

JOSE S. CAPISTRANO, PETITIONER, VS. THE HON. JUDGE JUAN BOCAR OF THE COURT OF FIRST INSTANCE OF MANILA AND ZACARIAS MANABAT, RESPONDENTS.

G.R. No. L-24707. January 18, 1968

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

As a result of the general annual elections of officers of the Union de Maquinistas, Fogoneros y Motormen held on November 28 to December 4, 1964, the three-man committee on elections of the union proclaimed on December 7, 1964 Jose S. Capistrano as president-elect, stating that he obtained 234 votes, whereas his opponents, Zacarias F. Manabat and Maximo Llanes, obtained 207 and 8 votes, respectively, out of a total of 467 votes cast.

Upon the immediate protest of Zacarias Manabat, a recounting was made, after which the committee invalidated 400 votes, credited Capistrano with only 27 votes and on December 17, 1964 proclaimed Manabat as winner, with 37 votes. Subsequently, Manabat filed his non-subversive affidavits as required by law.

The next day, Capistrano filed a formal protest before the Secretary of Labor. In a letter-motion dated January 7, 1965, Manabat questioned the Secretary of Labor's jurisdiction on the ground that the main issue was an internal affair of the union, alleging further that Capistrano failed to exhaust internal remedial measures outlined in their constitution and by-laws. Manabat waived the presentation of evidence and submitted the case for decision on his letter-motion. Capistrano pre-sented his evidence.

Meanwhile, on January 5, 1965, Maximo Llanes and 177 union members filed before the Court of Industrial Relations in Manila, a complaint[1] for unfair labor practice, questioning the invalidation of 400 votes cast as a deprivation of the members' right to vote. Petitioners therein asked the Court of Industrial Relations to determine the elected officers as there were now two sets of officers in the union.

On January 19, 1965, the Department of Labor, declaring itself vested with jurisdiction, declared Capistrano elected after ruling that the invalidation of 400 votes was an undue disenfranchisement of the union members. The 400 votes were invalidated because only the rubber stamp of the secretary appeared therein instead of his signature. This was considered insufficient proof of the alleged fraud during the election, considering that at the time of the election, no objection to the stamped ballots was made.

Manabat, on January 30, 1965, petitioned before Us for, a writ of certiorari and prohibition with preliminary injunction[2] to stop the Department of Labor from further acting on the election case in view of the case filed in the Court of Industrial Relations. We dismissed the said petition on February 2, 1965 "without prejudice to resort if any in the lower court."

On February 9, 1965, Manabat filed a petition before the Court of First Instance of Manila for certiorari and prohibition with preliminary injunction[3] against the Registrar of Labor Organizations, the Secretary of Labor

and Jose Capistrano, contending that the Department of Labor, under Section 17 of R.A. 875, had no jurisdiction to act on Capistrano's protest, and that only the Court of Industrial Relations had such jurisdiction. He asked that the respondents be enjoined from further entertaining the protest of Capistrano and from implementing their decision on the protest.

Notwithstanding Capistrano's allegations in his motion to dismiss that under Section 17 of R.A. 875 jurisdiction was vested in the Court of Industrial Relations - especially since there is already an unfair labor practice case before the same involving the same parties and the same election, the Court of First Instance ruled that under Sec. 17 of R.A. 875, it had jurisdiction and issued the injunction prayed for, stating that the issuance of the writ will not hurt anybody considering that counsel for respondents manifested that the latter had no intention of deciding Capistrano's protest.

Said Court of First Instance denied on June 14, 1965, Capistrano's motion for reconsideration, pointing out that the consequences feared by Capistrano were not in order in view of the manifestation that the respondents did not intend to proclaim or recognize any of the contestants as elected.

Capistrano filed with Us on July 6, 1965 a petition for certiorari and prohibition with preliminary injunction, praying that the Court of First Instance of Manila be enjoined from proceeding with the afore-stated case and from enforcing the preliminary injunction it issued, on the ground that under Sec. 17 of R.A. 875, the Court of Industrial Relations, not the Court of First Instance, has jurisdiction over the case.

To determine the issue of jurisdiction, the pertinent part of Section 17 of R.A. 875, under which the lower court claimed jurisdiction, must be examined. The first part of the section provides: "It is hereby declared to be the public policy of the Philippines to encourage the following internal labor organization procedures. A minimum of ten per cent of the members of a labor organization may report an alleged violation of these procedures in their labor organization to the Court. If the Court finds, upon investigation, evidence to substantiate the alleged violation and that efforts to correct the alleged violation through the procedures provided by the labor organization's constitution or by-laws have been exhausted, the Court shall dispose of the complaint as in 'unfair labor practice' cases." The section then proceeds to enumerate the rights and conditions. It will be noted that while the section merely states "Court" without specifying which court, Section 2 of the same Act provides: "Court" means Court of Industrial Relations established by Commonwealth Act Numbered One Hundred and Three as amended, unless another Court shall be specified." Thus, We have already held that questions involving the rights and conditions of membership in a labor organization under Section 17 of the Industrial Peace Act shall fall within the jurisdiction of the Court of Industrial Relations.[4]

Clearly, therefore, the Court of First Instance erred in taking cognizance of the petition filed by Manabat, especially since at the time the petition was filed therein, the unfair labor practice case was already filed in the Court of Industrial Relations which thereby acquired complete jurisdiction, to the exclusion of the Court of First Instance.[5] Even the premise upon which the Court of First Instance based its grant of the injunction - that the Department of Labor officials had no intention of deciding the controversy between Manabat and Capistrano - was erroneous. The Department of Labor in fact declared Capistrano elected, after ruling that the invalidation of the 400 votes was an improper disenfranchisement of the union members. Consequently, the Court of First Instance also erred in denying the motion for reconsideration.

WHEREFORE, it is hereby declared that the Court of First Instance of Manila has no jurisdiction over its Civil Case No. 58912; said case should therefore be dismissed and the preliminary injunction therein issued, dissolved. No costs.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

[1] Case No. 342-ULP, p. 38 of the record.

[2] L-24081.

[3] Case No. 59812.

[4] Kapisanan ng mga Manggagawa sa MRR v. Bugay, L-9327, March 30, 1957; 101 Phil. 18; PLASLU v. Ortiz, L-11185, April 23, 1958; 103 Phil. 409.

[5] Citizens League of Free Workers v. Abbas, L-21212, Sept. 23, 1966.

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