

BENGUET CONSOLIDATED MINING COMPANY, PLAINTIFF AND APPELLANT, VS. COTO LABOR UNION, ET AL., DEFENDANTS AND APPELLEES.

G. R. No. L-12000. August 30, 1958

Ponente: REYES, A., J.

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REYES, A., J.:

This is an appeal from an order of the Court of First Instance of Manila dismissing plaintiffs complaint for injunction.

It appears that on May 7, 1956, the Coto Labor Union, a labor organization composed of employees of the Benguet Consolidated Mining Company, declared a strike and set up pickets along the company road and railroad tracks connecting its mining camp in Coto, municipality of Masinloc, Zambales, to its wharf in that same municipality, from which its chrome ores are shipped to its buyers abroad.

The company countered with an action in court for an injunctive relief, alleging in its complaint that the strikers had barricaded its road and railroad tracks and through coercion, threats and violence had also refused passage to the trains carrying ore to the wharf and to all vehicles bringing food and other necessities to the mining camp; that some of the strikers had mobbed and stabbed to death a company foreman who attempted to drive an ore train to the wharf; and that the Constabulary soldiers policing the strike area had been unable to render adequate protection to non-striking employees, supposedly because of the legal prohibition against police interference in picketing activities.

Without taking testimony under oath as prescribed in section 9(d) of Republic Act 875 and relying solely upon the allegations of plaintiff's complaint, the Court of First Instance of Manila, where the action was filed, granted a preliminary injunction ex parte to restrain the Union, its officers, members and agents, from obstructing or in any way interfering with the free use of the company road and railroad tracks aforementioned. The defendants sought to have the restraining order lifted on the grounds that it had been issued without jurisdiction and without compliance with the requisites prescribed by the Act. But the court allowed the order to stand, albeit with the qualification that "must not be interpreted to prohibit peaceful picketing."

Thereafter, issues were joined with the filing of the necessary pleadings, and plaintiff also had defendants cited for contempt for alleged violations of the preliminary injunction. But while the case was pending trial and the incidental proceedings for contempt were still going on, this Court handed down its decisions in various labor suits, holding that the Court of Industrial Relations has exclusive jurisdiction over cases involving unfair labor practice.[1] Invoking the ruling enunciated in those decisions, defendants filed a motion for the immediate dismissal of plaintiff's complaint together with the incidental proceedings for contempt, alleging that the subject matter thereof came within the exclusive jurisdiction of the Court of Industrial Relations because of its connection with various unfair labor practice cases then pending in that court, and further alleging with respect to the proceedings for contempt that the acts of violence therein charged were committed beyond the validity period of

the preliminary injunction. The motion to dismiss having been granted, plaintiff took the present appeal.

After going over the record, we see no reason for disturbing the order appealed from.

There appears to be no dispute—and in fact it is admitted in plaintiff's reply to defendants' motion to dismiss—that when the strike was declared and plaintiff commenced the present suit in the Court of First Instance of Manila for an injunctive relief against certain picketing activities of the strikers, there were already pending in the Court of Industrial Relations "cases for unfair labor practice between the parties", and it may also be gathered from the whole record that the strike was in fact motivated by certain acts or practices complained of in those pending cases. In the case of *Lakas Ng Pagkakaisa Sa Peter Paul et al., vs. Judge Victoriano et al.*, (G. R. No. L-9290, January 14, 1958), which is similar to the one at bar, this Court declared:

"It appearing that in addition to the labor dispute involved herein, there were other labor cases pending between the same parties before the Court of Industrial Relations which had been instituted prior to the filing of the present case, among them Case No. 548-ULP which involved an unfair labor practice, we declare that the court a quo has no jurisdiction to try the instant case for the same is already involved in those cases which had been submitted to the industrial court for adjudication. This step is necessary in order to avoid multiplicity of actions. If the purpose of the action is to obtain some injunctive relief against certain acts of violence of the laborers, the same can be obtained from the industrial court which is given ample power to act thereon by the Magna Charta. Verily, the court a quo acted without jurisdiction in the case.

"With regard to the writ of preliminary injunction issued by the court a quo, we also hold that the same is illegal for having been issued in disregard of the procedure prescribed in Section 9(4) of Republic Act 875. This section requires that there be a hearing and presentation of testimonial evidence with an opportunity from cross examination by both parties, and that the other requirements of the law be established and stated in the order of the court. Such procedure not having been followed, the writ in question is null and void."

The above pronouncements are but a reiteration of our ruling in the decisions to which we have already referred and together with similar declarations made in subsequent cases^[2] may be taken to express the established jurisprudence on the question of whether a Court of First Instance has jurisdiction to issue an injunction in matters connected with an unfair labor practice case pending in the Court of Industrial Relations.

Appellant does not now challenge this Court's ruling on that question, and its only contention in this appeal, as formulated in its lone assignment of error, is that its complaint should not have been dismissed, "considering", so it alleges, "that the acts sought to be enjoined, as admitted by appellees in their pleadings, have no relation to the strike declared by the Coto Labor Union."

The contention is not well founded. The acts sought to be enjoined—and which were in fact enjoined in the temporary restraining order issued by the lower court—were the "stopping, impeding, obstructing, disturbing, molesting or interfering with in any manner or form whatsoever, the free and peaceful passage on and use of plaintiff's private road and private railroad tracks through their entire lengths, i.e., from plaintiff's mining camp in Coto to its wharf in Masinloc, Zambales", as a consequence of the strikers having, immediately after declaring the strike, barricaded the said road and railroad tracks and "through coercion, threat, intimidation, force and violence" tried to prevent the free and peaceful use thereof, the purpose of the strikers being, according to the complaint, not only to prevent the shipment of plaintiff's ore to its buyers abroad but also "to retaliate against the non-striking employees of plaintiff living in its camp in Coto by literally starving them to death." Plaintiff's complaint thus makes it quite obvious that the acts sought to be enjoined are in furtherance of or motivated by the strike, so much so that defendants in their answer to said complaint allege as a special defense "that the acts sought to be restrained arise out of a strike." It is true that defendants' urgent motion to dissolve the preliminary injunction contains a statement that "the violence alleged in the complaint has no relation to the strike and cannot be used as

a basis to enjoin peaceful picketing." But as defendants have explained, the violence mentioned has reference merely to the alleged killing of a company foreman so that the said statement is not to be taken as a sweeping admission that the whole set of acts sought to be restrained did not have any connection with the strike.

In view of the foregoing, the order appealed from is affirmed, with costs against the appellant.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

[1]Philippine Association of Free Labor Unions (PAFLU), et al. vs. Tan 99 Phil., 854; 52 Off. Gaz., [13] 5836; Reyes, et al. vs. Tan et al., 99 Phil., 880; 52 Off. Gaz., [14] 6187 and National Garments and Textiles Workers' Union-Paflu vs. Caluag, et al., G. R. No. L-9104, September 10, 1956.

[2]Specially, Consolidated Labor Association of the Philippines et al. vs. Caluag et al., 103 Phil., 1032; Erlanger & Galinger, Inc. vs. Erlanger & Galinger Employees Association (NATU), supra, p. 17.

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