

YUCUANSEH DRUG CO., INC., ET ALS., PLAINTIFFS AND APPELLANTS, VS. NATIONAL LABOR UNION AND JUAN SORIANO, DEFENDANTS AND APPELLEES.

G. R. No. L-9900. April 30, 1957

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On August 26, 1955, plaintiffs filed an action in the Court of First Instance of Manila praying that the order issued by the Court of Industrial Relations on June 17, 1955 in Case No. 528-ULP be declared null and void on the ground that the same was issued in excess of its jurisdiction and that they be granted such further relief as the court may deem just and equitable in the premises.

On September 8, 1955, defendants filed a motion to dismiss on the ground that the court has no jurisdiction to annul or set aside an order of the Court of Industrial Relations for the reason that that power belongs to the Supreme Court. Plaintiffs opposed this motion contending that the court has jurisdiction to act on the matter because the aforesaid order is void and as such it has no legal effect. On September 17, 1955, the court sustained the motion and dismissed the complaint without pronouncement as to costs. Plaintiffs appealed from the order of dismissal.

The background of the present case is as follows: Prior to November 14, 1954, one Juan Soriano was in the employ of plaintiff Yucuanseh Drug Co., Inc. as driver of one of its motor vehicles. The car he was driving was sold and Soriano himself delivered the car to the buyer. On November 16, 1954, the treasurer of the company asked Soriano why he had not returned to work and when he replied that he had no more car to operate, the treasurer told him that though his car had been sold he could however be given another position in the company. Soriano insisted that the company buy a new car for him to operate and when this was not done, Soriano left and never returned. Two months later, the National Labor Union, on behalf of one Jose Soriano, filed a complaint with the Court of Industrial Relations against appellants charging them with unfair labor practice and at the same time asking that Soriano be reinstated to his former position as driver with back pay. Appellants denied the charge intimating that they never had in their employ one Jose Soriano, but one Juan Soriano, and that even if the action refer to the latter, appellants cannot be blamed because they offered him another position which he refused to accept and he never returned. After hearing, the court issued an order on June 17, 1955 ordering appellants to reinstate Juan Soriano, with back pay, from November 16, 1954, without causing the complaint to be amended relative to the error committed in the name of the employee. Appellants filed a motion for reconsideration and when this was denied, they filed a special civil action of certiorari with the Supreme Court imputing to the Court of Industrial Relations want of jurisdiction or grave abuse of discretion in issuing the order above adverted to. But the Supreme Court denied the petition for lack of merit, and because the period to appeal from the order had already expired, appellants deemed it proper to file the present action.

We are of the opinion that the lower court did not err in dismissing the complaint on the ground of lack of

jurisdiction, for the same is in accordance with law. It appears that the complaint is based on the same facts which have already been taken up in the unfair labor practice case which was passed upon by the Court of Industrial Relations and the order which they seek to nullify had already become final for failure of appellants to appeal as provided for in section 6 of Republic Act No. 875. This section provides that an aggrieved party may appeal to the Supreme Court within ten days from any order of the Court of Industrial Relations from the date of its issuance which shall be limited to questions of law, but far from doing so, appellants filed a special civil action of certiorari which was dismissed by the Supreme Court for lack of merit. And it is no excuse to allege, as appellant do, that they have lost their right to appeal because, when the Supreme Court denied their petition for certiorari the period to appeal had already expired. In the mistaken choice of their remedy, they can blame no one but themselves.

It is true that under section 45, Rule 123, of the Rules of Court, a judicial record may be impeached by evidence of want of jurisdiction, or when there is collusion between the parties, or fraud in the party offering" the record, and a court of first instance has jurisdiction to take cognizance of such matters when presented in a, proper action, but none of said cases obtains in the instant case, for certainly it. cannot be argued that the Court of Industrial Relations did not have jurisdiction to act on the unfair labor practice case wherein the order in dispute had been issued. That court may have committed an error in the appreciation of the evidence or in the application of the law, but such error can only be corrected by appeal as provided for by law. This appellants fail to do. The present action is not the remedy.

Wherefore, the order appealed from is affirmed, with costs against appellants.

Bengzon, Padilla, Montemayor, Reyes, A., Labrador, Concepcion, Endencia, and Felix, J.J., concur.

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