CHANROBLES PUBLISHING COMPANY

SUPREME COURT
EN BANC

J. P. HEILBRONN CO.,
***Petitioner*,**

-versus-

G.R. No. L-5121
January 30, 1953

NATIONAL LABOR UNION,
Respondent.
x---x

D E C I S I O N

MONTEMAYOR, *J*.:

On July 12, 1948, the Secretary of Labor certified to the Court of Industrial Relations (CIR) a dispute between the National Labor Union, a labor organization organized under the provisions of Commonwealth Act 213 and the J. P. Heilbronn Co., hereinafter to be called the Company, a domestic corporation domiciled in the City of Manila. The case was docketed as "National Labor Union, petitioner, vs. J. P. Heilbronn Co., respondent, case No. 160-V." In connection with the hearing of that case, particularly incidental motions and petitions concerning questions that arose between the management and its employees who were members of J. P. Heilbronn Employees Association affiliated with the National Labor Union, Armando Ocampo and Protacio Ty, President and Secretary, respectively, of the local union attended the conferences and hearings before the CIR, in

some cases assisting the lawyer who represented them. Subsequently, a motion was filed in the case by the Labor Union in behalf of Armando Ocampo and Protacio Ty praying the court to order the Company to pay to these men the amounts of P88 and P64.65 respectively, corresponding to the deductions in their salaries made by the Company on the days or hours of their absence from their work while attending the conferences and hearings already mentioned. Despite opposition of the company to the said motion, the same was granted by the CIR through Associate Judge V. Jimenez Yanson. After petition for reconsideration of said order was denied by the Court of Industrial Relations in banc, the company has brought the case to us seeking to reverse the said order.

The action taken by the CIR is hardly consistent with its previous rulings regarding payment of wages or salaries to laborers or employees who had voluntarily absented themselves from work. In the case of San Miguel Brewery, Inc. vs. National Labor Union, et al., case No. 271-V, in passing upon a demand of laborers for their wages corresponding to the days that they were on strike, said CIR held:

> "As to the demand for the payment of the wages that the strikers lost on the occasion of their strike on November 22, 1948, the Court understands that a strike is a voluntary and deliberate cessation of work on the part of the workers. Upon this consideration and based on the equitable tenet of a fair day's wage for a fair day's labor, this demand falls of its own weight and must be, as it is hereby, denied."

Again, in the case of Federacion Obrera de Filipinas (FOF) vs. Philippine Rubber Projects Co., Inc., case No. 346-V, ruling upon a similar demand the CIR said:

> "The strike was, therefore, justified under the circumstances, but for reasons that wages and salaries represent the compensation of the labor performed by the laborers or employees and, not having performed any work during the strike, they should not be paid any wage or salary therefor. For this reason this demand is hereby denied."

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.

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.

In view of the foregoing, the order appealed from ordering the reimbursement of the salaries or wages of Armando Ocampo and Protacio Ty corresponding to the days or portions of days they were absent from work is hereby set aside, with costs.

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

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