

**PHILIPPINE APPLIANCE CORPORATION EMPLOYEES
ASSOCIATION-NATU, PABLO AMBROSIO, MAXIMO PARCO, ROMAN
RIVERA, ALFREDO DEL ROSARIO, ORLANDO REYNOSA, REMIGIO
VILLAMOR, LUDIVICO EDRALIN...**

G.R. No. L-33680. February 25, 1975

Ponente: FERNANDO, J.

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FERNANDO, J.:

Again, and regrettably for this Court could put its time to better use, it has to pass upon a suit for certiorari and prohibition filed by a labor organization and some of its members assailing the jurisdiction of respondent Judge Herminio C. Mariano,[1] who had since retired, for entertaining an unfair labor practice case exclusively cognizable by the then existing Court of Industrial Relations. The merit of the petition is thus evident at first glance. Only last month, in *Litton Mills Workers Union-NATU vs. The Honorable Samuel F. Reyes*,[2] this Court in line with its constant holding, dating from *Reyes vs. Tan*,[3] reiterated the doctrine of sole and exclusive competence of the labor tribunal and set aside a challenged restraining order issued by a court of first instance in a case that originated from an alleged unfair labor practice. As it was then, so should it be now.

The facts as set forth in the petition are not open to serious dispute. It was alleged by petitioners that on January 4, 1971, the petitioner union was compelled to file a notice of strike against private respondent with the Department of Labor due to alleged unfair labor practices of management.[4] Upon the filing thereof, the Bureau of Labor Relations, Department of Labor, conducted several conciliation conferences between the petitioner union and private respondent at which the petitioner union offered evidence of its membership, which counted with the overwhelming majority of the rank-and-file workers of the private respondent.[5] Petitioner union nonetheless was refused recognition by private respondent.[6] It was followed by a strike on January 16, 1971, arising from what was considered to be unfair labor practices.[7] On February 2, 1971, private respondent filed a complaint with the Court of First Instance of Rizal against petitioners, seeking among others, the issuance of a writ of preliminary injunction to stop picketing dubbed by it as "an illegal demonstration." [8] On February 4, 1971, respondent Judge, unmindful of past decisions of this Court, issued ex-parte, without complying with the procedure and requirements of the Industrial Peace Act,[9] a restraining order, forbidding petitioners from engaging in picketing.[10] On February 10, 1971, petitioners filed an urgent motion to dismiss and to dissolve the restraining order issued ex-parte dated February 4, 1971, both on jurisdictional and procedural grounds, but to no avail." [11] Then on May 7, 1971, respondent Judge issued a writ of preliminary injunction, conditioned upon the filing by the private respondent of a bond in the sum of P1,000.00, prohibiting the petitioners, among others, from conducting demonstrations or picketing in private respondent's premises.[12]

This Court issued a restraining order and required respondents to file an answer. There was, as a response, an answer and a motion to lift the restraining order. As was to be expected, private respondent called the attention of this Court to the inaccuracy of the petition insofar as it would gloss over the fact that the other union involved, the Philippine Labor Alliance Council-Local 125, was certified as the sole and exclusive bargaining representative of

the permanent rank-and-file employees of the Philippine Appliance Corporation at its Production Service and Maintenance Department. From that basic premise as well as the allegations in its pleading, private respondent did assert: "In the light of all the attendant facts and circumstances of the case at bar, the illegality or irregularity of the Order of respondent Judge dated May 7, 1971, as well as the lack of jurisdiction on his part to issue the same are not patent or clearly evident. On the contrary, it is petitioners' concerted activities and conduct which are patently illegal and hence the proper subject of a restraining order [or] preliminary injunction from an ordinary court. The interest of justice, therefore, would be better served if the temporary restraining order issued by this Honorable Court is lifted pending the hearing and adjudication of the case on the merits." [13] The matter was scheduled for oral argument and counsel did appear and argue for respondents. Petitioners, on the other hand, moved to submit memorandum in lieu of oral argument and upon such motion being granted, did so. The case was then submitted for decision.

As noted at the outset, we grant certiorari and prohibition. Parenthetically, it may be observed that counsel for petitioners would be well advised if the pleading filed by them would reflect a greater fidelity to the relevant facts bearing on this litigation. If it were otherwise, whether due to inadvertence or to deliberate intent, the conduct is certainly far from commendable. Nonetheless, even with due consideration being paid to what was set forth in the answer and motion to lift restraining order as well as to the submission at the oral argument, the only conclusion in accordance with the law as authoritatively construed is that respondent Judge was devoid of jurisdiction, Hence the decision reached by us.

1. Private respondent itself, in the above-quoted excerpt from their answer, could at most assert that "the lack of jurisdiction [of respondent Judge was] not patent or clearly illegal." It does tribute to its sense of honesty and fairness but does not add strength to its case. Rather the contrary. Jurisdiction is never presumed. It must be conferred by law in words that do not admit of doubt. Here private respondent's language is cautious to the point of timidity. It is understandable why. The teaching of this Court is plainly to the contrary. [14] It is not readily understandable under the facts of this case why private respondent had to resort to the ordinary courts admittedly devoid of competence when the previous incident concerning the certification of the collective bargaining agency was with the appropriate tribunal, the then existing Court of Industrial Relations. It makes much of its alleged grievance regarding the failure of petitioner union to abide by an order of such agency and yet it would attempt to obtain a suitable remedy elsewhere. The suspicion may legitimately be entertained on the assumption that its counsel is familiar with the state of the law that such a step was prompted more by the belief that its plea would be accorded greater receptivity by an arbiter of its choice even if thereby there be no due deference to basic and constant holdings of this Tribunal. That is not, however, in accordance with the rule of law as set forth in the above-referred to judicial decisions. There can be no question then as to the lack of jurisdiction of respondent Judge.

2. As in other controversies of this character, the relationship between the disputants is not fleeting or transient. Presumably, there is an element of continuity. If such be the case, and time as well as a more conciliatory attitude on both sides has not worked its solution, then the matter can better be left to the agencies entrusted with the adjustment of industrial conflicts under the new Labor Code. [15] Thus the parties can pursue their respective remedies to which they are entitled. It must be stressed that the former Court of Industrial Relations has been replaced by the National Labor Relations Commission.

WHEREFORE, the writ of certiorari is granted and the orders of respondent Judge, that of February 4, 1971 as well as that of May 7, 1971, denying petitioner union's motion to dismiss and to dissolve restraining order and ordering instead a writ of preliminary injunction to be issued, are nullified, set aside and declared to be of no force and effect. The writ of prohibition is likewise granted, and with the respondent Judge no longer in the service, his

successor, in the sala presided by him, is hereby ordered to dismiss the complaint in Civil Case No. 14344 of the Seventh Judicial District, Branch X, Court of First Instance of Rizal. The restraining order issued by this Court by virtue of its resolution of June 29, 1971 is declared, permanent. Costs against private respondent.

Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] The other respondent is Philippine Appliance Corporation.

[2] L-23745, January 22, 1975.

[3] 99 Phil. 880 (1956).

[4] Cf. Petition, par. III.

[5] Cf. Ibid, par. IV.

[6] Cf. Ibid, par. V.

[7] Cf. Ibid, par. VI.

[8] Cf. Ibid, par. VII.

[9] Republic Act No. 875.

[10] Cf. Petition, par. VIII.

[11] Cf. Ibid, par. IX.

[12] Cf. Ibid, par. XI.

[13] Answer and Motion to Lift Restraining Order, par. 20.

[14] Cf. Reyes vs. Tan, 99 Phil. 880 (1956); S.M.B. Box Factory Workers' Union vs. Judge Victoriano, 102 Phil. 646 (1957); Consolidated Labor Association vs. Caluag, 103 Phil. 1032 (1958); Erlanger and Galinger, Inc. vs. Erlanger and Galinger Employees Asso., 104 Phil. 17 (1958); Phil. Sugar Institute vs. Court of Industrial Relations, 106 Phil. 401 (1959); Velez vs. PAV Watchmen's Union vs. Court of Industrial Relations, 107 Phil. 689 (1960); Associated Labor Union vs. Rodriguez 109 Phil. 1152 (1960); National Mines and Allied Workers' Union vs. Ila, L-16884, Jan. 31, 1963, 7 SCRA 113; Insular Sugar Refining Corporation vs. Court of Industrial Relations, L-19247, May 31, 1963, 8 SCRA 270; Jornales vs. Central Azucarera de Bais, L-15287, Sept. 30, 1963, 9 SCRA 67; Bayview Hotel Inc. vs. Manila Hotel Workers' Union, L-21803, Dec. 17, 1966, 18 SCRA 946; Republic Savings Bank vs. Court of Industrial Relations, L-20303, Sept. 27, 1967, 21 SCRA 226; Security Bank Employees Union vs. Security Bank and Trust Co., L-28536, April 30, 1968, 23 SCRA 503.

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

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