

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**HERMOGENES MORTERA and
CANLUBANG WORKERS UNION
(CLO),**

Petitioners,

-versus-

**G.R. No. L-1340
October 13, 1947**

**THE COURT OF INDUSTRIAL
RELATIONS, CANLUBANG SUGAR
ESTATE and BISIG NG CANLUBANG
(NLU),**

Respondents.

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DECISION

PERFECTO, J.:

Petitioners pray for the annulment of the order of the Court of Industrial Relations dated February 21, 1947, in case No. 44-V(1), entitled "Bisig ng Canlubang (NLU) vs. Canlubang Sugar Estate," and of all the proceedings taken therein. The dispositive part of the order sought to be annulled is as follows:

"In view of the foregoing consideration, this Court orders:

“(1) That all laborers, whether they belong to the Bisigng Canlubang (NLU), or to the new union Canlubang Workers’ Union (CLO), should return to their respective work immediately, but not later than 6 o’clock a.m., on February 24, 1947, with the admonition that those who will fail to report will not only lose any concession that may be considered by this Court in the main case, but that the respondent company, upon its petition, is hereby authorized to employ new employees or laborers to take the places or positions of those who fail to report at the above stated hour and date. Beginning Sunday, February 23, 1947, at 6 o’clock a.m., picketing under any guise or form, is hereby entirely prohibited.

“(2) That for the maintenance of peace and order in Canlubang Sugar Estate, to protect the property of the respondent Company, and also to protect those laborers who may report for work in accordance with this order, the request for assistance of the Military Police, or any other law-enforcing agency, is hereby granted, and government police agencies are hereby requested to extend such help and protection.

“Upon its request, the respondent company is hereby authorized to reopen on Sunday, February 23, 1947. However, to allow all the workers to be notified of this order, the Court has fixed 6 o’clock Monday morning, February 24, 1947, as the dead line for them to report, in other words, those who fail to report can be substituted in order to enable the respondent company to operate.

“The parties are hereby notified of this Order in open court.”

Petitioners contend that this order, requiring the laborers to return to their work, and, upon failure to do so, authorizing the Canlubang Sugar Estate to employ new laborers to take their place, and prohibiting picketing under any guise or form, is contrary to law and has been issued without and/or in excess of the jurisdiction of the Court of Industrial Relations. They also complain that

notwithstanding the fact that the Canlubang Worker's Union (CLO) or its members are not a party to the case and were not given the opportunity to answer and defend the charges against them or to be heard in connection therewith, the members of said union were likewise ordered to return to work and to desist from exercising their right to picket.

The Court of Industrial Relations answered, alleging that it has the authority and jurisdiction to issue the order of February 21, 1947, by virtue of the provisions of section 19 of Commonwealth Act No. 103; that said jurisdiction is merely incident to the jurisdiction acquired by the court in case No. 44-V, *Bisig ng Canlubang vs. Canlubang Sugar Estate*, in virtue of section 4 of Commonwealth Act No. 103 as amended, that said order is only complementary to the order of the same tribunal dated December 11, 1946; that both orders were issued only in order to maintain the status quo of the parties in case No. 44-V which was pending decision by the court, and they were of interlocutory character; that Hermogenes Mortera and the signatories and members of the Canlubang Workers' Union (CLO) were members of the *Bisig ng Canlubang* at the time the court issued the orders of December 10 and 11, 1946, in case No. 44-V and therefore were parties in said case; that the formation and organization of the Canlubang Workers' Union (CLO) by Hermogenes Mortera while case No. 44-V was pending, did not have the effect of excluding said Hermogenes Mortera and the signatories and members of the Canlubang Workers' Union (CLO) from the effect of said orders.

The Canlubang Sugar Estate alleged in its answer that the order complained of by petitioners was issued by the Court of Industrial Relations in virtue of section 19 of Commonwealth Act No. 103; that the order against picketing is authorized by said section; that petitioners became parties in the case when they appeared in case No. 44-V after receipt of notice of the hearing and copy of the urgent motion giving rise to the order, when they asked for postponement of the hearing of the case, when they cross-examined witnesses in the trial which was instigated by the members of the petitioning union and offered evidence in their defense in connection with the urgent motion.

Upon the evidence presented before it the Court of Industrial Relations in its order of February 21, 1947, found that in connection with the case of Bisig Ng Canlubang (NLU) vs. the Canlubang Sugar Estate, No. 44-V, the petitioning union on December 2, 1946, presented several demands relative to increase of wages, vacation with pay and the granting of gratuity for faithful and long service. Lacking action on these demands, the workers declared a strike on December 9, 1946. The Bisig Ng Canlubang filed on the same date a petition against the Canlubang Sugar Estate covering the three demands submitted to the estate. At the preliminary hearing set on December 11, 1946, the parties agreed that the company would reopen and that it will readmit all the striking laborers with pay from December 9, 1946, when the strike was declared, and that any concession that may be justified by the evidence will be made retroactive as of December 9, 1946. The question of vacation with pay and gratuity was left to the sound discretion of the Court. Although maintaining that there is no law which authorizes the payment of gratuity, respondent company manifested that the question will be left to the sound discretion of the court. Evidence shall be received on the question of the increase of wages. As a result, the laborers were ordered to return to their work under the same conditions existing before the strike and that none of them shall be suspended except for just cause and after the authority of the court is obtained. The workers were also ordered not to declare any strike while the final determination of the case is pending. On February 17, 1947, around six or seven hundred laborers declared a strike. According to petitioners, said laborers formed a new union, the Calamba Workers' Union (CLO) due to the failure of the company to accede to their demands of February 11, 1947. When the main case was tried and submitted, and especially at the time of the issuance of the order of December 11, 1946, which was violated by the strike declared on February 17, 1947, Mortera and the six hundred striking workers were members of the Bisig ng Canlubang.

The Court of Industrial Relations stated that respondent is engaged in the manufacture of sugar, a very important and essential food, of which there is lack of supply in view of the destruction of sugar centrals in many provinces. Sugar is important in the life of the people. This makes imperative the reopening of the company for the

production of sugar and to help the workers belonging to the two unions.

The main question in this case decisive of the whole controversy is whether petitioners were parties in case No. 44-V, entitled Bisig Ng Canlubang (NLU) vs. Canlubang Sugar Estate, wherein the order of December 11, 1946, prohibiting the workers from striking was issued. This question specifically requires a ruling on the proposition that the fact that petitioners have formed another union, the Canlubang Workers' Union (CLO), thereby separating themselves from the Bisig ng Canlubang (NLU), after the order of December 11, 1946, was issued and when the case was pending decision, had the effect of excluding petitioners from the jurisdiction of the Court of Industrial Relations in case No. 44-V.

The contention that petitioners' secession from the Bisig Ng Canlubang (NLU) and their formation of another union should have the effect of divesting the Court of Industrial Relations of its jurisdiction over the petitioners in the case wherein they appeared and came to the Court of Industrial Relations as members of the Bisig Ng Canlubang (NLU), is not supported by any law, authority or reason. When petitioners appeared for the first time before the Court of Industrial Relations as members of the Bisig Ng Canlubang (NLU), they appeared as workers of the Canlubang Sugar Estate. When they seceded from said union to form another, they remained to be workers of the Canlubang Sugar Estate. The order of December 11, 1946, prohibiting the workers from striking pending decision of the case was addressed to the workers of the Canlubang Sugar Estate. The splitting of the Canlubang Workers' Union into two unions cannot affect the jurisdiction of the court. The members of the Canlubang Workers' Union may even dissolve the union completely but that would not affect the jurisdiction of the court. Otherwise, we would be giving our approval to a scheme by which a workers' union, in case of an adverse decision of the Court of Industrial Relations, may always make a mockery of orders and decisions of said court. Such a result is against the administration of justice and is violative of the principles and the purposes for which Commonwealth Act No. 103 was enacted. Under the authority granted by the Constitution, the National Assembly sought through Commonwealth Act No. 103 to set up a system of settling labor disputes orderly, justly, and to the best

interest of the parties concerned in particular and of the people in general. Both the Delegates of the Constitutional Convention and the Members of the National Assembly, without depriving laborers of their essential rights, and rather having their benefit in mind, sought to avoid in the Philippines the repetition of the interminable strikes occurring in the United States of America. Their evil effects may easily be absorbed by the enormous economic capacity of the American people but certainly will be disastrous to the economic life of the Philippines.

The second and last question which we have to consider is the blanket prohibition against picketing in any guise or form contained in the order of February 21, 1947. The prohibition should be understood to cover only illegal picketing, that is, picketing through the use of illegal means. Peaceful picketing cannot be prohibited. It is part of the freedom of speech guaranteed by the Constitution. Therefore, the order of the Court of Industrial Relations prohibiting picketing must be understood to refer only to illegal picketing, that is, picketing through the use of illegal means.

Petitioners have not shown why the order of February 21, 1947, should be annulled. The other proceedings in case No. 44-V(1) which petitioners also seek to be annulled are not specified and no grounds have been adduced in support of the prayer.

For all the foregoing, the petition is **DISMISSED**.

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

Moran, C. J., I certify that Justice Pablo concurs in the decision.