

GOVERNMENT SERVICE INSURANCE SYSTEM EMPLOYEES ASSOCIATION (CUGCO-KMP), ET AL., PETITIONERS, VS. HON. GREGORIO T. LANTIN, ET AL, RESPONDENTS.

G.R. No. L-18927. September 30, 1963

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On August 17, 1961, a labor dispute arose between the several unions comprising the employees of the Government Service Insurance System and the latter concerning the implementation of a collective bargaining agreement entered into between them relative to salary scales which labor dispute was certified by the Executive Secretary to the Court of Industrial Relations for action. The validity of this certification was impugned by the unions on the ground that it was unauthorized by law.

As an outgrowth of the abovementioned labor dispute a strike was declared by the members of the unions against the GSIS in the course of which attempts were made by the leaders of the unions to negotiate with Gregorio S. Licaros in his capacity as Chairman <4 the Board of Trustees of the GSIS regarding the settlement of their differences, but Licaros refused the proffer of negotiation. As a result, the unions filed a complaint for unfair labor practice against Licaros before the Court of Industrial Relations charging him with refusal to bargain with the unions as authorized by law. Because of the picketing which the members of the unions set up around the premises of the GSIS in an attempt to prevent it to perform its functions, Licaros, who at the same time was the Chairman of the Board of Governors of the Development Bank of the Philippines, allowed the officials and a portion of the staff of the GSIS, especially its treasurer, to hold office in the premises of the latter bank in order that its functions will not be disrupted, which action prompted the members of the unions to likewise cause the peaceful picketing of the premises of the bank by displaying placards to inform the public of the labor dispute that was then going on.

Hence , on September 27, 1961, the Developement Bank of the Philippines filed an action against the several unions before the Court of First Instance of Manila seeking to prohibit the picketing of its premises. At the same time, it prayed for the issuance of a writ of preliminary injunction pending determination of the case on the merits. Judge Gregorio T. Lantin, who was presiding the court, without previously setting the petition for hearing, immediately issued the writ prayed for upon the filing on the part of the bank of a cash bond in the amount of P20,000.00. As a consequence, the Chief of Police of Manila, assisted by his agents, implemented the order by dispersing those who were engaged in picketing to the extent of arresting some of them who proved hostile even before a copy of the writ was actually served on the unions.

Considering that in issuing the writ of preliminary injunction ex parte in a manner contrary to Republic Act 875 Judge Lantin acted without jurisdiction, or with grave abuse of discretion, the unions interposed the present petition for certiorari with preliminary injunction.

This Court gave due course to the petition, requiring respondents to answer within 5 days from notice, but

declined to issue the writ prayed for.

In the meantime, the labor dispute that gave rise to the strike and picketing was amicably settled as a result of which the employees composing the unions returned to work. Eventually, also, the writ of preliminary injunction issued by respondent court became moot with the cancellation of the cash bond put up by the Development Bank of the Philippines. It, therefore, appears that this petition has also become moot.

Wherefore, petition is dismissed. No costs.

Bengzon, C. J., Padilla, Labrador, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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