

ATTY. VICENTE T. OCAMPO AND PHILIPPINE AIR LINES EMPLOYEES ASSOCIATION (PALEA), PETITIONERS, VS. ATTY. EULOGIO R. LERUM, THE NATIONAL LABOR RELATIONS COMMISSION AND THE DEPUTY M...

G.R. No. L-50733. June 23, 1988

Ponente: GANCAYCO, J.

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GANCAYCO, J.

This is a Petition for certiorari under Rule 65 of the Rules of Court.

The record of the case discloses that the herein petitioner Philippine Air Lines Employees Association (PALEA) is a legitimate labor organization duly registered with the Department of Labor and Employment. Its members are rank and file employees of the national flag carrier, Philippine Air Lines (PAL). The PALEA appears to be the collective bargaining representative of the said employees.

As of 1967, two groups of union leaders were vying for recognition as the duly elected officers of the PALEA. One group was led by one Emilio Sano (hereinafter referred to as the Sano Faction) while the other was headed by a certain Fortunato Biangco (hereinafter referred to as the Biangco Faction). The herein petitioner Atty. Vicente T. Ocampo was the retained counsel of the Sano Faction while the herein private respondent Atty. Eulogio R. Lerum was the retained counsel of the Biangco Faction. Both Sano and Biangco were claiming to be the duly elected president of the PALEA. Accordingly, both factions were questioning each other's authority to represent the union membership for purposes of collective bargaining with the management. Negotiations for salary increases were initiated earlier during the year but because of the said intramurals, the same had been unduly protracted. The Biangco Faction appears to have spearheaded the said negotiations.

On December 18, 1967, the Sano Faction filed a Complaint for unfair labor practice with the then Court of Industrial Relations (CIR) against PAL, Mr. Biangco and other parties.[1] It was alleged in the Complaint that PAL was negotiating a collective bargaining agreement with the Biangco Faction when it should instead be dealing with the Sano Faction. The Sano Faction asked the industrial court to restrain PAL from dealing with the Biangco Faction, and from delivering to the PALEA or the Biangco Faction all union dues and special assessments paid by PALEA members. In lieu of such delivery, the Sano Faction prayed that the same be deposited with the CIR. The industrial court issued an Order to the effect that the said exactions should be deposited with it until after the case shall have been resolved on the merits.[2] However, the matter as to whether or not PAL could deal with the Biangco Faction remained unresolved.[3]

While the case was pending before the industrial tribunal, or more specifically, on April 28, 1969, PAL and the Biangco Faction, the latter assisted by private respondent Atty. Lerum, signed a collective bargaining agreement wherein PALEA members were given retroactive wage increases. At the request of the PALEA, PAL deducted from the said retroactive wage increases the amount of 15% as attorney's fees and 5% as union service fee of the

PALEA. The attorney's fees sum up to P64,472.48.

Upon the motion of petitioner Atty. Ocampo, the CIR ordered PAL to deposit with it the said amounts so deducted, subject to further disposition.[4] The industrial court likewise ordered that the said deductions and deposit requirement are also applicable to nonunion members who benefited from the retroactive wage increases.[5]

Upon the filing of a surety bond, petitioner Atty. Ocampo was able to withdraw, with leave of the court, the total sum of P26,000.00. Private respondent Atty. Lerum was likewise able to withdraw the sum of P30,000.00 upon the filing of a bond.

On August 26, 1969, the PALEA held an election for officers of the association, ostensibly for the purpose of resolving once and for all the rivalry between the two factions. Mr. Biangco was elected president.

On August 10, 1970, private respondent Atty. Lerum filed a motion to withdraw the attorney's fees deposited with the CIR on the ground that the entire amount should belong to him as compensation for the services he rendered in arranging the retroactive wage increases.[6]

On November 11, 1972, petitioner Atty. Ocampo filed with the CIR a Manifestation stating therein that he is entitled to one-half ($\frac{1}{2}$) of the attorney's fees deposited with the industrial court. The petitioner also asked that the issue pertaining to the said attorney's fees be ventilated in another court.[7] The CIR took no action on the same.

On November 1, 1974, the CIR was abolished pursuant to the new Labor Code of the Philippines.[8] In lieu of the same, the National Labor Relations Commission (NLRC) was established. The case pertaining to the said attorney's fees was transferred to the NLRC and assigned to a labor arbiter. In due time, the labor arbiter dismissed the case for lack of jurisdiction on the part of the NLRC.[9]

Private respondent Atty. Lerum appealed the case to the NLRC en banc. In a Resolution promulgated on May 19, 1977, the NLRC en banc set aside the ruling of the labor arbiter and ordered in its stead that petitioner Atty. Ocampo return to the NLRC the sum of P26,000.00 he had earlier withdrawn so that the same could be turned over to private respondent Atty. Lerum.[10]

Petitioner Atty. Ocampo elevated the case to the Secretary of Labor on February 20, 1977. Then Deputy Minister of Labor Amado Inciong affirmed the Resolution of the NLRC en banc.[11]

Hence this Petition, anchored on the argument that the NLRC and the Deputy Minister of Labor committed a grave abuse of discretion when they virtually awarded all of the attorney's fees in the total sum of P64,472.48 to private respondent Atty. Lerum.

In due time, the parties submitted their respective pleadings in support of their arguments.[12] Thereafter, the case was deemed submitted for decision.[13]

After a careful examination of the entire record of the case, We are convinced that the instant Petition is devoid of merit.

The sole important issue in this case, as can be gleaned from the record, is this: Who is lawfully entitled to receive the attorney's fees in question in the total amount of P64,472.48? The petitioner insists that he is entitled to one-half ($\frac{1}{2}$) of the said amount for the reason that he participated in the litigation involving the entire PALEA. On the other hand, the private respondent maintains that he is entitled to the entire amount because he was the lawyer who negotiated and consummated the agreement between PAL and PALEA as regards the retroactive wage increases. The private respondent also adds that the petitioner is not entitled to any amount thereof for the reason that he (the petitioner) even tried to restrain the said negotiation.

The record of the case clearly discloses that the private respondent Atty. Lerum was primarily responsible for negotiating for the PALEA the retroactive wage increases mentioned earlier, to the exclusion of petitioner Atty. Ocampo. PAL could validly deal with the Biangco Faction represented by Atty. Lerum because no court order had been issued restraining PAL from doing so. The record of the case also reveals that Atty. Ocampo tried his best to enjoin the negotiations initiated by Atty. Lerum by questioning the same before the Court of Industrial Relations and even this Court.

On the basis of the foregoing observations, We cannot see how Atty. Ocampo could be entitled to any part of the said attorney's fees. The attorney's fees emanated from the retroactive wage increases negotiated by Atty. Lerum. Accordingly, and under the circumstances obtaining in this case, the said attorney's fees should belong to Atty. Lerum to the exclusion of Atty. Ocampo, We, therefore, find no grave abuse of discretion on the part of the public respondents in reaching this conclusion.

One final word. Both the petitioner and the private respondent seem to misunderstand the nature and extent of certiorari as a special civil action under Rule 65 of the Rules of Court. Inasmuch as the petition raises jurisdictional errors on the part of the said court, the defense that the questioned decision or judgment has become final one, executory is not available because an error of jurisdiction on the part of the court concerned renders the questioned decision, judgment or order void. Being void, it cannot assume validity with the mere passage of time. Thus, there is no specific period of time within which the remedy may be availed of. The writ must be invoked within a reasonable period of time after the promulgation of the questioned issuances. As to what amounts to a reasonable period of time within this context is a question addressed to the sound discretion of the reviewing court. And as a general rule, the writ does not lie when an ordinary appeal is available.[14]

WHEREFORE, in view of the foregoing, the instant Petition for certiorari is hereby DISMISSED for lack of merit. Costs against the petitioner.

SO ORDERED.

Narvasa (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Annex "G", Petition; pages 42 to 46, Rollo, 14 Rule 65, Rules of Court.

[2] Page 55, Rollo.

[3] The parties sought other remedies on the matter, including a review by this Court. Ultimately, the issue was one within the province of the CIR to resolve.

[4] Order of the CIR dated June 4, 1969; pages 58 to 61, Rollo.

[5] Order of the CIR dated December 6, 1969; pages 62 to 64, Rollo.

[6] Pages 67 to 70, Rollo.

[7] Pages 71 and 72, Rollo.

[8] Presidential Decree No. 442.

[9] Pages 73 to 74, Rollo.

[10] Pages 27 to 31, Rollo.

[11] Pages 32 to 33, Rollo. The decisions of the National Labor Relations Commission are now brought directly to the Supreme Court for review by way of a special civil action for certiorari under Rule 65 of the Rules of Court.

[12] The Office of the Solicitor General represented the herein public respondents.

[13] Page 234. Rollo.

[14] Rule 65, Rules of Court.

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