

**DONATO LOPEZ, JR., PETITIONER, VS. THE COURT OF FIRST INSTANCE OF MANILA AND GENARO C. BAUTISTA, RESPONDENTS.***G.R. No. L-26358. June 27, 1975*

Ponente: FERNANDO, J.

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What is assailed in this certiorari and prohibition proceeding was the assumption of jurisdiction by respondent Court of First Instance over a suit<sup>[1]</sup> involving the presidency of a labor union, the contest being between petitioner Donato Lopez, Jr., who was elected to such position,<sup>[2]</sup> and private respondent Genaro C. Bautista. Petitioner won the election but could not, however, assume office, as private respondent was able to obtain a preliminary injunction ex parte from the then Judge Francisco Geronimo.<sup>[3]</sup> There was a motion for the lifting of such preliminary injunction<sup>[4]</sup> based on the ground of lack of jurisdiction but it was denied.<sup>[5]</sup> A motion for reconsideration<sup>[6]</sup> with the citation of the statutory provision as well as the pronouncements of this Tribunal to stress the point that it was a matter that should be left to the Court of Industrial Relations met the same fate.<sup>[7]</sup> Respondent Court adhered firmly to the view that the matter was clearly within its power, notwithstanding the vigorous plea by petitioner that the competence over disputes involving labor unions by law, as authoritatively interpreted, belongs not to the judiciary but to an administrative agency, the Court of Industrial Relations. Hence, this action for certiorari and prohibition. As will now be discussed, it is impressed with merit.

We start with Section 17 of the Industrial Peace Act,<sup>[8]</sup> the statute applicable to this controversy.<sup>[9]</sup> As far back as *Kapisanan ng mga Manggagawa vs. Bugnay*,<sup>[10]</sup> decided in 1957, this Court, through Justice Montemayor, explicitly declared that under this provision, "questions involving the rights and conditions of membership in a labor organization, fall within the jurisdiction of the CIR."<sup>[11]</sup> *Phil. Land-Air-Sea Labor Union vs. Ortiz*,<sup>[12]</sup> decided a year later, is even more relevant. Again, this Court, speaking through the same jurist, reiterated such a view. In this action for certiorari and prohibition seeking to annul the decision of the then respondent Judge Montano A. Ortiz, it was shown that notwithstanding the fact that there was an intramural dispute between a member and the officers of a labor union, the lower court denied a motion to dismiss on the ground of lack of jurisdiction. The Supreme Court reversed on the authority of the above *Kapisanan ng mga Manggagawa* decision. As succinctly put by Justice Montemayor: "This same question has already been submitted to and decided by this Court, for which reason, we do not deem it necessary to discuss it at length."<sup>[13]</sup> He elaborated on the basis of this doctrine thus: "One reason, in our opinion, why cases involving the rights and conditions of membership in a labor union or organization are placed within the exclusive jurisdiction of the Court of Industrial Relations is that said court is in a better position and is more qualified than ordinary courts to determine said cases, dealing as it does with problems of management and labor, the latter represented by labor unions, the activities of such labor organizations and their members, certification elections to determine the labor unions as a bargaining agency to deal and negotiate with the management, . . ."<sup>[14]</sup> Then came a 1959 decision which is quite in point, *Philippine Association of Free Labor Unions vs. Padilla*.<sup>[15]</sup> This was an appeal from an order of the Court of First Instance of Camarines Norte dismissing plaintiffs' complaint precisely on the ground of lack of jurisdiction over the subject matter of the action.<sup>[16]</sup> What was sought in the case, among others, was the ousting of the defendants

from their respective positions as officers of the labor union.[17] It needed only one paragraph for Justice Labrador as ponente to dispose of the contention that the lower court and not the Court of Industrial Relations had jurisdiction. Reference was made to the Industrial Peace Act and it was then noted that "the court vested with jurisdiction to take judicial cognizance of actions involving violations of internal labor organization procedures is the Court of Industrial Relations, [therefore] the lower court correctly dismissed the complaint presented by the plaintiffs." [18]

Nothing seems to be clearer, therefore, than that the lower court ought to have manifested receptivity to the plea that the question of who was rightfully elected to the presidency of a labor union was one for the then Court of Industrial Relations to decide. Surprisingly, the lower court, acting through three edges one after the other, came to a contrary conclusion. It would appear, therefore, that there is some truth to the observation made about occupants of the bench being reluctant to any diminution of their competence in favor of administrative agencies. It was so even in the United States where for some time the vesting of sole and exclusive competence to administrative agencies, at least in its initial stages, subject later to judicial review by an appellate tribunal, hardly elicited the enthusiasm of the traditionalists in the legal profession.[19] At any rate, in that country and even more so in the Philippines, as is exemplified by the new Labor Code,[20] there is now a greater understanding of the role rightfully played by administrative bodies as official instrumentalities in the enforcement of regulatory statutes. What has just been said, therefore, could explain, but certainly would not justify, the assumption of jurisdiction by the lower court.

WHEREFORE, the writ of certiorari is granted and the order granting the writ of preliminary injunction dated February 3, 1966, as well as the order denying the motion for dissolution and a motion to dismiss filed by petitioner as defendant of February 25, 1966, and the order denying the motion for reconsideration thereof of June 30, 1966 are set aside and declared null and void. The writ of prohibition is likewise granted, perpetually restraining the lower court to take any further action in Civil Case No. 64113, Branch IV of the Court of First Instance of Manila, pending therein except for the purpose of dismissing the case. Costs against Genaro C. Bautista.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

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[1] Special Civil Action No. 64113, Court of First Instance of Manila, Branch IV.

[2] The labor union composed of the rank-and-file employees of the National Waterworks and Sewerage Authority is the KKMK-NWSA (PAFLU).

[3] Petition, Annex B.

[4] Ibid, par. 6, Annex C.

[5] Ibid, par. 7, Annex D. Respondent Court was then presided by the then Judge Egmidio V. Nietes.

[6] Ibid, par. 8, Annex E.

[7] Ibid, par. 9, Annex F. Respondent Court this time spoke through the then Judge Placido Ramos.

[8] Republic Act No. 875 (1953).

[9] Insofar as pertinent, Section 17 which deals with the rights and conditions of membership in labor organizations provides that members "shall also have the right to elect officers by secret ballot at intervals of not more than two years...."

[10] 101 Phil. 18.

[11] Ibid, 23.

[12] 103 Phil. 409 (1958).

[13] Ibid, 411.

[14] Ibid, 413.

[15] 106 Phil. 591.

[16] Ibid, 592.

[17] Ibid, 594.

[18] Ibid, 596. Cf. *Capistrano vs. Bogar*, L-24707, January 18, 1968, 22 SCRA 155; *Catura vs. Court of Industrial Relations*, L-27392, January 30, 1971, 37 SCR A 303.

[19] Cf. 1 Davis, *Administrative Law Treatise* 44, 53 (1958).

[20] Presidential Decree No. 442 (1974).

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