

CEBU PORTLAND CEMENT CO., PLAINTIFF AND APPELLANT, VS. CEMENT WORKERS' UNION, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-30174. May 31, 1972

Ponente: REYES, J.B.L., Acting C.J.

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REYES, J.B.L., Acting C.J.:

Appeal from the order of the Court of First Instance of Cebu dismissing its Civil Case No. R-6977 for lack of jurisdiction.

The Cebu Portland Cement Company commenced Civil Case No. R-6977 in the Court of First Instance of Cebu with the filing of a complaint against the Cement Workers Union and 13 individuals, alleging, among other things, that in the morning of 25 March 1961 the defendants staged a strike against the plaintiff at its cement plant in Tina-an, Naga, Cebu; that "defendants established pickets in plaintiff's private properties to the damage and prejudice of the latter;" that "in the prosecution of the strike declared by the defendants against plaintiff, hereinabove referred to, the strikers committed violence and caused injuries to persons and damage to property;" that "the purpose for which the strike of 24 March 1961 was declared was not related to the improvement of working conditions of employees such as wages, hours of labor or other terms and conditions of employment, but to force plaintiff to compel non-union members to pay fee for attorneys' services." It was then prayed the court that the strike began on 24 March 1961 be declared illegal and those who organized the same be considered dismissed from the service, and defendants be ordered to pay to the plaintiff actual damages in the amount of P40,000.00 a day for the duration of the strike, exemplary damages for P50,000.00, and costs. Plaintiff also applied for a writ of preliminary injunction to enjoin the defendants from picketing the premises of the Naga Cement Plant upon such bond as the court may prescribe.

Defendants opposed the prayer for preliminary injunction, claiming that an unfair labor practice charge having been filed by the defendants against the plaintiff in the Court of Industrial Relations on 25 March 1961, the matter of the propriety or impropriety of an injunction falls exclusively within the jurisdiction of the said court.

In its order of 20 April 1961, the court sustained the defendants and dismissed the action for lack of jurisdiction pointing out that the questions presented therein were also included in the unfair labor practice controversy between the same parties which had been certified by the President of the Philippines to the Court of Industrial Relations. Plaintiff moved to reconsider this dismissal order, and when it was denied, it went on appeal to the Court of Appeals. The case, however, was transmitted to this Court, the issue raised therein being one affecting the jurisdiction of the court *a quo*.

It is noted that while the complaint did not so state specifically, it may be gathered nevertheless from its allegations that the defendant labor union is composed of workers in appellant's cement plant in Naga, Cebu, and that the individual defendants are employees of said plaintiff corporation. It is likewise evident from the averments of the complaint that appellant's demand for damages is for losses incurred on account of the alleged

unlawful strike staged by the defendants-appellees. Upon the other hand, the appellees contend that the strike was precipitated by appellant's refusal to enter into the collective bargaining contract previously agreed upon by the parties, and such action became the basis of the unfair labor practice charge they filed against said appellant in the Court of Industrial Relations. In fact, as mentioned by the lower court in its disputed order, this unfair labor practice controversy was even certified by the President of the Philippines to the Industrial Court.

In the circumstances, there is no error in the dismissal of the action for damages by the court below. For it is clear that the appellees' liability for damages claimed by appellant hinges on the question of the legality or illegality of the strike staged by them. And this issue is necessarily linked to or interwoven with the alleged refusal of appellant corporation to enter into the collective bargaining contract with the Union, which is the subject of the unfair labor practice case before the Court of Industrial Relations. Following the established ruling on the matter, such question of damages for acts which arose out of, or were connected with, an industrial dispute should be determined by the Industrial Court to the exclusion of the regular courts of first instance.[1]

Assailing further the correctness of the dismissal order of the court a quo, appellant argues that the Court of Industrial Relations then had not as yet acquired jurisdiction over the subject matter. It is pointed out that appellees had merely filed a charge for unfair labor practice, whereas it is not such charge but the complaint filed by the court prosecutor that commences an unfair labor practice proceeding in the Court of Industrial Relations.

There is no merit in the allegation. In the first place, it must be remembered that jurisdiction is conferred by law; it is not determined by the existence of an action in another tribunal. In other words, it is not the filing of an unfair labor case in the Industrial Court that divests the court of first instance jurisdiction over actions properly belonging to the former. It is the existence of a controversy that properly falls within the exclusive jurisdiction of the Industrial Court and to which the civil action is linked or connected that removes said civil case from the competence of the regular courts. It is for this reason that civil actions found to be intertwined with, or arising out of, a dispute exclusively cognizable by the Court of Industrial Relations were dismissed, even if the cases were commenced ahead of the unfair labor practice proceeding,[2] and jurisdiction to restrain picketing was decreed to belong to the Court of Industrial Relations although no unfair labor practice case has as yet been instituted.[3] For the court of first instance to lose authority to pass upon a case, therefore, it is enough that an unfair labor practice case is in fact involved in or attached to the action,[4] such fact of course being established by sufficient proof.

Secondly, it is not accurate to say that there was no controversy between the parties herein before the Industrial Court when the disputed order was issued. As mentioned by the lower court in the order of dismissal, the labor dispute between the employer and the striking employees had been certified by the President of the Philippines to the Court of Industrial Relations, and that certification confers on the said court exclusive jurisdiction to pass upon the controversy[5] and other matters connected therewith.

WHEREFORE, finding no error in the order appealed from, the same is hereby affirmed, with costs against the appellant.

Makalintal, Zaldivar, Fernando, Teehankee, Barredo, Makasiar, and Antonio, JJ., concur.

Concepcion, C.J., on official leave.

Castro, J., took no part.

[1] Mindanao Rapid Co., Inc. vs. Omandam, G.R. No. L-23058, and companion cases, 27 Nov. 1971, 42 SCRA 250; Associated Labor Union vs. Cruz, G.R. No. L-28978, 22 Sept. 1971, 41 SCRA 12; Rustan Supervisory Union vs. Dalisay, G.R. No. L-32891, 29 Apr. 1971, 38 SCRA 500; Leoguinco vs. Canada Dry Bottling Co.

Employees Association, G.R. No. L-28621, 22 Feb. 1971, 37535, and cases cited therein.

[2] Veterans Security Free Workers Union vs. Cloribel, G.R. No. L-26439, 30 Jan. 1970, 31 SCRA 297; Citizens League of Freeworkers vs. Abbas, G.R. No. L-21212, 23 Sept. 1966, 18 SCRA 71; Associated Labor Union vs. Gomez, G.R. No. L-25999, 9 Feb. 1967, 19 SCRA 304.

[3] Mindanao Rapid Co., Inc. vs. Omandam, G.R. No. L-23058 and companion cases, 27 November 1971, 42 SCRA 250.

[4] Philippine Communications, Electronics & Electricity Workers' Federation vs. Nolasco, G.R. No. L-24984, 29 July 1968, 24 SCRA 321, and cases therein cited. Ed. Note, 24 SCRA 331,352; Federacion Obrera de la Industria Tabaguera vs. Mojica, G.R. No. L-25059, 30 Aug. 1968, 24 SCRA 936; United Central & Celulose Labor Asso. (PIUM), et al. vs. Judge Santos, et al., G.R. No. L-21049, 31 May 1972; also Rustan, etc. vs. Dalisay, G.R. No. L-32891, 29 Apr. 1971, 38 SCRA 500.

[5] Sec. 10, Rep. Act 875; PAFLU vs. Tan, 99 Phil. 854, Talisay-Silay Milling Co. vs. CIR. L-21582, 29 Nov. 1966, 18 SCRA 894, and others.

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