SUPREME COURT
EN BANC

MANILA TRADING & SUPPLY CO.,
***Petitioner*,**

-versus-

G.R. No. L-5062
April 29, 1953

MANILA TRADING LABOR ASSOCIATION,
***Respondent*.**
x----------x

D E C I S I O N

REYES, *J.*:

On October 10, 1950, the Manila Trading Labor Association, composed of workers of Manila Trading and Supply Co., made a demand upon said company for increase of wages, increase of personnel, Christmas bonus, and other gratuities and privileges. As the demand was refused and the Department of Labor — whose intervention had been sought by the association — failed to effect an amicable settlement, the Head of the Department certified the dispute to the Court of Industrial Relations on October 25, and there it was docketed as case No. 521-V. The company, on its part, on that same day applied to the Court of Industrial Relations for authority to lay off 50 laborers due to "poor business," the application being docketed as Case No. 415-V (4).

To resolve the disputes involved in the two cases the Court of Industrial Relations conducted various hearings between October 26, 1950, and January 18, 1951. Of their own volition the president and vice-president of the association attended some if not all of the hearings, and though they absented themselves from work for that reason they afterwards claimed that they were entitled to their wages. The Court of Industrial Relations found merit in the claim, and at their instance, ordered the company to pay them their wages corresponding to the days they were absent from work while in attendance at the hearings.

Contending that the industrial court had no authority to issue such an order, the company asks this Court to have it annulled. Opposing the petition, the association, on its part, contends that the order comes within the broad powers of the industrial court in the settlement of disputes between capital and labor.

The question presented is whether the Court of Industrial Relations may require an employer to pay the wages of officers of its employees' labor union while attending the hearing of cases between the employer and the union. The question, it appears, is no different from that decided early this year in the case of J. P. Heilbronn Co. vs. National Labor Union,[*] G.R. No. L-5121. In that case the plaintiff company questioned the validity of an order of the Court of Industrial Relations requiring it to pay the president and the secretary of the labor union their salaries corresponding to the days they attended the conferences and hearings before that court. Setting aside the said order, we there said:

> "When in case of strikes, and according to the CIR even if the strike is legal, strikers may not collect their wages during the days they did not go to work, for the same reasons if not more, laborers who voluntarily absent themselves from work to attend the hearing of a case in which they seek to prove and establish their demands against the company, the legality and propriety of which demands is not yet known, should lose their pay during the period of such absence from work. The age-old rule governing the relation between labor and capital or management and employee is that of a "fair day's wage for a fair

> day's labor.' If there is no work performed by the employee there can be no wage or pay, unless of course, the laborer was able, willing and ready to work but was illegally locked out, dismissed or suspended. It is hardly fair or just for an employee or laborer to fight or litigate against his employer on the employer's time.
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> "In a case where a laborer absents himself from work because of a strike or to attend a conference or hearing in a case or incident between him and his employer, he might seek reimbursement of his wages from his union which had declared the strike or filed the case in the industrial court. Or, in the present case, he might have his absence from his work charged against his vacation leave. Three of the Justices who sign the present decision believe that the deductions made from the wages of Armando Ocampo and Protacio Ty might possibly be charged as damages in the case in the event that the said case in the CIR prosecuted in behalf of their union is finally decided in their favor and against the company."

The respondent association, however, claims that it was not the one that brought the cases to the Court of Industrial Relations, and the point is made that "if the laborer who is dragged to court is deprived of his wages while attending court hearings, he would in effect be denied the opportunity to defend himself and protect his interests and those of his fellow workers." But while it is true that it was the Secretary of Labor who certified the dispute involved in case No. 521-V to the Court of Industrial Relations, the fact remains that the dispute was initiated by a demand from the labor association. The truth, therefore, is that while one of the cases was filed by the employer, the offer was initiated by the employees. It may be conceded that the employer is in most cases in a better position to bear the burdens of a litigation than the employees. But as was said in the case of J. P. Heilbronn Co. vs. National Labor Union, supra, "It is hardly fair for an employee or laborer to fight or litigate against his employer on the employer's time." The most that could be conceded in favor of the claimants herein is to have the absences occasioned by their attendance at the hearings charged against their vacation leave if they have any, or as suggested by three of the Justices who signed the decision in the case just cited, to have the wages they failed to

earn charged as damages in the event the cases whose hearings they attended are decided in favor of the association. But the majority of the Justices make no commitment on this latter point.

In view of the foregoing, the Petition for *Certiorari* is granted and the order complained of set aside. Without pronouncement as to costs.

Paras, *C.J.*, Feria, Pablo, Bengzon, Tuason, Montemayor, Jugo and Bautista Angelo, *JJ.*, concur.

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[*] Supra, p. 575.
