of error the appellate court reviews only the findings of law or of fact of the lower court assigned in the assignment of errors of the appellant, as in ordinary civil actions (section 19, Rule 48). And by certiorari the appellate or superior court can only review questions or errors of law decided or committed by the lower court, as provided in Rules 43, 44, and 46 of the Rules of Court. Questions or findings of fact of the inferior tribunal cannot be reviewed on certiorari."

Under sections 1 and 2 of Rule 44, appeal from a decision of the Court of Industrial Relations is by certiorari and only questions of law may be raised therein. The parties are the appellant as petitioner and the appellee as respondent. Appeal by certiorari must not be confounded with the special civil action of certiorari provided for in section 1, Rule 67, in which the petitioner is the aggrieved party and respondent the tribunal or officer exercising judicial function who is alleged to have acted without or in excess of its or his jurisdiction or with grave abuse of discretion, although the party benefited by the act complained of is also included as respondent. In a special civil action of certiorari the only question that may be raised is whether or not the respondent has acted without or in excess of jurisdiction or with grave abuse of discretion; and this Court can not correct errors of fact or law which the lower court may have committed.

The petition for certiorari in the present case against the Judge of the Court of Industrial Relations who penned the appealed decision as principal respondent, is based on the ground that the respondent judge, in "issuing its decision Annex 'A' ordering petitioner to pay to its employees the sum of P1,985.17 by way of alleged overtime back wages on Sundays and legal holidays from June 3, 1939 to March 13, 1941, did so in lack or in excess of jurisdiction or in grave abuse of discretion, or otherwise gave Commonwealth Act No. 444 such an unjust interpretation and application as renders said Act unconstitutional, null and void." Although the form of the petition is that of a special civil action of certiorari under section 1, Rule 67, we shall, in order to do substantial justice (sec. 17, Rule 15), consider and dispose of this case as an appeal by certiorari interposed by the petitioner from the decision of the Court of Industrial Relations under Rule 44.

The questions raised in the petition are: (1) lack of jurisdiction of the lower court over the matter in dispute; (2) excess of jurisdiction or rather erroneous application of section 4, Act No. 444, to petitioner and its employees,

the other respondents, and (3) unconstitutionality of said Act No. 444 if so applied.

(1) As to the first question, it is contended by appellant that the Court of Industrial Relations has jurisdiction only to consider, investigate, decide and settle industrial and agricultural disputes under Commonwealth Act No. 103, and the controversy between the petitioner and its laborers and employees is not an industrial dispute, because petitioner is not an industrial organization.

This contention is untenable. Assuming, without deciding that the Court of Industrial Relations has jurisdiction only over controversies between landlords and tenants, and over industrial disputes between industrial organizations and their employees or laborers as contended by the petitioner, suffice it to say that the question whether or not the petitioner corporation, is an industrial organization taking into consideration its purpose and activities that can be determined only by the evidence, if there is any, in the record, is a question of fact which this Court cannot now pass upon, not only because only questions of law may be raised on appeal, but because from the records of the court below brought to this Court it does not appear that such a question has ever been raised in the lower court. According to the lower court's decision, the only question to decide (and therefore presumptively raised) was "whether or not the respondents employees of the petitioner might be considered as domestic servants within the meaning of section 2, Act No. 444."

(2) With respect to the second question, petitioner contends that the lower court erred in applying the provisions of Act No. 444 to the present case: first, because taking into consideration the history of said Act, it must be construed to refer to laborers engaged in arduous works under trying conditions, and the petitioner's employees and laborers were not engaged in such works: and second, because "there is absolutely no allegation, proof or find-ing that petitioner herein ever compelled its employees to work, as they did, during Sundays and holidays here in question."

This contention is without any foundation. Because section 2 of Act No. 444 expressly provides that "this Act shall apply to all persons employed in any industry or occupation (*italics ours*), whether public or private with the exception of farm laborers who preferred to be paid on piece work basis, domestic servants and persons in the personal service of another and members of the family of the employer working for him;" and it is evident that the petitioner's laborers and employees do not fall within the exception. And because the petitioner itself, according to the finding of fact in the lower court's resolution, admits or "maintains, on the other hand that the nature of the service requires the employees to serve the members of the club not only on week days but on Sundays and holidays as well;" and the lower court concluded correctly "that petitioner's employees worked not through their own volition but compelled by the exigencies of the service."

(3) As to the last question, it is argued that Commonwealth Act No. 444 can not be construed to apply to the present case, for such Construction would impair the obligation of the contracts between petitioner and its employees which call for seven days service a week, on a weekly or a monthly salary basis. This argument is based on a wrong premise. Taking it for granted that there were such contracts, as there is nothing in the record, not even a mere allegation, to show that such contracts were not of lease of services from month to month, but for a longer period extending beyond or after Act No. 444 became effective, they could not have been renewed expressly or tacitly after the enactment of said Act, because section 6, of Act No. 444 provides that "Any agreement or contract between the employer and the laborer or employee contrary to the provisions of this Act shall be null and void ab initio."

In view of all the foregoing, the decision appealed from is affirmed with costs against the appellant. So ordered.

Moran, C.J., Paras, Pablo, Hilado, Bengzon, Briones, Padilla, and Tuason, JJ., concur.

PERFECTO, J., concurring and dissenting:

We agree that the decision of the Court of Industrial Relations should be affirmed, no error of law or of fact having been committed by it.

We disagree with the majority decision in so far as it limits the jurisdiction of the Supreme Court in appeals against decisions of the Court of Industrial Relations to questions of law only. There is no provision of law in support of such a position. The pertinent provisions are embodied in sections 14, 15, and 16 of Commonwealth Act No. 103, which we quote:

"Sec. 14. Finality of award. —At the expiration of ten days from the date of the award, order or decision, in cases brought under the provisions of section four hereof, judgment shall be entered in accordance therewith, unless during said ten days an aggrieved party shall appeal therefrom to the Supreme Court of the Philippines by writ of certiorari as hereinafter provided. The Supreme Court in its discretion, may, in any case involving a question of law, upon petition of the party aggrieved by the decision of the Court of Industrial Relations and under rules and conditions that it may prescribe, require by certiorari that said case be certified to it for review and determination.

"Sec. 15. Decision of Supreme Court. —Upon the final determination and decision by the Supreme Court of the questions or issues raised in the appeal, the Clerk of the Supreme Court shall immediately transmit to the Clerk of the Court of Industrial Relations a certified copy of the decision or judgment. Five days after receipt of said certified decision or judgment by the Clerk of the Court of Industrial Relations, it shall immediately become conclusive, final and executory.

"If exceptions to an award, order or decision of the Court are finally sustained, judgment shall be entered setting aside the award, order or decision, in whole or in part, but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which shall have the same force and effect as judgment entered, an award, order or decision.

"Sec. 16. Preference given to labor cases. —The Supreme Court shall hear cases arising out of, and brought under, the provisions of this Act in preference to all other cases, and decide them as soon as practicable."

There is nothing in the above provisions denying the Supreme Court jurisdiction to review conclusions of fact made by the Court of Industrial Relations. The Supreme Court is not authorized to limit the jurisdiction conferred to it by law. Otherwise, it will invade a legislative field exclusively within the power and jurisdiction of Congress. Furthermore, to limit our jurisdiction to questions of law in appeals against the decisions or awards made by the Court of Industrial Relations, might be interpreted as a judicial fiat intended to arbitrarily diminish the work of the Supreme Court. The labor controversies under the jurisdiction of the Court of Industrial Relations may involve only questions of fact, and to deprive the losing party the right to appeal to the Supreme Court, because no question of law may be raised in appeal, is to violate the right of appeal granted by Commonwealth Act No. 103.

The intense feelings provoked by labor disputes, no matter whether they involve only questions of fact or otherwise, are such that often they can only be assuaged by a decision from the highest tribunal, not only because it has the final word, but because of its moral value. Public faith and confidence in the dignity and prestige of the Supreme Court are elements that cannot be ignored. The provisions of law authorizing appeal to the Supreme Court in labor disputes are intended to create among the parties litigant the conviction that decisions on appeal ordinarily create: that they are given all the opportunities to obtain justice. It cannot be denied that the emotional aspect may be of greater intensity in factual controversies than on ideological disagreements as to the interpretation and application of a legal provision. The losing party in a factual controversy before the Court of Industrial Relations might not be satisfied with the decision of said court, and he should not be denied the

opportunity provided by sections 14, 15, and 16 of Commonwealth Act No. 103, to recur to the Supreme Court.

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