

## DECISION OF THE COURT OF INDUSTRIAL RELATIONS

*La Mallorca Local 101, Petitioner, vs. La Mallorca Taxi, Respondent, Case No. 4-ULP, October 3, 1953, Lanting, J.*

1. COURT OF INDUSTRIAL RELATIONS; UNFAIR LABOR PRACTICE; NATURE OF UNFAIR LABOR PRACTICE PROCEEDINGS. — An unfair labor practice proceedings under Section 5 of Republic Act No. 875 is not a criminal action. The underlying purpose of proceedings under this section of the Act is the effectuation and preservation of industrial harmony. Accordingly, it has been held that while complaint proceedings may in given cases result in incidental relief or benefit to individual employees, the proceedings are intrinsically of a public nature. The proceedings are novel in our judicial system, having been comparatively recently created by the original Act. They have neither dependence upon nor relation to either the substantive or adjective aspects of the common law. They do not constitute litigation in the sense that litigation, as it is generally conceived, is an action between individual litigants for damages or other private redress.
2. ID.; ID.; SUFFICIENCY OF THE COMPLAINT. — The sole function of the complaint is to advise the respondent of the charges constituting unfair labor practices as defined in the Act, that he may have due notice and a full opportunity for hearing thereon. The Act does not require the particularity of pleading of an indictment or information, or the elements of a cause like a declaration at law or a bill in equity. All that is required in a valid complaint before the Board is that there be a plain statement of the things claimed to constitute an unfair labor practice that respondent may be put upon his defense.
3. ID.; ID.; EFFECT OF DEFECTIVE COMPLAINT. — When a complaint does not fairly apprise the respondents of the acts allegedly constituting unfair labor practice and of all other issues they are required to meet, such defect should not be a sufficient reason to dismiss or quash the complaint; at most, it could serve as ground for a motion for bill of particulars.
4. ID.; ID.; IMPOSITION OF PENALTIES. — In the event of a finding by this Court in an unfair labor practice case initiated under section 5, that any person has engaged or is engaging in unfair labor practice, only the remedies and reliefs provided in said section may be granted. In such case, this Court should not and can not at the same time impose the penalties prescribed in section 25. On the other hand, in case the imposition of the penalties prescribed in section 25 is sought, a criminal complaint or information must be filed and the requirements of due process as to procedure and evidence in ordinary criminal cases must be observed.

*B. C. Gonzales & Actg. Prosecutor Estanislao Maralit for petitioner.*

*Manuel Chan* for respondents.

### ORDER

This concerns a motion of respondent seeking to dismiss or quash the complaint filed by the Acting Prosecutor of this Court dated August 15, 1953 against the La Mallorca Taxi for unfair labor practice. The grounds in support of said motion are as follows:

1. The complaint, which is a criminal action, has not been brought in the name of the real party in interest, that is, the People of the Philippines;
2. The respondent is a juridical person, and a juridical person cannot be made a defendant in a criminal action;
3. The allegations of the complaint are vague, uncertain and fails to inform the respondent of the nature and cause of the accusation against it; and
4. The procedure prescribed by Republic Act 875 for the hearing or trial of violation of the provisions of the same, that is, by Section 5 thereof, in relation to Section 25 of the said Act, is unconstitutional and void."

The first three grounds are all wholly based on the premise that the complaint filed in this case is a criminal complaint and that consequently the present action before this Court is a criminal action. An examination of this premise is therefore necessary.

First of all, the complaint itself states that it was brought "pursuant to Section 5(b) of Republic Act No. 875." Said section 5(b) provides:

"(b) The Court shall observe the following procedure without resort to mediation and conciliation as provided in Section four of Commonwealth Act numbered One Hundred and Three, as amended, or to any pre-trial procedure. Whenever it is charged by an offended party or his representative that any person has engaged or is engaging in any such unfair labor practice, the Court or any agency or agent designated by the Court must investigate such charge and shall have the power to issue and cause to be served upon such person a complaint, stating the charges in that respect and containing a notice of hearing before the Court or a member thereof, or before a designated Hearing Examiner, at the time and place fixed therein not less than five nor more than ten days after serving the said complaint. The person complained of shall have the right to file an answer to the complaint and to appear in person or otherwise (but if the Court shall so request, the appearance shall be personal) and give testimony at the place and time fixed in the complaint. In the discretion of the Court, a member, thereof or a Hearing Examiner, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding, the rules of evidence prevailing in Courts of law or equity shall not be controlling and it is the spirit and intention of this Act that the Court and its members and Hearing Examiners shall use every and all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure. In rendering its decisions, the Court shall not be bound solely by the evidence presented during the hearing but may avail itself of all other means such as (but not limited to) ocular inspections and questioning well-informed persons which results must be made a part of the record. In the proceedings before the Court or a Hearing Examiner thereof, the parties shall not be required to be represented by legal counsel and it shall be the duty and obligation of the Court or Hearing Examiner to examine and cross-examine witnesses on behalf of the parties and to assist in the orderly presentation of the evidence."

Paragraph 4 of the complaint alleges "that by the acts described in paragraph three (3) above, respondents and/or its agents have engaged and are engaging in unfair labor practice within the meaning of Section 4(a), sub-section 1 of Republic Act No. 875." The provisions referred to reads as follows:

"Sec. 4. Unfair Labor Practice.—

- (a) it shall be unfair labor practice for an employer:
  - (1) To interfere with, restrain or coerce employees in the exercise of their rights guaranteed in section three;

Section 5(b) of Republic Act No. 875 was borrowed substantially from Section 10(b) of the National Labor Relations Act of the United States which, as originally enacted, reads:

"SEC. 10(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed not less than five days after the serving of said complaint. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an

order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling."

Commenting on the above-quoted provision, Rothenberg, in his book entitled "Labor Relations," has the following to say:

"The underlying purpose of proceedings under this section of the Act is the effectuation and preservation of industrial harmony. Accordingly, it has been held that while complaint proceedings may in given cases result in incidental relief or benefit to individual employees, the proceedings are intrinsically of a public nature. The proceedings are novel in our juridical system, having been comparatively recently created by the original Act. They have neither dependence upon nor relation to either the substantive or adjective aspects of the common law. They do not constitute 'litigation' in the sense that litigation, as it is generally conceived, is an action between individual litigants for damages or other private redress in which the right of Jury trial obtains." (p. 560)

As to the sufficiency of a complaint filed pursuant to this provision, the Sixth Circuit Court of Appeals says:

"The sole function of the complaint is to advise the respondent of the charges constituting unfair labor practices as defined in the Act, that he may have due notice and a full opportunity for hearing thereon. The Act does not require the particularity of pleading of an indictment or information, or the elements of a cause like a declaration at law or a bill in equity. All that is requisite in a valid complaint before the Board is that there be a plain statement of the things claimed to constitute an unfair labor practice that respondent may be put upon his defense." (NLRB v. Piqua Munising Wood Products Company, 109 F(2d) 552, cited in Teller's Labor Disputes and Collective Bargaining, Vol. 2, p. 1005.)

The above is sufficient to dispose of respondent's contention that the instant proceeding is a criminal action and hence the Court considers the first three grounds of respondent's motion to dismiss as not well taken. What remains for the Court to consider is the fourth ground.

It is our opinion that the procedure prescribed in section 5 for the hearing of unfair labor practice cases does not violate the constitutional requirement of due process. As stated earlier, Section 5(b) of our law was copied from section 10(b) of the National Labor Relations Act, and in overruling the contention that this Act was lacking in due process of law, the United States Supreme Court declared:

"We construe the procedural provisions as affording adequate opportunity to secure judicial protection against arbitrary action in accordance with the well-settled rules applicable to administrative agencies set up by Congress to aid in the enforcement of valid legislation." (Jones and Laughlin Steel Corporation vs. National Labor Relations Board, 301 USD)

The Court notes, however, that what respondent objects to is the procedure prescribed in section 5 in relation to section 25. This is evident from the wording of the fourth ground quoted at the beginning and the statement on page 12 of the motion to the effect that "Section 5 and 25, insofar as they complement each other, are null and void."

In effect it is respondent's contention that section 25 is inseparable from section 5 because any finding or decision of this Court in an action or proceeding brought under section 5 to the effect that one of the unfair labor practices enumerated in section 4 has been committed will automatically require the imposition of the penalties provided in section 25. The Court does not subscribe to such a view.

In the first place, respondent assumes that unfair labor practices cases are criminal actions but, as previously pointed out, such

assumption is not correct. In the second place, the first paragraph of section 25 is applicable only to persons who violate section 3 and the commission of any of the acts of unfair labor practice enumerated in section 4 is not necessarily also a violation of section 3. In the third place, a close examination of these two sections will show that they are not inseparably intertwined but on the contrary can stand alone and independently of each other. Consequently, the imposition of the penalties provided by section 25 is not mandatory in proceedings brought under section 5.

It is our opinion that in the event of a finding by this Court in an unfair labor practice case initiated under section 5, that any person has engaged or is engaging in unfair labor practice, only the remedies and reliefs provided in said section may be granted. In such case, this Court should not and cannot at the same time impose the penalties prescribed in section 25. On the other hand, in case the imposition and penalties prescribed in section 25 is sought, a criminal complaint or information must be filed and the requirements of due process as to procedure and evidence in ordinary criminal cases must be observed.

As to the sufficiency of the complaint filed in this case, the Court is satisfied that it conforms substantially to their requirements of due process. At any rate, when a complaint does not fairly apprise the respondents of the acts allegedly constituting unfair labor practice and of all other issues they are required to meet, such defect should not be a sufficient reason to dismiss or quash the complaint; at most, it could serve as ground for a motion for bill of particulars.

IN VIEW OF ALL THE FOREGOING, the motion under consideration should be, as it is hereby, denied.

SO ORDERED.

Manila, Philippines, October 3, 1953.

(SGD.) JUAN L. LANTING  
Associate Judge

Republic of the Philippines  
Department of Public Works and Communications  
BUREAU OF POSTS  
MANILA

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