

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT  
EN BANC**

**MONCADA BIJON FACTORY and/or  
LAO OH KIM, YU GUAT and SOTERO  
BERNAL,**

*Petitioners,*

*-versus-*

**G.R. No. L-18065  
March 30, 1962**

**COURT OF INDUSTRIAL RELATIONS  
and MONCADA UNITED WORKERS  
UNION,**

*Respondents.*

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**DECISION**

**CONCEPCION, J.:**

In a complaint filed on October 12, 1956, as amended on October 4, 1957, the Moncada United Workers Union, hereafter referred to as respondent union, prayed that the Moncada Bijon Factory and/or Lao Oh Kim, Yu Guat and Sotero Bernal be held guilty of unfair labor practices and sentenced to reinstate certain dismissed or laid-off employees who are members of said union, and that the Rising Labor Union — whose members are, also, employees of said factory — be declared company dominated and, hence, ordered dissolved. After due trial, the Court of Industrial Relations rendered a decision, which

was affirmed by the Court en banc, granting the first prayer, but denying the second. Hence, this appeal by certiorari taken by the factory and/or Lao Oh Kim, Yu Guat and Sotero Bernal.

Admittedly, Lao Oh Kim owned the Moncada Bijon Factory, which is operated in Moncada, Tarlac. On May 13, 1953, respondent union, whose members are employees and laborers of said factory, filed with the Court of Industrial Relations Case No. 869-V against Lao Oh Kim, for overtime services allegedly rendered by them. Soon thereafter, the factory seemingly suspended operations. Then on February 17, 1954, Lao Oh Kim secured permission from the Court to sell the factory, subject to the condition that the deed of conveyance would be submitted to said Court for approval and that, should the factory resume operations, the laid-off laborers who were members of respondent union would be given preference by the new owner, purchaser or operator. A month later, or on March 19, 1954, Lao Oh Kim filed with the Court a statement to the effect that, on February 26, 1954, he had executed, in favor of Teofilo Limcaco, a deed of lease of, with option to purchase, said factory. Subsequently, an amicable settlement was reached on March 25, 1955, between respondent union on the one hand, and Lao Oh Kim and Limcaco on the other, whereby Lao Oh Kim and Limcaco undertook to reinstate the dismissed workers.

Meanwhile, or on May 13, 1954, respondent union had filed unfair laborer practice case No. 220-ULP against the factory and Teofilo Limcaco, as well as Chan It and Rufino Benitez. In due course, decision was rendered thereon on October 24, 1954, which was affirmed by the Court en banc, finding Rufino Benitez, a labor contractor engaged by Teofilo Limcaco, guilty of the unfair labor practices charged therein and sentencing him to reinstate the dismissed workers.

On or about July 10, 1956, Lao Oh Kim called the factory workers to a meeting, in which he asked them to resign from respondent union, to forego their overtime claims and to revert to their former working hours (from 3:00 a.m. to 7:30 p.m.), but the members of said union rejected the request. Four (4) days later, the factory suspended its operations. Presently, or on July 25, 1956, Lao Oh Kim executed a deed purporting to convey the factory to Yu Guat. When the factory

resumed operations on August 6, 1956, the members of respondent union reported for work, but — according to the evidence introduced by respondent union — they were not readmitted, although those who had resigned from the union were admitted. Respondent union tried to prove that the alleged sale to Yu Guat who was Lao Oh Kim's former agent in the purchase and delivery of palay to his (Lao Oh Kim's) rice mill, was simulated and a devise resorted to merely to get rid of the recalcitrant employees who were members of said union. Upon the other hand, petitioners herein introduced testimonial evidence to the contrary, but the lower court gave no credence to said evidence and accepted as true the version of respondent union, and we think, correctly, in the light of the facts and circumstances surrounding the case. In any event, the conclusion reached by the lower court on this point is beyond our power of review on appeal by certiorari, involving, as it does, a question of fact and there being competent evidence in support of said conclusion.

It is urged that the finding of unfair labor practices on the part of petitioners herein is inconsistent with the conclusion of the lower court to the effect that the Rising Labor Union is not company dominated. No such inconsistency exists, for an employer can discriminate in favor of a union, even if it were not company dominated.

**WHEREFORE**, the Decision appealed from is hereby affirmed, with costs against petitioners herein. It is so ordered.

**Bengzon, C.J., Padilla, Bautista-Angelo, Labrador, Barrera, Paredes, Dizon and De Leon, JJ., concur.**