

MERALCO WORKERS UNION, PETITIONER, VS. THE HONORABLE JUDGE NICASIO YATCO, AND MANILA ELECTRIC COMPANY, RESPONDENTS.

G.R. No. L-19785. January 30, 1967

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Petition for certiorari with preliminary injunction by Meralco Workers Union, hereinafter called the Union, against the Honorable Nicasio Yatco, Presiding Judge of the Court of First Instance of Quezon City, and the Manila Electric Company, hereinafter called the Company.

On May 15, 1962, the Company filed a complaint against the Union in the Court of First Instance of Quezon City with a prayer for the issuance of a writ of preliminary injunction ordering the Union "to restrain (sic) and desist from obstructing, stopping, blocking, coercing, intimidating or in any way or manner preventing plaintiff Hermenegildo B. Reyes, the executives and officials and the non-striking employees of the Company from going in and out of its main office, of the Rockwell and Blaisdell power plants and all other offices, stations and plants of the Company."

Defendant Union opposed the prayer for injunction on the ground of lack of jurisdiction, the matter being one which involved a labor dispute. After the incident was heard on May 17, 1962, respondent Court granted the writ prayed for in its order of May 18, 1962, on the basis of the following facts which it considered established at that hearing:

"During the summary hearing, Mr. H. B. Reyes was presented by the plaintiffs as its lone witness. He testified that he is the Vice President of the Manila Electric Company, as well as its legal counsel. He said that he is the one directly responsible in resolving all labor questions and relations with employees and all negotiations in connection with any demands or complaints of the union and the employees collective bargaining agreement with the Meralco Workers Union effective as of January 1, 1957 for five (5) years or which expired on December 31, 1961. However, before the expiration of the five (5) year period, or more particularly on October, 1961, the union transmitted its demand for a renegotiation with plaintiff company, at the same time sending their demands. In accordance with his duties, Mr. H.B. Reyes, negotiated with the members of the Union with the aim in view, of coming to a settlement as to the demands conveyed by the union. The first preliminary negotiation was held on December 13, 1961, Subsequently, they held various conferences, more particularly, on February 19 or 23, March 1 and March 7, after which a written reply to the demands was made by him (Exh. A) and the reply thereto of the union marked as Exh. A-1, was presented. On April 2, 1962, the company received a notice of strike from the defendant union dated March 26, 1962 (Exhs. B and B-1). At 7:15 in the evening of May 3, 1962, a strike was declared by the defendant union. During the strike, attempts had been made to settle the case by no less than the Secretary of Labor Norberto Romualdez, Undersecretary of Labor Bernardino Abes and Director Guevara of the Bureau of Labor Relations, so much so, that lengthy conferences had been conducted. Finally, however, the government officials interceding to settle the dispute amicably gave up all hopes as according to them, the leaders of the defendant union are making an

unreason-able demand.

It also appears from the testimony of Mr. H. B. Reyes that since the strike was officially declared at 7:15 in the evening of May 3, 1962, the members of the striking union have picketed the of-fice of the Meralco at San Marcelino Street, and all its offices and sub sta-tions. The picket line refused to allow non-striking employees of the plaintiff company to perform their usual chores, so much so, that they coerced and intimidated those who wanted to break through the picket lines. Citing specific exam-ples, Mr. H. B. Reyes, testified that in the Rockwell station of the plaintiff company situated at Makati, Rizal, there are about 6 to 7 employees virtually detained inside the station because the members of the defendant union formed a picket line therein, and said employees cannot come out of the compound because they cannot come in anymore, in which event, the service of the plaintiff company to the Cities of Manila, Que-zon, Pasay, Caloocan, San Pablo, Lucena and Provinces of Cavite, Laguna, Bulacan, Rizal and Quezon will be cut off resulting into a complete and total black-out in said cities and provinces. As a matter of fact, Mr. Reyes, testified that food to the people inside the Rockwell station cannot be taken in by land transportation as the members of the defendant union coerced and blocked the passage-way of the trucks intending to enter the Rockwell Station. Hence, the plaintiff company thought of supplying food to them by means of airplane. However, this be-came dangerous because the members of the union devised a way of harassing the airdropping of food by shooting rockets into the air which made it hazard-ous not only to the airplane but also to the inhabitants within the vicinity of said station by virtue of the fact that if the airplane is hit by the rocket, it may plummet down to the station and it will cause a conflagration. Likewise, the rocket might fall down and hit a sen-sitive part of the station which might cause a conflagration.

In Blaisdell Station at Isla de Provisor in Manila, the same thing is happening. Mr. Reyes averred that there is a lone road leading to the station which is blocked by the picket line of the de-fendant union. The members of the picket line block all vehicles that intend to go to the compound, hence the plaintiff company devised a method of sending food to the people inside the Blaisdell Station by means of tugboats. There were ins-tances, however, where this method proved futile as the defendant union also used two tugboats in order to intercept the tugboat of plaintiff company thereby frustrating the attempt of the plaintiff company to bring in food.

In Manila, with the exception of Mr. H. B. Reyes and the personnel manager, the picket line prevents the non-striking employees and customers of Meralco from entering inside the office compound at the pain of threats and intimidation. Thus, since the declaration of the strike, the office compound is completely para-lyzed.

In Quezon City, an incident of violence was reported. In the evening of May 4, a report was intercepted by the company that a certain area in La Loma, Quezon City, was without lights. The next day May 5, Mr. Evans went on an inspection tour of the place and seeing nobody there, he sent Loreto Baetiong, a non-striking employee, to go and fix the transformer. While Baetiong was already fixing the transformer, and climbing the post he was asked to come down by a certain Villarba a member of the striking union. After coming down the post, Villarba, with a shotgun in his hand, chased Baetiong and when the latter was cornered, Villarba hit him with the butt of the shotgun resulting in the filing of a complaint with the Fiscal's Office.

A more serious incident was related by Mr. H. B. Reyes in Court. He testified that on May 12, at about 1:30 in the morning, the transmission line connecting Manila with the Botocan hydro-electric plant automatically ran out of circuit. So, the whole area was scouted and the scouting crew discovered that the steel tower was sawed off. The photographs showing the condition of the tower and the base thereof as it is sawed off is portrayed in the photographs marked as Exhibits D-1, D-2, and D-4, and in the Manila Times issue of May 15, 1962, marked as Exhibit D.

The foregoing substantially shows the acts of violence relied upon by the plaintiffs in seeking from this Court a writ of preliminary injunction."

The Union moved to reconsider the order, but pending resolution of its motion filed the instant petition for certiorari in this Court, with a prayer for preliminary injunction. Subsequently the Union withdrew its motion for reconsideration. This Court gave due course to the petition but did not issue the preliminary injunction prayed for by petitioner.

On May 30, 1962, the same day this Court gave due course to the petition, a "Return to Work Agreement" was entered into by the Union and the company in the Bureau of Labor Relations. By virtue of that agreement the labor dispute between them was settled, the strike and picketing ended and the members of the Union returned to work under a no-strike and no-lockout stipulation.

Respondent company thereafter filed a motion to dismiss the instant petition without regard to the merits because the issues had already become moot. We believe that the motion is well taken. The acts enjoined by the writ of preliminary injunction issued by respondent Judge no longer exist. It is a settled rule that a court will not determine moot questions or abstract propositions, nor express an opinion in a case in which no practical relief can be granted.

Petitioner Union objects to the dismissal on the ground that it has a claim for damages allegedly suffered by it by reason of the improper issuance of the injunction, and points out that a ruling thereon is necessary for purposes of such claim.

We believe that petitioner's objection is without merit. The preliminary injunction issued by respondent Court was not against the strike declared by the Union or the picketing it was conducting, but against acts of violence and intimidation which on their face were unjustified, not to say unlawful. Irrespective of the question of jurisdiction, an order of the court prohibiting the commission of such acts cannot conceivably be a ground on which to base a claim for damages. On the other hand, the parties having come to an amicable settlement of their main dispute, apparently without any reservation as to any contemplated claim for damages, a definite termination of this litigation would be more conducive to the preservation of industrial peace and, from the long-range viewpoint, more beneficial to the employees concerned.

Wherefore, the petition is dismissed, without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Bengzon, J.P., Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.

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