

ASSOCIATED LABOR UNION, PETITIONER, VS. JUDGE AMADOR E. GOMEZ, JUDGE JOSE C. BORROMELO, AND SUPERIOR GAS AND EQUIPMENT CO. OF CEBU, INC., RESPONDENTS.*G.R. No. L-25999. February 09, 1967*

Ponente: SANCHEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/685d8eea78ad/>**SANCHEZ, J.:**

Following are the facts that spawned the present proceedings:

On January 1, 1965, Associated Labor Union[1] and Superior Gas and Equipment Co. of Cebu, Inc.,[2] entered into a collective bargain-ing contract. It was to expire on January 1, 1966. Prior to the contract's expiry, union and employer started negotiations for its renewal. Late in February, 1966, while bargaining was in progress, 12 of Sugeco's employees resigned from the Union. Negotiations were broken. On March 1, 1966, the Union wrote Sugeco. There, request was made that unless the 12 resigned employees[3] could produce a clearance from the Union, they be not allowed in the meantime to report for work. On the same day, Sugeco's attorney rejected the request. The reasons given are that irreparable injury would ensue, that the bargaining contract had lapsed, and that the Company could no longer demand from its employees the requested clearance. Sugeco made it understood that after the 12 men would have returned into the Union fold, said company would then be "in a position to negotiate again for the renewal of the collective bargaining contract". Also on the same day, March 1, the Union wrote Sugeco, charged the latter with bargaining in bad faith, and its supervisors with "campaigning for the resignation of members of this Union". The Union there served notice "that unless the aforementioned unfair labor practice acts will immediately be stopped and a collective bargaining agreement be signed between your company and this union immediately after receipt of this letter, this union will declare a strike against your management and correspondingly establish picket lines in any place where your business may be found". On March 3, 1966, counsel for Sugeco wrote the Union stating that, with the resignation of union members aforesaid, the Union was no longer the representative of the majority of the employees "for purposes of negotiation and recognition".

On March 4, the Union struck, picketed the Basak (Mandawe) plant of Sugeco.

The next day, March 5, 1966, Sugeco went to the Court of First Instance of Cebu (Case No. R-9221, entitled "Superior Gas and Equipment Co. of Cebu, Inc., petitioner, vs. Associated Labor Union, respondent"), praying that the Union be restrained from alleged illegal picketing activities at its Basak plant, and also from picketing Sugeco's offices at Juan Luna street, Cebu City, and its other offices located elsewhere in the Philippines.

On the same date, March 5, 1966, upon a bond of P5,000.00, respondent Judge Amador E. Gomez, purportedly upon the authority of the Rules of Court,[4] issued ex-parte the writ of preliminary injunction prayed for. The Union moved to reconsider. Ground, inter alia, is that the court of first instance had no jurisdiction over the subject-matter - unfair labor practice. It was the turn of the other respondent, Judge Jose C. Borrromeo, to refuse reconsideration.

Meanwhile, on March 5, 1966 - on the same day the Court of First Instance complaint was filed by Sugeco against the Union - the latter lodged with the Court of Industrial Relations (CIR, for short) a charge for unfair labor practice against Sugeco, its general manager, Concepcion Y. Lua, and its two supervisors, Nestor Yu and Mariano Nulla. The Union there averred that said respondents coerced and exerted pressure upon the union members to resign, as they did resign, from the Union; and that such resignations were seized upon by Sugeco to refuse further negotiations with the Union. Offshoot is the complaint for unfair labor practice registered in the CIE on April 29, 1968 by its Acting Prosecutor.[5]

On May 9, 1966, the Union came to this Court on certiorari and pro-hibition. The Union here prays that respondent judges of the Court of First Instance of Cebu be declared without jurisdiction over the subject matter of the petition in Civil Case No. R-9221 aforesaid; that the writ of preliminary injunction therein issued be annulled; and that said judges be directed to dismiss said case. The Union also asks that pendente lite the respondent judges be stopped from further proceeding with the case just adverted to.

This Court, on May 16, 1966, issued the solicited cease-and-desist order.

The quintessence of this case is jurisdiction.

First, we go to the background facts. We take stock of Sugeco's pe-tition against the Union in the Court of First Instance of Cebu (Case No. R-9221). Read as it should be, Sugeco in paragraph 10 thereof charges the Union with "coercing the resigned employees to rejoin" the same. And this, obviously to neutralize the Union claim that Sugeco was coercing and cajoling its members to separate therefrom.[6]

This charge and countercharge require us to focus attention on the Industrial Peace Act.[7] Sections 4(a) and (b) thereof recite, as follows:

“(a) It shall be unfair labor practice for an employer:

(1) To interfere with, restrain or coerce employees in the exercise of their rights guaran-teed in section three;

x x x x

“(b) It shall be unfair labor practice for a labor orga-nization or its Agents:

(1) To restrain or coerce employees in the exercise of their rights under section three x x x”.

And Section 3 referred to in Sections 4(a) and (b), provides:

“x x x Employees shall have the right to self-organization and to form, join or assist labor organiza-tions of their own choosing for the purpose of collective bargaining through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining and other mutual aid or protection. x x x”

The broad sweep of the law suggests that the coercion or cajolery of employees heretofore described, by management or union, is unfair labor practice.[8] Therefore, the alleged act of coercing or instigating union members to resign therefrom is clearly within the coverage of the proscription. It is aimed at crippling the Union, throwing it off balance, destroying its bargaining authority. It is an attack against the Magna Carta of Labor. By the same token, the charge levelled by Sugeco against the Union that the latter "is coercing the resigned employees to rejoin the Union" is no less an unfair labor practice.

Jurisdiction then is exclusively vested in the Court of Industrial Relations. For, explicit in Section 5(a) of the Industrial Peace Act is the precept that –

"The Court 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." [Emphasis supplied]

Nor will Sugeco's averment below that it suffers damages by reason of the strike, work to defeat the CIR's jurisdiction to hear the unfair labor practice charge. Reason for this is that the right to damages "would still have to depend on the evidence in the unfair labor practice case" - in the CIR.[9] To hold otherwise is to sanction split jurisdiction - which is obnoxious to the orderly administration of justice.[10]

The stance that the ULP case initiated by the Union in the CIE was an afterthought, will not carry the day for Sugeco. That case was filed on the very same day Sugeco went to the Court of First Instance - which anyway, is without jurisdiction over the subject-matter. The Union struck precisely because of the unfair labor practice allegedly indulged in by Sugeco. So that, the ULP case was not calculated merely to divest the Cebu court of first instance of jurisdiction which it did not possess.[11]

A rule buttressed upon statute and reason and frequently reiterated in jurisprudence is that labor cases involving unfair labor practice are within the exclusive jurisdiction of the CIR. By now, this rule has ripened into dogma. It thus commands adherence, not breach.[12] This Court once pointedly remarked that "[t]he policy of social justice guaranteed by the Constitution demands that when cases appear to involve labor disputes courts should take care in the exercise of their prerogatives and discretion".[13]

The Court of First Instance of Cebu, we rule, is without jurisdiction over the subject-matter of Case No. R-9221. Its judges, therefore, did not have the authority to provide for an ancillary remedy in that case. Hence, the injunction below complained of was issued coram non iudice. It is void.

For the reasons given,

- (1) the petition herein for a writ of certiorari and prohibition is hereby granted, - and the writ of preliminary injunction we issued on May 16, 1966 is declared permanent;
- (2) the writ of preliminary injunction issued by the Court of First Instance of Cebu in Case No. R-9221, entitled "Superior Gas and Equipment Co. of Cebu, Inc., petitioner, vs. Associated Labor Union, respondent", is hereby declared null and void; and
- (3) the respondent judges, or whoever shall take their place, are hereby directed to dismiss the said Case No. R-9221.

Costs against respondent Superior Gas and Equipment Co. of Cebu, Inc.

SO ORDERED.

Concepcion, C.J., Reyes, Dizon, Regala, Makalintal, Bengzon, Zaldivar, and Castro, JJ., concur.

[1] Hereinafter referred to as Union, a duly registered labor organization under Republic Act 875.

[2] To be referred to herein as Sugeco, a corporation organized and existing under the laws of the Philippines.

[3] (1) Eduardo Aguanta, (2) Eduardo Alforque, (3) Cirilo Barrientos, (4) Rodolfo Gerebese, (5) Alejo Gullin, (3) Camilo Hatamosa, (7) Cirilo Macasero, (8) Emiliano Macasero, (9) Hosalia Occo, (10) Francisco Saberon, (11) Felix Tan, (12) Eraulio Ycong.

[4] Rule 58, 1964 Rules of Court.

[5] Case No. 400-ULP-Cebu, entitled "The Associated Labor Union, complainant vs. Superior Gas and Equipment Co. of Cebu, Inc., respondent."

[6] "Annexes D and E of the petition below; Annex F of the Union petition herein, Record, p. 64.

[7] United Pepsi-Cola Sales Organization vs. Cañizares, 102 Phil. 887, 891.

[8] Erlanger & Galinger, Inc. vs. Erlanger & Galinger Employees Association, G.R. No. L-11907, June 24, 1958, citing National Garments and Textiles Workers Union vs. Caluag, G.R. No. L-9104, September 10, 1956.

[9] Id.

[10] Bay View Hotel, Inc. vs. Manila Hotel Workers' Union, G.R. No. L-21803, December 17, 1966.

[11] Naric Workers' Union vs. Alvendia, G.R. No. L-14439, March 25, 1960.

[12] Pambujan Sur United Mine Workers vs. Samar Mining Co., Inc., 94 Phil. 932, 940, 941-942; Paflu vs. Tan, 99 Phil. 854, 866; Reyes vs. Tan, 99 Phil. 880, 883; NGTW vs. Caluag, 99 Phil. 1067; SMB Box Factory Workers' Union vs. Victoriano, 102 Phil. 646, 651-652; Consolidated Labor Association of the Philippines vs. Caluag, 55 O.G. No. 22, pp. 4037, 4041-4042; Erlanger & Galinger, Inc. vs. Erlanger & Galinger Employees' Association, *supra*; Naric Workers' Union vs. Alvendia, *supra*; Jorales vs. Central Azucarera de Bais, G.R. No. L-15287, September 30, 1963; Malayang Mang-gagawa sa Esso vs. Esso Standard Eastern, Inc., G.R. No. L-24224, July 30, 1965.

[13] Associated Watchmen and Security Union vs. United States Lines, 54 O.G. No. 31, pp. 7397, 7400; emphasis supplied.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.