

**NATIONAL POWER CORPORATION SUPERVISORS’ UNION,
PETITIONER, VS. NATIONAL POWER CORPORATION, NATIONAL
POWER CORPORATION EMPLOYEES & WORKERS
ASSOCIATION, ATTY. SIMPLICIO S. BALCOS ...**

G.R. No. L-28805. April 28, 1969

Ponente: DIZON, J.

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DIZON, J.:

On April 16, 1968, upon motion of herein petitioner, We issued a writ, of preliminary injunction to this effect:

"NOW, THEREFORE, until further orders from this Court, You (respondent National Power Corporation) are hereby restrained from making any deductions from the salary differentials and/or salary increases of the supervisors of the NPC corresponding to 20% attorney's fee payable to the respondent Atty. Simplicio S. Balcos; and You (respondent Hon. Judge Arsenio Martinez) are hereby restrained from taking and conducting any further proceedings in Case No. 81-IPA of the court of Industrial Relations, entitled 'NPC Employees and Workers Association versus National Power Corporation, respondent; National Power Corporation Supervisors' Union, movant', insofar as it involves and/or affects herein petitioner."

On February 28, 1969 Carmen Quilop and others, through Atty. Jimenez B. Buendia, filed a motion praying for the issuance of an order clarifying whether or not the above injunction applies to them, and if it does not, to authorize the Court of Industrial Relations to proceed with hearings to determine the pay that movants should receive in the light of Republic Act No. 4657 (Teves Law) and the provisions of the existing Collective Bargaining Agreement between the National Power Corporation and the National Power Employees and Workers Association.

It appears that in connection with an agreement supplemental to the existing collective bargaining agreement between the Corporation and the Association, approved by the Court of Industrial Relations in its order of January 8, 1968, a petition was filed on March 27 of said year to implement said order. The Court, resolving said motion, ruled that the salary or pay to be received by the movants, considering the provisions of Republic Act 4657 (Teves Law) and those of the basic collective bargaining agreement "will be determined by the Court" and, as a matter of fact, set the case for hearing in connection therewith on November 26, 1968. This hearing, however, was not held in view of the objection interposed by the National Power Corporation Employees and Workers Association who claimed that the holding thereof would violate the writ of preliminary injunction issued by us.

In connection with the motion under consideration, we required the interested parties to submit their comments. Petitioner, through counsel, submitted its comments on March 18, 1969 saying, in effect that as movants are not its members, petitioner is not concerned in any proceedings below as long as they do not in any manner affect or involve its rights and interests and those of its members. For its part, the National Power Corporation Employees and Workers Association, through counsel, submitted its comments on March 26, 1969 objecting to the holding of the hearing until such time as the question of whether movants are supervisors has been determined and

suggesting that their remedy is to move for a reconsideration of the court's order dated February 27, 1969 holding in abeyance the proceedings in Case No. 81-IPA until after the Supreme Court has dissolved the writ of preliminary injunction issued by it in this case and/or the status of the movants has been finally determined.

The writ of preliminary injunction in question mainly restrains the respondent NPC from making deductions from the salary differentials and/or salary increases of the supervisors of the NPC corresponding to 20% attorney's fees payable to respondent Atty. Simplicio Balcos, and to this effect further restrained the respondent judge from taking and conducting further proceedings in Case No. 81-IPA in so far as it involves or affects herein petitioner.

It is our view, therefore, that hearings to be held by the Court of Industrial Relations in relation to its order of January 8, 1968, for the purpose of determining the pay to be received by movants, and even for the purpose of determining the question of whether or not they belong to the supervisors class, will not violate the writ of preliminary injunction thus issued by this Court, as long as no order is issued providing for deductions from the salary differentials or increases of the supervisors of the NPC, or granting any relief adversely affecting petitioner herein.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Sanchez, Fernando, Teehankee, and Barredo, JJ., concur.

Concepcion, C.J., and Castro, J., on leave.

Capistrano, J., did not take part.

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