

KAPISANAN NG MGA MANGGAWA SA MANILA RAILROAD COMPANY, PETITIONER, VS. HON. JESUS DE VERA, OF THE COURT OF FIRST INSTANCE OF BAGUIO CITY, ET AL. RESPONDENTS.

G.R. No. L-17650. June 22, 1965

Ponente: ZALDIVAR. J.

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ZALDIVAR. J.:

On September 22, 1959, the Benguet Auto Line Employees Union, hereinafter referred to as BALEU, filed a petition for certification election before the Court of Industrial Relations, which petition was docketed as Case No. 15-MC-PANG. The Kapisanan Ng Mga Manggagawa sa Manila Railroad Company, hereinafter referred to as KAPISANAN, entered as a party intervenor in that petition for certification election. At the hearing of the case, counsel for BALEU manifested the willingness of BALEU to respect the existing collective bargaining contract between the Manila Railroad Company, hereinafter referred to as MRRCO, which operates the Benguet Auto Line, until said contract shall have expired on November 5, 1960, provided that thereafter a certification election would be conducted. Based on this manifestation the Court of Industrial Relations, in an order dated April 29, 1960, authorized the holding of a certification election and requested the Department of Labor to conduct the certification election in the premises of the Benguet Auto Line in Baguio City after the expiration of the collective bargaining agreement on November 5, 1960. As stated in the order, the KAPISANAN agreed to recognize the Benguet Auto Line, hereinafter referred to as BAL, as an appropriate separate bargaining unit from that of the MRRCO. The BALEU and the KAPISANAN mutually recognized each other as legitimate labor organizations, and it was agreed that until a certification election had determined the collective bargaining representative of the employees of the BAL, no union may negotiate for a collective bargaining agreement with the BAL. Meanwhile, the provisions of the existing collective bargaining agreement between the KAPISANAN and the MRRCO were to be followed and among these was the provision for union shop. Pursuant to this particular provision of the collective bargaining agreement the KAPISANAN served notice to MRRCO to dismiss the employees who did not comply with such provision of the collective bargaining agreement regarding union security clause.

On June 3, 1960, before the certification election was held, the KAPISANAN filed a charge of unfair labor Practice for company domination against the MRRCO and the BALEU regarding the matter of the union security clause. On July 11, 1961, while this ULP case was being investigated by the prosecutor of the Court of Industrial Relations, prior to the filing of a formal complaint if the evidence would so warrant, the BALEU filed a petition for injunction before the Court of First Instance of the City of Baguio, docketed as Civil Case No. 947, seeking to enjoin the MRRCO from enforcing the union security clause as provided for in the collective bargaining agreement, alleging that the same was contrary to the provisions of the Civil Service Law and the Constitution and further alleging, among other things, that membership in the KAPISANAN was burdensome on the part of the employees due to the excessive monthly union dues and assessments, and that under the provisions of the collective bargaining contract entered into by MRRCO and the KAPISANAN, the aforesaid employees had been paying a monthly agency fee of P0.50 since November 1957, which fee was illegal and arbitrary.

In the petition for injunction filed by the BALEU, the KAPISANAN was not made a party, in spite of the fact that it was patent in the face of the petition for injunction that the said union was a party in the collective bargaining contract whose provisions were being questioned.

On July 16, 1960 the respondent, Honorable Jesus de Veyra, Judge of the Court of First Instance of the City of Baguio, issued a writ of preliminary injunction restraining the respondent MRRCO from dismissing the employees of the BAL who refused to become members of the KAPISANAN. As aforesaid, when this restraining order of the respondent Judge was issued, the KAPISANAN was not yet a party to the proceedings. On July 20, 1960 the KAPISANAN, having obtained information of the existence of the proceedings before the Court of First Instance of Baguio City moved to intervene and said intervention was granted by the respondent Judge.

On August 20, 1960 the KAPTIPUNAN moved to dismiss (lie injunction proceedings before the Court of First Instance of the city of Baguio on the ground that said court had no jurisdiction to proceed with the case for the reason that there was pending a complaint of unfair labor practice before the Court of Industrial Relations, in Case No. 2449-ULP, the basis of which complaint were matters that were related to the matters which were also the basis of the petition for injunction. The KAPISANAN pointed out that the filing of the ULP charge was made since June 3, 1960, and that the complaint in said ULP case was already filed in the Court of Industrial Relations on July 27, 1960.

On September 17, 1960, the respondent Judge entered the motion to dismiss on the ground that the action for unfair labor practice was filed in the Court of Industrial Relations after the injunction case was filed in his court and, this being so, the tardy filing of such a case could not deprive his court of jurisdiction. On September 30, 1960, the KAPISANAN filed a motion for reconsideration calling the attention of the respondent Judge that the charge of unfair labor practice was filed, since June 5, 1960, or more than one month before the date of the filing of the petition for injunction. On October 4, 1960 the respondent Judge denied the motion for reconsideration for the reason that while it was true that the charge of unfair labor practice was filed on June 3, 1960, the actual complaint for unfair labor practice was filed before the Court of Industrial Relations on July 27, 1960 after the injunction case had been filed before this court.

Petitioner KAPISANAN, maintaining that the respondent Judge in issuing the writ of preliminary injunction, in denying the motion to dismiss the proceedings on the injunction, and in proceeding to try the case, had acted without jurisdiction or in excess of jurisdiction or had acted with grave abuse of discretion, filed the instant Petition for Certiorari before this Court, praying at the same time that pending consideration of this special civil action a writ of preliminary injunction he issued against, the respondent Judge ordering him to desist from further proceeding and taking jurisdiction in Civil Case No. 971 of the CFI of Baguio City and from further enforcing the order and writ of preliminary injunction issued by him in said case. This Court issued the writ of preliminary injunction against the respondent Judge, as prayed for by the petitioner.

Based on the facts mentioned in the preceding paragraphs, it is apparent that the question to be resolved in the present case is whether the Court of First Instance of Baguio City, presided by the respondent Judge, had jurisdiction to take cognizance of the petition for injunction filed by the BALEU against the MRRCO and the BAL to enjoin the said MRRCO and BAL from dismissing the employees of the BAL who were members of the BALEU but not members of the KAPISANAN pursuant to the provisions of the collective bargaining contract entered into between the KAPISANAN and the MRRCO, it appearing that before the filing of the injunction case in the Court of First Instance of Baguio a charge of unfair labor practice had already been filed before the Court of Industrial Relations by the KAPISANAN against the MRRCO, and the charge was being investigated by the Prosecution Division of the Court of Industrial Relations, as in fact in formal complaint for unfair labor practice

was actually filed before the Court of Industrial Relations about two weeks after the petition for injunction was tiled in the said Court of First Instance of Baguio City and it further appearing that the basis of the complaint for unfair labor practice before the Court Industrial Relations was the alleged non-compliance by the MRRCO of the provision of the collective bargaining agreement which provided for a union security in favor of the members of the KAPISANAN. In other words, the complaint for unfair labor practice before the Court of Industrial Relations sought to compel the MRRCO to comply with the provision of the collective bargaining agreement regarding union security—that is, to dismiss employees of the BAL who were non-members of the KAPISANAN; while the petition for injunction before the Court of First Instance of Baguio precisely sought to prevent the MRRCO from complying with the provision of the collective bargaining agreement regarding union security. This Court is being called upon to determine whether the matters involved in the injunction case before the Court of First Instance of Baguio are interwoven with labor dispute involved in the ULP cast' before the Court of Industrial Relations.

The records of this case however show that during the pendency of this case before this Court certain events or circumstances had taken place which would render this case moot. The collective bargaining agreement between the KAPISANAN and the MRRCO had expired on November 5, 1960, and a certification election was conducted on January 18 and 19, 1961 pursuant to the order of the Court of Industrial Relations of April 29, 1960 in Case No. 15-MC-PANG. and the BALEU was certified as the sole and exclusive bargaining representative of all the employees of the BAL, which is the appropriate bargaining unit of the MRRCO, for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment and other conditions of employment. In other words, the provisions of the collective bargaining agreement between the KAPISANAN and the MRRCO, which were questioned in the injunction case before the Court of First Instance of Baguio, are no longer enforceable and the BALEU which Was the petitioner before the Court of First Instance of Baguio City had already become the bargaining representative of all the employees of the BAL with the MRRCO and the BAL. The records of this case also show that Unfair labor practice case that was filed by the KAPISANAN against the MRRCO, BALEU, etc. before the Court of Industrial Relations (Case No. 2449-ULP) had already been dismissed on September 26, 1961. The pendency of that ULP case was precisely the basis of the contention of the petitioner KAPISANAN that the Court of First Instance of Baguio had no jurisdiction to take cognizance of the injunction case (Civil Case 974) that was filed before it.

Considering the circumstances mentioned in the preceding paragraph, this Court believes that any decision that it may now render to resolve the issues involved in the present case would be purely academic. This Court, therefore, considers this case as moot.

WHEREFORE, this Court has resolved, as it does hereby resolve, to dismiss this petition; and the writ of preliminary injunction issued by this Court as prayed for by the petitioner is hereby ordered dissolved. No pronouncement as to costs.

Bengzon, C.J., Bautista Angelo, Concepción, Reyes, J.B.L., Paredes, Dizon, Regala, Makalintal and Bengzon, J.P., JJ., concur.

Petition dismissed.

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