31 People and the CIR

Primo P. Maliwanag, Jr.

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SUBJECT(S): LABOR

KEYWORD(S): COURT OF INDUSTRIAL RELATIONS, JURISDICTION, 31-LABORER REQUIREMENT

The Note addresses the issue as to whether the requirement that at least 31 employees must be involved in a labor dispute before the Court of Industrial Relations (CIR) can take cognizance of the case — under Section 4 of Commonwealth Act No. 103 — finds applicability under the status of the then Labor laws. A conflict apparently has arisen when the Industrial Peace Act (Republic Act No. 875) was promulgated, as it expressly curtailed but not repealed entirely, the power of compulsory arbitration of the CIR, effectively limiting its broad jurisdiction in labor disputes to certain specified cases. However, the said Act is silent on the 31-laborer requirement. On the strength of several pronouncements of the Court, the Author concludes that absent an express provision in the law observed, referring to the 31-employee jurisdictional requirement, said requirement need not be observed in cases over which the CIR has jurisdiction under the Industrial Peace Act. As regards unfair labor practice cases, its non-applicability is said to be absolute, basing it on the actual practice of the CIR. In cases involving minimum wages and hours of employment, the requirement is likewise not mandatory but not without qualification. Thus, if there are more than 31 employees in a company, and the dispute would affect all such employees, at least 31 of them must be named in the petition against the employer, thus the requirement is applicable. If, however, Maliwanag says, there are less than 31 employees in said company, or even if there are more than 31 therein, if the dispute does not or would not affect them all, but only the respective petitioner(s), then the requirement finds no application at all. Lastly, disputes certified by the President also need not meet the requirement since it is sufficient that to the mind of the President, the national interest is served.