

BCI EMPLOYEES AND WORKERS UNION (PAFLU), PETITIONER, VS. HON. PIO MARCOS AND BENGUET CONSOLIDATES INC., RESPONDENTS.

G.R. No. L-21016. July 30, 1965

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

Benguet Consolidated, Inc. Employees and Workers Union (PAFLU), composed of rank and file workers in Benguet Consolidated, Inc., filed on December 28, 1962 a notice of strike with the Department of Labor. Simultaneously the company filed a notice of lockout. A series of conciliation conferences was held but it failed to bring about a settlement.

On March 3, 1963 the union declared a strike in three mining areas of the company, namely, Acupan, Antamok and Balatok, all in Itogon, Benguet, Mountain Province. Picketing thereafter followed in said areas.

Alleging that the strikers were unlawfully picketing the company premises, Benguet Consolidated, Inc. filed on March 6, 1963 a petition, docketed as Civil Case No. 1240, to restrain by preliminary injunction, to be made permanent later, the commission or continuance of said picketing. It was filed in the Court of First Instance of Baguio.

A motion to dismiss said petition was filed by the union on March 7, 1963. Stated as grounds were, first, that the present strike was due to unfair labor practice acts of the company, subject matter of pending litigations in the Court of Industrial Relations and, second, that the petition failed to comply with the jurisdictional requirements of Section 9(d), Republic Act 875. After hearing on the same day the court denied the motion.

Subsequently, on March 12, 1963, the Court of First Instance of Baguio issued preliminary injunction after a hearing.

Whereupon, on March 13, 1963, the union filled herein the instant suit for certiorari with preliminary injunction. Preliminary injunction was granted by resolution of this Court on March 15, 1963.

At issue is the jurisdiction of the Court of First Instance of Baguio to entertain the petition filed therein on March 6, 1963 by Benguet Consolidated, Inc.

From the very allegations of the petition filed by the company in respondent judge's court, it is evident that said action was precipitated by a strike staged by the union, and the consequent picketing undertaken, arising from a labor dispute. As the record discloses, however, this labor dispute is already involved in two unfair labor practice cases then pending between the same parties before the Court of Industrial Relations. Said unfair labor practice cases were instituted much ahead of time than the petition in question: Case No. 2363-ULP on June 20, 1960, about two years and a half before, and Case No. 3289—ULP on August 29, 1962, about four months before the notice of strike.

Furthermore, it is equally clear from the record that the same labor dispute is involved in all these cases. The unfair labor practice cases aforementioned were based on alleged dismissals of union members without just cause but due solely to union affiliation and/or activities. The strike called by the union on March 3, 1963, in relation to which the picketing sought to be enjoined was undertaken, expressly had as one of its reasons "discrimination against union members in the enforcement of disciplinary actions" (See Notice of Strike, Schedule A, Annex 7 to Answer).

It follows that the Court of Industrial Relations had already acquired jurisdiction over the aforesaid labor dispute when the petition before the Court of First Instance was instituted. The former's jurisdiction, concerning as it does an unfair labor practice case, is exclusive of that court (Section 5 [a], Republic Act 875). Accordingly, since the issues in the action filed with respondent Judge of First Instance is interwoven with the unfair labor practice cases pending before the Court of Industrial Relations, said action is outside the jurisdiction of regular courts (*Fil-Hispano Labor Union vs. Montesa*, 117 Phil. 724), even if it involves acts of violence, intimidation and coercion as averred in the petition therein (*National Garments and Textiles Workers' Union-PAFLU vs. Caluag*, L-9104, September 10, 1956). Such a rule is necessary in order to avoid multiplicity of suits. For if the purpose of the action is to obtain some injunctive relief against certain acts of violence of the laborers, the same can be obtained from the Industrial Court which is given ample powers to act thereon by Republic Act 875 (*Lakas ng Pagkakaisa sa Peter Paul vs. Victoriano*, L-9290, January 14, 1958).

Wherefore, certiorari is hereby granted, declaring respondent judge without jurisdiction to act in Civil Case No. 1240, and the injunction heretofore granted is made permanent, with costs against respondent Benguet Consolidated, Inc. It is so ordered.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, Dizon, Regala, Makalintal, and Zaldivar, JJ., concur.

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