

NEW FRONTIER SUPERMARKET LABOR UNION, PABLO ESTANDARTE, LEONARDO ESPEJON, ANTONIO PUBLICO, CRISANTO GARCIA, WILFREDO REYES, JESUS TAROY, EDUARDO BENETUA, JOSEFINA BUZETA, ALEXAN...

G.R. NO. L-30826. April 30, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

The pivotal question raised by the New Frontier Supermarket Labor Union[1] in this certiorari petition is the lack of jurisdiction of respondent Judge, the Honorable Vicente G. Ericta of the Court of First Instance of Rizal, to issue a writ of preliminary injunction enjoining picketing in the premises of a big business compound owned by private respondent, Progressive Development Corporation.[2] The principal reliance of petitioner Labor Union is on the authoritative doctrine that there being an unfair labor practice case with the Court of Industrial Relations, a Court of First Instance is devoid of competence to entertain an action for damages against it as a result of the picketing, with a prayer for a preliminary injunction being made and granted during the pendency of such suit. Respondent Judge, however, was not responsive to such a plea, notwithstanding his awareness of such exclusive statutory grant of authority in the labor court on the view that since such suit was brought not by the management of the establishment picketed but by the proprietor of the business compound where it was located, he had the power to act. While not inherently implausible, still such an approach ignores the controlling interpretation in a host of cases decided by this Tribunal that all incidents arising from an unfair labor practice dispute must be passed upon by the Court of Industrial Relations to the exclusion of a regular court of first instance. Moreover, the injunction against picketing was phrased in the broadest of terms. There is merit in this petition therefore, and the remedy sought must be granted.

The facts disclose that on March 20, 1969, petitioner New Frontier Supermarket Labor Union, filed two unfair labor practice cases with the Court of Industrial Relations against respondent New Frontier Supermarket.[3] Then on April 14, 1969, it followed such a move with a notice of strike against such respondent with the Department of Labor.[4] The strike was not actually begun until July 16, 1969, accompanied by picketing at the three gates of the New Frontier Supermarket building, Cubao, Quezon City.[5] Then two days later, on July 18, 1969, respondent Progressive Development Corporation filed a complaint for damages against petitioner union with individual petitioners included as defendants with the Court of First Instance of Rizal, Quezon City Branch.[6] While at first assigned to then Judge Lourdes P. San Diego, respondent Judge Ericta took over. On July 23 and 24, 1969, he received evidence on the motion for preliminary injunction filed by private respondent. In such hearing, both parties agreed that the picket lines established by the petitioners were limited to the three gates of the New Frontier Supermarket building, two of which gates were on the northern side thereof while the third was at the southern side of the same building.[7] There was during such hearing an admission likewise by respondent Progressive Development Corporation that aside from the fact of ownership of the two parcels of land on which are constructed the New Frontier Supermarket building and the other stores within the said compound, it does not

operate any of the stores therein nor the two theaters also therein situated.[8] What is more, it was also admitted by such respondent that not one of the owners of the stores located within the premises of the two parcels of land in question asked it to file the complaint, Civil Case No. Q-13298.[9] Then on July 25, 1969, respondent Judge Ericta issued an order granting the motion of the Progressive Development Corporation seeking a writ of preliminary injunction, which was issued the very next day on July 26, 1969. Petitioners, including their "attorneys, representatives, agents and any other persons assisting [them], [were enjoined] from further acts of picketing, within the property of the plaintiff [private respondent] described in paragraph 4 of the complaint." [10] There was a motion for reconsideration, but it was denied.[11]

That led to the filing of this petition for certiorari challenging the jurisdiction of respondent Judge. As set forth at the outset, respect for the authoritative doctrines of this Court calls for such challenge being upheld.

1. In a fairly recent decision, Philippine-American Management and Financing Company vs. Management and Supervisors Association,[12] on the question of where in labor matters the dividing line is to be drawn as to whether it is the Court of Industrial Relations or a court of first instance that is vested with jurisdiction, on the assumption that there is a doubt, this was the view adopted: "Increasingly, this Court has been committed to the view that unless the law speaks clearly and unequivocally, the choice should fall on the Court of Industrial Relations." [13] Such a conclusion was dictated both by policy considerations and by a careful analysis of the statutory provisions. In the opinion rendered, reference was made to Bayview Hotel, Inc. vs. Manila Hotel Workers Union; [14] Republic Savings Bank vs. Court of Industrial Relations; [15] Security Bank Employees Union vs. Security Bank and Trust Company; [16] Manila Hotel Company vs. Pines Hotel Employees Association; [17] and Alhambra Industries, Inc. vs. Court of Industrial Relations. [18]

2. This case rests on a much stronger ground, there being a labor dispute with two pending unfair labor practice cases before the Court of Industrial Relations. The assumption of jurisdiction by respondent Judge runs counter to the authoritative rulings of this Tribunal. The petition cited S.M.B. Box Factory Workers Union vs. Judge Victoriano, [19] a 1957 decision. It could have referred to an earlier decision promulgated the year before, Reyes vs. Tan. [20] It was made clear in the opinion of the Court, through the ponente, Justice J.B.L. Reyes, that with an element of an unfair labor practice present, "then the application for injunction would have been exclusively cognizable by the Court of Industrial Relations and beyond the jurisdiction of the respondent Court of First Instance." [21] Subsequent to S.M.B. Box Factory Workers Union vs. Judge Victoriano, came Consolidated Labor Association of the Philippines vs. Caluag. [22] There, the then Justice, later Chief Justice, Concepcion, speaking for the Court, categorically affirmed: "Pursuant to section 5(a) of Republic Act No. 875, the Court of Industrial Relations 'shall have jurisdiction over the prevention of unfair labor practices and is empowered to prevent any person from engaging in any unfair labor practice. This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that has been or may be established by an agreement, code, law or otherwise.' * * * Construing this provision in relation to Section 9 of the same Act, regulating the issuance of injunctions in labor disputes, we have repeatedly held that courts of first instance may not enjoin the picketing staged in connection with such disputes, and that the jurisdiction to entertain a petition to enjoin said picketing and to issue the corresponding writ of injunction is vested exclusively in the Court of Industrial Relations, if charges of unfair labor practice, in relation to said labor disputes, are pending before the latter court prior to the filing of said petition." [23] In that same year of 1958, this Court again speaking through Justice J.B.L. Reyes, in Erlanger and Galinger, Inc. vs. Erlanger and Galinger Employees Association, [24] had occasion to explain at length the rationale for such a norm: "The reason for such exclusive jurisdiction is obvious. Since the picketing and strikes may be mere incidents or consequences of the unfair labor practice, it is but proper that the issuance of injunction be made by the court having jurisdiction over the main case, in order that the writ be issued upon cognizance of all relevant facts." [25] So it has been since then, the latest case being Chan Bros., Inc. vs.

Federacion Obrera de la Industria Tabaguera,[26] promulgated barely three months ago. No departure therefrom is to be justified on the pretext that the party that filed the case is the proprietor of the premises and not the management of the establishment thus picketed as a result of alleged unfair labor practices. What cannot be lost sight of is that under the Industrial Peace Act,[27] the power to issue injunctions in labor disputes is severely restricted. Precisely, it is in conformity with such a basic objective that it is the labor court, and the labor court alone, that is given the competence to determine whether or not an injunction is appropriate under the circumstances and after following the rigorous procedure imposed by law. There cannot be the least doubt, therefore, as to the appropriateness of the remedy sought by petitioner.

3. Nothing remains to be added except to stress anew that picketing is embraced in the guarantee of freedom of expression. As long as it is limited to publicizing the facts of a labor dispute, it cannot be enjoined. When it goes farther, especially so where there are acts of violence and intimidation, restraint is allowable. It is no longer an attempt at persuasion but a resort of coercion. Where, as was the case in this litigation, there is nothing to indicate that the permissible bounds of picketing as a means of eliciting the sympathy of the general public through placards indicating that a certain establishment is unfair to labor, what was done by respondent Judge in the order proscribing "further acts of picketing within the property" of the private respondent is clearly vitiated by constitutional infirmity. Such a blanket prohibition is obnoxious to the constitutional right of free speech.

WHEREFORE, the writ of certiorari is granted and the order of respondent Judge of July 25, 1969 for the issuance of the writ of preliminary injunction and the writ of preliminary injunction itself, dated July 26, 1969, are nullified and set aside. Respondent Judge is likewise ordered to dismiss for lack of jurisdiction Civil Case No. Q-13298, Progressive Development Corporation vs. New Frontier Supermarket Labor Union and the other petitioners. Costs against Progressive Development Corporation.

Zaldivar, (Chairman), Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] The other co-petitioners are: Pablo Estandarte, Leonardo Espejon, Antonio Publico, Crisanto Garcia, Wilfredo Reyes, Jesus Taroy, Eduardo Benetua, Josefina Buzeta, Alexander Danglasan, Alfredo Marty, Renato Dungca, Eduardo Endrina, Jorge Torilla, Joselito Mayor, Romeo Taroy, Ernesto Ilalto, Thelma Tropeo, Melanie Marfal, Jose Nipay, Oscar Ocreto, and Arnulfo Regalado.

[2] The City Sheriff of Quezon City is likewise named as respondent.

[3] Petition, par. V.

[4] Ibid, par. VI.

[5] Ibid, par. VII.

[6] Ibid, par. VIII.

[7] Ibid, pars. XI and XII.

[8] Ibid, par. XIII.

[9] Ibid, par. XIV.

[10] Ibid, pars. XV and XVI.

[11] Ibid, pars. XVII and XVIII.

[12] G.R. No. L-27953, November 29, 1972, 48 SCRA 187.

- [13] Ibid, 191.
- [14] G.R. No. L-21803, December 17, 1966, 18 SCRA 946.
- [15] G.R. No. L-20303, September 27, 1967, 21 SCRA 226.
- [16] G.R. No. L-28536, April 30, 1968, 23 SCRA 503.
- [17] G.R. No. L-24314, September 28, 1970, 35 SCRA 96.
- [18] G.R. No. L-25984, October 30, 1970, 35 SCRA 550.
- [19] 102 Phil. 646.
- [20] 99 Phil. 880 (1956).
- [21] Ibid, 883.
- [22] 103 Phil. 1032 (1958)
- [23] Ibid, 1039.
- [24] 104 Phil. 17
- [25] Ibid, 21.
- [26] G.R. No. L-34761, January 17, 1974.
- [27] Section 9 of Republic Act No. 875 (1953).

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