

OCEANIC PHARMACAL EMPLOYEES UNION (FFW), PETITIONER, VS. HON. LABOR MINISTER BLAS F. OPLE AND OCEANIC PHARMACAL, RESPONDENTS.

G.R. No. 64079, February 20, 1984

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

On April 5, 1983, petitioner union staged a strike on issues of unfair Labor Practice, Union Busting, Refusal by Management to pay the casual period of retired personnel and Refusal by Management to implement the medical plan and temporary lay-off.

After several scheduled hearing and conferences, no settlement has been reached. Respondent Minister of Labor assumed jurisdiction over the labor dispute and on May 20, 1983, he issued an order requiring all striking workers to return to work, the dispositive portion of which reads:

"IN VIEW OF THE FOREGOING, the Minister of Labor and Employment hereby assumes jurisdiction over the labor dispute at Oceanic Pharmacal Inc., pursuant to Art. 264 (g) of the Labor Code as amended, all striking workers are hereby directed to return to work within seventy-two (72) hours from receipt of this order and management in turn, shall accept all returning workers under the same terms and conditions prevailing previous to the work stoppage. The Bureau of Labor Relations is hereby directed to hear the case and to submit its recommendation to this Office within 20 working days upon submission of the dispute for resolution.

"SO ORDERED."

Petitioner now comes before Us assailing the validity and reasonableness of the said May 20, 1983 order, and claiming that it will cause serious and irreparable damage to the strikers should they return to work considering that the issues thus raised in the strike remained unresolved.

However, on June 15, 1983, both union and company executed a Memorandum of Agreement which is quoted hereunder:

"MEMORANDUM OF AGREEMENT BETWEEN
OCEANIC PHARMACAL, INC. AND
OCEANIC PHARMACAL EMPLOYEES
ASSOCIATION (FFW)
(RETURN-TO-WORK AGREEMENT)

x - - - - - x

The parties hereby agree as follows:

1) All striking employees shall return-to-work immediately not later than 7:30 A.M. on June 16, 1983 and the Management shall accept all returning workers under the same terms and conditions prevailing previous to the work stoppage.

- 2) The Company agrees to withdraw or set aside the letters of dismissal sent to OPI employees on May 26, 1983, provided the employees comply with the Return-to-Work Agreement, particularly paragraph 1 hereof.
- 3) A financial assistance (vale) in the amount of P750.00 (P400.00 upon return to work and P350.00, one week thereafter) shall be granted to all returning employees charge able to their future salaries on installments.
- 4) The Company shall continue to implement Article 10, Section 1 of the CBA (bank loans).
- 5) The issue of Medical Plan shall be submitted to further conciliation.
- 6) The Union shall immediately lift its picket upon the signing of this Agreement.
- 7) The Union hereby withdraws all Notices of Strike pending in the Ministry of Labor and Employment subject to the conciliation of the issue of Medical Plan (paragraph 5 hereof).
- 8) The parties hereby agree to withdraw all complaints filed vis-a-vis the other and their respective officers and members that arose out of the strike.
- 9) The parties agree to comply with this Return-to-Work Agreement and avoid retaliation against each other.

Manila, Philippines, 15 June 1983

OCEANIC PHARMACAL, INC. OCEANIC PHARMACAL EMPLOYEES ASSOCIATION (FFW)

BY: BY:

(SGD.) PATRICIO C. DIONIO (SGD.) EMERSON SULLANO

(SGD.) VIRGILIO LEANO

(SGD.) JULIETA SICAT

(SGD.) FLORETA CHUA

ASSISTED BY: ASSISTED BY:

(SGD.) FRANCISCO E. BELMONT (SGD.) (ILLEGIBLE)

(SGD.) (ILLEGIBLE)

ATTESTED BY:

(SGD.) ATTY. MAXIMO B. LIM

(Med-Arbiter, BLR-MOLE)"

As a consequence of the aforequoted agreement, the issue raised in the present petition is now rendered moot and academic.

ACCORDINGLY, the petition is hereby dismissed without pronouncement as to costs.

SO ORDERED.

Makasiar, (Chairman), Aquino, Concepcion, Jr., Guerrero, Abad Santos, and Escolin, JJ., concur.

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