

YOUNG MEN LABOR UNION STEVEDORES, PETITIONER, VS. THE COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.

G. R .No. L-20307. February 26, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On April 25, 1961, Nasipit Lumber Company, Inc. (NALCO) entered into a contract with both Young Men Labor Union Stevedores (YMLUS) and Victory Stevedoring and Labor Union (VISLU) whereby the two union bound themselves to undertake on a 50-50 basis the stevedoring or loading jobs of the NALCO's export products from the Port of Nasipit, Agusan. Said agreement was concluded in a conference called for such purpose in the presence of the Philippine constabulary officials stationed at Butuan City, the Provincial Fiscal of Agusan, the Justice of the Peace and Chief of Police of Nasipit, Agusan, and the officials and representatives of NALCO and the two unions.

On July 20, 1961, the YMLUS sent a letter to NALCO demanding the withdrawal of the loading jobs from the VISLU on the ground that the registration permit granted to the latter by the Department of Labor had been cancelled, and when VISLU was notified by the NALCO of such demand, it refused to abandon the 50% loading job granted to it under the agreement on the ground that the order of cancellation had not yet become final. On August 2, 1961, the YMLUS sent a notice of picketing to NALCO in which the 'former threatened to carry out "our picket line beginning August 9, 1961 to continue uninterrupted until you make up your mind to stop the loading and unloading of cargoes by the defunct VISLU or reassign the same to us, the YMLUS."

On August 9, 1961, the NALCO filed a petition with the Court of Industrial Relations which, as amended, prayed among others, that pending final determination of the case the court issue an order enjoining both unions to observe the status quo; and, after due hearing, to decide which of the two unions should be given the stevedoring job in controversy or whether the 50-50 arrangement which was arrived at on April 25, 1961 should be followed and complied with by the parties.

On August 23, 1961, after a series of bloody incidents resulting from the picketing by the members of the YMLUS and retaliation from the members of the VISLU, the NALCO filed a petition before the Court of Industrial Relations praying, among others, (1) to issue a temporary Restraining order against the officials, members and agents of the YMLUS, ordering them to refrain from blocking, obstructing, stopping, coercing, intimidating, or in any banner preventing the loading or unloading operations then assigned to the VISLU; (2) issue a similar temporary restraining order to the officers, members, and agents of the VISLU ordering them to desist in retaliating from the coercive acts of the YMLUS by any violent means; and (3) after due hearing, to issue an order making the two abovementioned injunctions permanent as to both unions.

At this stage of the proceedings both unions filed separate motion to dismiss mainly on the ground of lack of jurisdiction of the Court of Industrial Relations to act on the controversy. Subsequently, however, both unions withdrew their respective motions to dismiss and voluntarily submitted to the jurisdiction of the industrial court.

On May 16, 1962, Judge Arsenio Martinez, to whom the case was assigned, rendered a decision enjoining the parties to continue observing the 50-50 basis agreement entered into between them until it shall have been decided in a certification election to be undertaken by the Department of Labor which of the two unions should have direct relationship, thru collective bargaining, with the NALCO. The YMLUS and the NALCO filed each a motion for reconsideration only insofar as the decision ordered the holding of a certification election, and when both motions were denied by the court en banc, the YMLUS interposed the present petition for review.

In assailing the jurisdiction of the Court of Industrial Relations, petitioner anchors his argument primarily on the doctrine enunciated by this Court in the case of *Paflu vs. Tan*, 99 Phil., 854, wherein this Court enumerated the cases over which said court can exercise jurisdiction. While said case does not include a controversy of this nature among those enumerated therein, it does not follow that the industrial court is bereft of jurisdiction over it for the same involves a certification election. It is clear from the provisions of Republic Act No. 875 that matters pertaining to certification election involving two or more unions is one that is addressed to the jurisdiction of the Court of Industrial Relations [Section 12 (b), Republic Act 875]. Moreover, petitioner is now estopped to question the jurisdiction of the lower court for it is undisputed that it withdrew its motion to dismiss raising that issue and voluntarily submitted to its jurisdiction and presented its evidence. And so it has been held that "One who subjects himself to the jurisdiction of a court, even where he would not otherwise be subject to suit becomes subject to any valid claim asserted against him directly relating to the subject matter of his voluntarily initiated proceeding. * * * To permit one to invoke the exercise of jurisdiction within the general powers of the court and then to reverse its order upon the ground that it had no jurisdiction would, be to allow one to trifle with courts. The principle is one of estoppel in the interest of a sound administration of the laws * * * closes the mouth of the complainant" (*Perkins vs. Benguet Consolidated Mining Company, et al.*, 93 Phil. 1034).

We find no error in the order issued by respondent court requiring the Department of Labor to hold a certification election to determine which of the two unions should be the one to undertake the stevedoring job of the company. This is sanctioned by Section 12 (b) of Republic Act 875. Moreover, this is the only expedient way by which the rivalry between the two unions may be solved to avoid friction and other unfortunate incidents. And considering that certification proceedings are investigatory in nature which had been entrusted exclusively to the Court of Industrial Relations, we do not feel justified to interfere, Unless a grave abuse of discretion is shown. Such is not the case here.

"Considering that certification proceedings are investigatory in nature, since-

'the object of the proceedings is not the decision of any alleged commission of wrong nor asserted deprivation of rights but is merely that determination of proper bargaining units and the ascertainment of the will and choice of the employees in respect of the selection of a bargaining representative, determination of the proceedings does not entail the entry of remedial orders or redress of rights, but culmination solely in an official designation of bargaining units and an affirmation of the employees' expressed choice of bargaining agent.' (Rothenberg on Labor Relations, pp. 514-515; Labor Laws by Francisco, 3rd ed., Vol. I, p. 458);

taking into account that the conduct of such proceedings has been entrusted specifically to the Court of Industrial Relations (R. A. 875 sec. 12) and that they should be expedited as much as possible, this Court should not interfere with the discretion and judgment of that specialized tribunal in connection with such proceedings, at least in the absence of clear and patent abuse that in this case has not been shown to exist.' (*Benguet Consolidated, Inc., et al. vs. Bobok Lumber Jack Association, et al.*, L-11029 & L-11065, May 23, 1958)

The claim that respondent court prohibited petitioner from exercising its constitutional right to picket is not correct. What the court prohibited was the commission of illegal acts in connection with picketing which under our jurisprudence can be lawfully done. As a matter of fact, the picketing has resulted in many bloody incidents

because of the acts of retaliation on the part of the other rival union.

Finally, respondent court did not hold that petitioner is only entitled to 50% of the stevedoring work. What it declared was that the 50-50 arrangement concluded between the parties should continue until the result of the certification election shall have become final and executory and a collective bargaining contract entered into between the parties. This step is proper considering the situation then obtaining.

WHEREFORE, the order appealed from is affirmed. Costs against petitioner.

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

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