

UNION OBRERA DE TABACO, INC., TITO BELANGEL, ANDRES BRON, EXEQUIEL BERCES, ANDRES BORJAL, EMILIANO VOSOTROS, PEDRO BRAGAIS, SERGIO CALLA AND SOFRONIO BREVA, PETITIONERS, VS. HON...*G.R. No. L-25799. August 31, 1971*

Ponente: CASTRO, J.

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The protracted struggle for supremacy within the ranks of the petitioner Union Obrera de Tabaco, Inc., a duly registered labor organization with headquarters in Tabaco, Albay, was brought to a head when the respondent Perfecto Quicho, Judge of the Court of First Instance of Albay, Branch I, issued on March 8, 1966, in civil case 3182, a writ of preliminary mandatory injunction which ordered, among other things, the placing of the faction headed by the respondent Floro Buenconsejo in possession and control of the Union's headquarters and the ejectment there-from of the other faction under the petitioner Tito Belangel. A violent encounter between the two contending groups was narrowly averted when, at dusk of the same day, the provincial sheriff of Albay attempted to enforce the court's writ. On the following day, March 9, at the instance of the respondents Buenconsejo, et al., the court below issued a "breakthrough" order to give teeth to its injunction, directing the PC command in Tabaco to assist the sheriff in its enforcement. The execution of this last order, however, was put off when the sheriff entered into a three-day moratorium with the petitioner Belangel to fend off imminent violence in the dispute which affected nearly a thousand actively interested parties. On March 11 the petitioners Union, Tito Belangel, Andres Bron, Exequiel Berces, Andres Borjal, Emiliano Vosotros, Pedro Bragais, Sergio Calla and Sofronio Brevia came to this Court by way of a special civil action of certiorari and prohibition with prayer for a preliminary injunction. On March 15 we issued a temporary restraining order directing the respondent judge to desist from enforcing his writ until further orders.

The background facts are supplied by the pleadings of the parties and the annexes attached thereto.

It appears that the continuing feud between Buenconsejo's group, on the one hand, and that of Belangel's, upon the other, is part of the history of the Union Obrera de Tabaco, Inc.,[1] an organization of three decades' standing. Buenconsejo and several others were suspended a few years back from their membership in that Union which has been largely dominated by Belangel and his group. A case for unfair labor practice was subsequently lodged by Buenconsejo and similarly suspended members against Belangel and company, and the same was docketed in the Court of Industrial Relations as CIR case 4052-ULP.

The petitioners Tito Belangel, et al., allege in their petition before us that on January 31, 1966, the Registrar of Labor Organizations of the Department of Labor approved a membership resolution postponing the Union's general elections, fixed by the organization's governing laws for March 6, 1966, to March 7 of the following year. The petitioners further allege that adequate notice of this postponement was conveyed to all union members prior to March 6.

On February 8, 1966, however, Buenconsejo filed a supplementary petition for injunction in case 4052-ULP of the CIR, alleging that he was being unjustly prevented from running for the office of Union president in the election set for March 6, 1966 and that signatures of members were being illegally collected to insure the election of Belangel, his rival. In his prayer, Buenconsejo asked the CIR to order the Union and its incumbent officers to proceed with the general election of March 6, and, further, to recognize Buenconsejo's candidacy for president. Buenconsejo also asked the CIR for assistance in the conduct of that election.

On February 12, 1966, before Buenconsejo's supplementary petition could be acted upon, a decision was rendered in the main case by Judge Emiliano Tabigne, reinstating Buenconsejo to full membership in the Union. This latter decision apparently signaled the beginning of a revitalized struggle for the control of the organization.

In their answer filed with this Court, the respondents Buenconsejo, et al. allege that on March 1, 1966, pursuant to their request, the Undersecretary of the Department of Labor and officer-in-charge of the Bureau of Labor Relations instructed two of the Department's representatives to proceed to Tabaco to observe the conduct of the general election set for March 6. The respondents further allege that on March 4, a general membership meeting (obviously without the participation and sanction of the Union's incumbent officers including Belangel) was held by the Union and that it was there decided by the majority that the March 6 election would be held as originally set by the Union's rules. At about the same time, two representatives of the Department of Labor reportedly requested the Union's secretary in Tabaco for a complete list of its eligible voters. (No indication in the records appears as to whether or not the request was heeded.) On March 5 Buenconsejo requested the assistance of both the Philippine Constabulary and the local police in the conduct of the election scheduled for the following day. Finally, on the morning of March 6, Buenconsejo presented himself and his followers, together with the government representatives he had earlier mustered, at the doors of the Union's building in Tabaco and requested Belangel for the use of the Union hall for their projected election. The request was allegedly rejected by the latter on the ground that the general election had been earlier officially postponed for the following year. Unable to make any headway with the incumbent tenants of the Union's building, Buenconsejo and his group left and conducted their election elsewhere in Tabaco. Buenconsejo was subsequently proclaimed winner with a vote of 623 as against Belangel's 39 votes. Others in Buenconsejo's ticket were similarly proclaimed. On March 7 the elected winners took their oath of office.

In their petition at bar, the petitioners Belangel, et al. contend that the election of March 6 was a farce because only 112 of a total of 994 eligible voters took part therein, the rest being of questionable status. The petitioners add that there were no prior notice and publication respecting the election as required by the Union's governing laws nor were the proper electoral board and committee on electoral protests constituted.

In any event, on March 8, a complaint docketed as civil case 3182 was filed by Buenconsejo and his company of elected officials with the Court of First Instance of Albay, Branch I, against Tito Belangel and others for usurpation of organization functions. The complaint contained an ex parte petition for a writ of preliminary mandatory injunction for the immediate ouster of the defendants and for the installation of Buenconsejo and those supposedly elected with him. On the same day, the respondent judge issued the writ asked for and followed the same with a "break-through" order the day after.

Hence the present action for certiorari and prohibition.

Lest this Court be misunderstood, the validity of the election of March 6, 1966 which allegedly saw the election of Buenconsejo and others to positions of power in the Union, is not an issue in the present case. The recitals above were made only for the purpose of providing a full understanding of the nature of the dispute between the parties.

The sole question posed to us by the petition at bar is, whether the Court of First Instance of Albay, presided by the respondent judge, had jurisdiction to issue in civil case 3182 the writ of preliminary mandatory injunction of March 8, 1966. But beyond this is the more basic question of whether that court had jurisdiction, in the first place, over the subject-matter of the case before it.

This Court has invariably held that the jurisdiction of a court over the subject-matter of an action is determined by the allegations of the complaint.[2]

Let us therefore turn our attention to the complaint filed by the respondents Buenconsejo, et al., dated March 8, 1966, on the basis of which the writ of preliminary mandatory injunction in question was issued. In substance, it is there alleged that the Union Obrera de Tabaco, Inc. is a duly registered labor organization; that Buenconsejo and his co-plaintiffs are duly elected officers of the Union, having been elected in the election of March 6, 1966 held pursuant to the provisions of the Union's constitution; and that Belangel and his co-defendants have continuously refused to relinquish the positions previously held by them in the organization. Buenconsejo and company invoke article 26 of the Union's constitution as the primary authority sustaining their right to office. This article reads:

"Elections -- The Board of Directors as provided for in Article 4, Chapter 2, shall hold office for two (2) years and shall be elected only by the DIRECT VOTES of all members thru SECRET BALLOT to be held on the FIRST SUNDAY of March, commencing MARCH 1964; Provided that in such election at least more than one-half (1/2) of the registered and qualified members shall take part, and the newly elected officers shall take oath and qualify on the day following their election."

Ultimately, the mischief sought to be removed by the plaintiffs' action is the alleged flaunting by Belangel and the other incumbent officials of the right of the membership of the Union to change its leaders. This actionable wrong is within the exclusive jurisdiction of the Court of Industrial Relations. Section 17(c) of Republic Act 875, as amended (otherwise known as the Industrial Peace Act), provides that violation of the right of the members of a labor organization to elect officers by secret ballot at intervals of not more than two years shall, after efforts to correct such violation through procedures evolved by the organization itself, be disposed of by the Court of Industrial Relations as in "unfair labor practice" cases. Clearly, the Court of First Instance of Albay had no power to hear the case filed by the respondents Buenconsejo, et al., let alone issue a writ of preliminary mandatory injunction in relation thereto.[3]

By way of postscript to this decision, it should be stated that on May 7, 1966, the respondents Buenconsejo, et al. filed with this Court an urgent motion to restrain the petitioners Belangel, et al. from carrying out a projected union election set for May 29, 1966. In their telegraphic comment of May 26, 1966, the petitioners opposed this motion on the ground that Buenconsejo and his group are deemed to have withdrawn the same when they subsequently filed their certificates of candidacy for the May 29, 1966 poll. Further, the petitioners alleged that the projected election had been submitted to the CIR in case 4052-ULP(2) for approval and supervision. Another wire sent by the petitioners on May 27, 1966 informed this Court that the CIR had already approved the holding of the election on May 29. In a subsequent manifestation, the petitioners confirmed the contents of their two telegrams and further informed this Court that on April 30, 1966, a general membership meeting had revoked a prior resolution postponing the Union's general election for one year and had instead decided to hold the same on May 29, 1966; that on May 29, 1966, the election was so held with the attendance of two hearing commissioners of the CIR and a representative of the Department of Labor; and that the result of the election has been submitted to the CIR for its consideration and approval incident to the unfair labor practice case pending therewith.

On July 20, 1966 the petitioners furnished this Court with copies of the order of the CIR approving the result of the election of May 29, 1966, together with the corresponding reports of the hearing commissioners. The present

petition was set for oral argument on July 22, 1966 but only the petitioners appeared to argue their case. The respondents Buenconsejo, et al. filed a written manifestation submitting the case for decision without further argument. The respondents' motion of May 7, 1966 has thus been rendered moot and academic by the above-narrated supervening events.

Nor is the said motion the only matter that has become academic. In the light of the supervening events above adverted to, it is indubitable that the issues posed by the complaint a quo have all been resolved by the Court of Industrial Relations in case 4052-ULP (2) with finality and to the satisfaction of all the parties. No useful purpose will therefore be served in lengthening the life of the case pending in the court a quo.

ACCORDINGLY, the petition at bar is dismissed, and the case below, civil case 3182, is hereby likewise ordered dismissed. No pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

[1] Buenconsejo vs. CIR, et al., L-22508, November 25, 1968, 26 SCRA 19.

[2] The latest case on this point is Bautista vs. Fernandez, L-24062, April 30, 1971, 38 SCRA 548, 552. Cf. Rustan Supervisory Union vs. Dalisay, L-32891, April 29, 1971, 38 SCRA 500, 505.

[3] PLASLU vs. Ortiz, 103 Phil. 409, 411.

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