

MARINA PORT SERVICES, INC., PETITIONER, VS. HON. CRESENCIO R. INIEGO, LABOR ARBITER, NATIONAL LABOR RELATIONS COMMISSION, MANILA AND ASSOCIATED SKILLED AND TECHNICAL EMPLOYEES U...

G.R. No. 77853. January 22, 1990

Ponente: PARAS, J.

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PARAS, J.:

Before Us is a petition for certiorari with preliminary injunction and/or restraining order which seeks among others to prevent the respondent Honorable Labor Arbiter from further proceeding with the execution of the questioned judgment in NLRC Case No. 1-166-86, entitled "Associated Skilled and Technical Employees Union-PTGWO, and Marcelino Jose, Jr. and Ramon Dequinia vs. Metro Port Service, Inc., (MPSI for short) and Gregorio L. Lim, General Manager," for lack of jurisdiction.

The facts of the case are as follows:

The petitioner, MARINA Port Services, Inc., (MARINA for brevity) is a domestic corporation duly organized and existing by virtue of the laws of the Philippines and duly registered with the Securities and Exchange Commission on July 9, 1986 as evidenced by its certificate of registration, with offices at the South Harbor, Port Area, Manila and has been the present arrastre operator at the South Harbor, Port Area, Manila since July 21, 1986.

The respondent Hon. Cresencio R. Iniego is a Labor Arbiter of the NLRC-NCR Manila who rendered the questioned decision against the herein petitioner in the NLRC Case No. 1-166-86. The respondent Union is a labor organization duly registered with the Bureau of Labor Relations, M.O.L.E. and is the complainant Union in NLRC-NCR Case No. 1-166-86 pending before the NLRC-NCR, Manila and is the collective representative of the individual complainants, Marcelino Jose, Jr., and Ramon Dequinia, now co-respondents in this petition.

The records of the case will show that:

On January 14, 1986, a complaint entitled, "Associated Skilled & Technical Employees Union-PTGWO, and Marcelino Jose, Jr., and Ramon Dequinia, complainants vs. Metro Port Service, Inc. (MPSI for brevity) and Gregorio L. Lim, General Manager, Respondents" was filed with the National Labor Relations Commission, National Capital Region, Manila and the same was docketed as NLRC-NCR Case No. 1-166-86.

On May 28, 1986, the complainants submitted with the NLRC their position paper. Thereafter, on April 28, 1986 the respondents Metro Port Services, Inc. and Gregorio L. Lim filed their corresponding position papers.

Pending hearing of the instant case, the contract of the Metro Port Services, Inc. as operator of the Arrastre Service in the South Harbor, was cancelled by the Philippine Ports Authority due to gross violation of the terms and conditions of the management contract and poor management. Said contract to operate the arrastre service in South Harbor, Manila, was awarded by the Philippine Ports Authority to the MARINA Port Services, Inc. with

the condition that it shall absorb all the employees and shall be liable for all benefits provided for under the existing Collective Bargaining Agreement.

After exchanges of pleadings and arguments by and between the parties in this NLRC Case No. 1-166-86, more specifically on February 17, 1987, a decision was rendered by the respondent Labor Arbiter Cresencio R. Iniego, which was received by the petitioner on March 25, 1987. The dispositive portion of said decision states:

"WHEREFORE, in view of the foregoing circumstances, judgment is hereby rendered ordering the Metro Port Services and the MARINA Port Services, Inc. to pay the backwages of the complainants jointly and severally to be reckoned from the expiration of their sixty (60) days suspension. The MARINA Port Services, Inc., is hereby ordered to absorb or reinstate the complainants to their former positions." (p. 43, Rollo)

The petitioner assails the decision as follows:

The respondent Labor Arbiter deliberately and capriciously acted without or in excess of his jurisdiction and/or gravely abused his discretion amounting to lack of jurisdiction in rendering his decision against the petitioner (MARINA) which was not a party at all in this case before him.

Secondly, respondent Labor Arbiter violated due process by not giving MARINA an opportunity to be heard.

Finally, petitioner claims that certiorari is the proper remedy for the Labor Arbiter never acquired jurisdiction over it.

This Court is convinced MARINA never had a chance to defend itself, not having been furnished any notice, summons, or pleadings in the case, except the assailed decision. But despite this fact, it is clear from the "contract to operate the arrastre service in the South Harbor" as awarded by the Philippine Ports Authority to petitioner MARINA Port Services, Inc. that:

"7. Labor and personnel of previous operator, except those positions of trust and confidence, shall be absorbed by grantee. Labor or employees benefits provided for under existing CBA shall likewise be honored."

xxx xxx xxx xxx

"14. Grantee shall be responsible for all obligations, liabilities or claims arising out of any transactions or undertakings in connection with their cargo handling operations as of the actual date of transfer thereof to grantee." (Annex E-1, p. 37, Rollo)

When the words and language of documents are clear and plain or readily understandable by an ordinary reader thereof, there is absolutely no room for interpretation or construction anymore (*Leveriza vs. Intermediate Appellate Court*, 157 SCRA 282). And therefore, when said contract was accepted by the grantee-petitioner, it had stepped in the shoes of its predecessor. Accordingly, petitioner had bound itself to whatever judgment - that awaited MPSI in the labor case.

WHEREFORE, the petition is hereby DISMISSED. The February 17, 1987 decision of respondent Labor Arbiter is AFFIRMED, insofar as it concerns and affects the petitioner herein.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, and Regalado, JJ., concur.

Sarmiento, J., no part; MPSI was his client before appointment to the Supreme Court.

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