

FIL-HISPANO LABOR UNION, PHILIPPINE TRANSPORT AND GENERAL WORKERS ORGANIZATION, PABLO ZACARIAS, DOMINGO MARTIN, AND ROBERTO S. OCA, PETITIONERS, VS. THE HON. JUDGE AGUSTIN P. MO...*G.R. No. L-18371. April 23, 1963*

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6f3dad5030e8/>**MAKALINTAL, J.:**

Petition for certiorari and prohibition, with preliminary injunction.

The facts of the case are: The Fil-Hispano Labor Union (the Union), composed of employees of respondent Fil-Hispano Ceramics, Inc. (the Company), was formerly affiliated with the Philippine Association of Free Labor Unions (the PAFLU). The union had a collective bargaining agreement with the Company which provided, among others, for the check-off of union dues. , This agreement expired on December 30, 1960, although pending execution of a new, contract the Union and the Company agreed to continue the provision on check-off. On April 2, 1961 the Union conducted, an election in which petitioners Pablo Zacarias and Domingo Martin were elected president and vice-president, respectively. On April 5, 1961 the Union passed a resolution disaffiliating from the PAFLU and affiliating with the Philippine Transport and General Workers Organization (the PTGWO), of which petitioner. Roberto S. Oca was president. Of this resolution both the PAFLU and the Company were informed. On April 16, 1961 the PAFLU suspended petitioners Zacarias and Martin and all other officers elected with them, and placed the Fil-Hispano Labor Union-PAFLU (the respondent Union) under a trusteeship committee composed of respondents Nicasio Cabuang, Roberto Sioson, Ricardo Gamboa, Benjamin Bautista, D. B. Tuazon and Felimon Jlandoza. Thereafter the Union sent to the Company a proposal for a new contract. However, it was with the PAFLU Trusteeship Committee that the Company 'entered into a collective bargaining agreement on April 20, 1961, and despite repeated demands it refused to turn over to the Union dues collected from its members (Annex B to petitioners' memorandum). For this reason, on April 22. 1961 the Union and the PTGWO filed in the Industrial Court a charge of unfair labor practice against the Company (CIR Case No. 2831, ULP, Annex A). At the same time, the Union declared a strike. On April 24, 1961 respondent Company, respondent Union, and the other respondents filed with the Court of First Instance of Bulacan (presided by respondent Judge) against Pablo Zacarias and Domingo Martin, as representatives of their co-workers who had a common interest with them, and Roberto Oca . as president of the PTGWO, a complaint (Civil Case No. 2730, Annex B) .praying, among others, for an ex-parte writ of preliminary injunction restraining the defendants from molesting or interfering with plaintiff company employees and workers going in and out of its factory at Polo, Bulacan. On the same day respondent Judge issued the writ prayed for (Annex C). The strike declared by the Union ended April 26, 1961, when the Union and the Company entered into a "return to work" agreement.

Petitioners here claim that respondent Judge either (1) has no jurisdiction over the subject-matter of the action because it concerns a dispute among members of the same union on questions of alleged harassment, intimidation,

threats, or force, which acts constitute unfair labor practice, relief for which may be had only in the Industrial Court or (2) acted in excess of jurisdiction in issuing the writ of preliminary injunction without making any findings that there were present the conditions prescribed in Section 9(d) of Republic Act No. 875 for the grant of a labor injunction.

During the pendency of this case, upon bond filed by petitioners, we ordered respondent Judge to desist from further proceeding in and taking jurisdiction of Civil Case No. 2730, CFI Bulacan, and from enforcing the ex-parte writ of preliminary injunction he had issued therein.

The issuance of said writ ex-parte was erroneous, and done without jurisdiction. Two days before the filing of the complaint in the Court of First Instance of Bulacan, petitioners had filed with the Court of Industrial Relations charge of unfair labor practice, consisting of respondent Company's refusal to turn over to the Union check-off dues from its members. The industrial Court, therefore, had jurisdiction over the case to the exclusion of the Court of First Instance, which had no power to enjoin the acts complained of by respondents.[1] The cause of action alleged in the Court of First Instance was intimately related to the charge of unfair labor practice. And even conceding that the Court of First Instance has jurisdiction over respondents' action, yet inasmuch as the same involves a labor dispute—as is apparent from the allegations in the complaint[2]—the court could issue an injunction temporary or permanent, only by complying with the conditions prescribed in Section 9(d) of Republic Act No. 875, namely, that the court set for hearing the petition for injunction, receive testimonial evidence thereon and make an express finding as to the concurrence of the facts enumerated in the said Section which would justify relief, namely:

"(1) That unlawful acts have been threatened and will be committed unless restrained, or have been committed and will be committed unless restrained, but no injunction or temporary restraining order shall be issued on account of any threat or unlawful act excepting against the person or persons' association, or organization, making the threat or committing the unlawful act or actually authorizing or ratifying the same after actual knowledge thereof;

"(2) That substantial and irreparable injury to complainant's property will follow;

"(3) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial or relief than will be inflicted upon defendants by the granting of relief;

"(4) That complainant has not adequate remedy at law; and

"(5) That the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection."

The foregoing requisites were not complied with.

The writ prayed for is granted; the writ of preliminary injunction issued by respondent Judge is annulled; and the preliminary injunction issued herein is made permanent, with costs against respondents.

Bengzon, C. J., Padilla, Bautista Angela, Conception, Paredes, Dizon and Regala, JJ., concur;

Reyes, J. B. L., and Barrera, JJ., concur in the result.

[1]It seems clear that the respondent judge erred in issuing ex-parte the writ of preliminary injunction complained of. There being at the time two pending proceedings in the Court of Industrial Relations, namely, one for certification election and the other for unfair labor practice, the Court of First Instance of Camarines Sur had no jurisdiction to issue an anti-picketing injunction—whether final or preliminary—in relation to the matters involved in the two proceedings aforementioned. That was already within the exclusive jurisdiction of the Court of Industrial Relations. (National Mines and Allied Workers' Union vs. Ila, et al., L-16884, January SI, 1968,

citing United Pepsicola Sales Organization etc., vs. Cafiizares, 102 Phil.; 887).

[2]See par. 4 of complaint filed by respondents in the Court of First instance of Bulacan, Section 9(f, 1), B. A. 875; Section 2(j), R. A., 875.

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.