

**FEDERATION OF FREE FARMERS, JEREMIAS U. MONTEMAYOR,
EDGARDO M. VIRIÑA, AND FAUSTINO F. BONIFACIO, JR.,
PETITIONERS, VS. HON. VICENTE G. ERICTA, AS PRESIDING JUDGE
OF THE COURT O...**

G.R. No. L-38861. October 29, 1976

Ponente: FERNANDO, J.

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FERNANDO, J.:

It was the refusal of the then Court of First Instance Judge Vicente G. Ericta, now an Associate Justice of the Court of Appeals, to dismiss an action for quo warranto and damages pending in his sala filed by private respondents[1] that led to the institution of this certiorari and prohibition proceeding by the Federation of Free Farmers and petitioners Jeremias U. Montemayor, Edgar M. Viriña, and Faustino F. Bonifacio, Jr.[2] The jurisdiction of respondent Judge is assailed on the ground that the dispute between the private parties dealt solely with alleged violations of the by-laws of a labor organization and is therefore not cognizable by the regular courts.[3] A careful study of the pertinent facts of record yields the conclusion that this issue of lack of power is decisive. For reasons to be set forth, this Court rules that the remedies prayed for must be granted. There was lack of jurisdiction on the part of respondent Judge.

On October 18, 1973, private respondents filed an action for Quo Warranto and Damages with Prayer for Preliminary Injunction in the Quezon City Court of First Instance then presided by respondent Judge against petitioners Montemayor, Viriña, and Bonifacio.[4] The case arose from an intra-union dispute between the President Jeremias U. Montemayor, petitioner of the Federation of Free Farmers, also a petitioner, and another faction therein apparently under the leadership of respondent Manuel E. Mondejar, Jr., plaintiff in such proceeding.[5] There was on October 20, 1973 a restraining order issued by respondent Judge against petitioner Montemayor requiring him to desist "from calling a national convention which is set on October 20, 1973, or on any other date." It was valid only up to November 20, 1973.[6] Two days later, this petitioner filed a manifestation with the Court of First Instance of Quezon City informing the latter that there was nothing to be restrained as the convention was adjourned earlier.[7] Then came on October 30, 1973 a Motion to Dismiss filed by petitioners on the ground of lack of jurisdiction by the respondent Judge as on the face of the suit filed, what was set forth were alleged "violations of the rights and conditions of membership in a labor organization as well as alleged violations of internal labor organization procedures." [8] It was not until March 28, 1974 that respondent Judge issued the challenged order denying the motion to dismiss. The denial of the motion to dismiss referred to the claim for moral damages, leading respondent Judge to assume that the Court of Industrial Relations could not be deemed possessed of jurisdiction, respondent Judge citing the work of petitioner Jeremias U. Montemayor on Labor, Agrarian and Social Legislation.[9] There was a motion for reconsideration, but it was denied. Hence this petition.

As set forth at the outset, the petition is impressed with merit. Respondent Judge was devoid of jurisdiction.

1. This excerpt from the recent decision of Lopez, Jr. v. Court of First Instance of Manila[10] is relevant: "As far back as *Kapisanan ng mga Manggagawa v. Bugnay*, decided in 1957, this Court, through Justice Montemayor, explicitly declared that under this provision, 'questions involving the rights and conditions of membership in a labor organization, fall within the jurisdiction of the CIR.' *Phil. Land-Air-Sea Labor Union v. Ortiz*, decided a year later, is even more relevant. Again, this Court, speaking through the same jurist, reiterated such a view. In this action for certiorari and prohibition seeking to annul the decision of the then respondent Judge Montano A. Ortiz, it was shown that notwithstanding the fact that there was an intramural dispute between a member and the officers of a labor union, the lower court denied a motion to dismiss on the ground of lack of jurisdiction. The Supreme Court reversed on the authority of the above *Kapisanan ng mga Manggagawa* decision. As succinctly put by Justice Montemayor: 'This same question has already been submitted to and decided by this Court, for which reason, we do not deem it necessary to discuss it at length.' He elaborated on the basis of this doctrine thus: 'One reason, in our opinion, why cases involving the rights and conditions of membership in a labor union or organization are placed within the exclusive jurisdiction of the Court of Industrial Relations is that said court is in a better position and is more qualified than ordinary courts to determine said cases, dealing as it does with problems of management and labor, the latter represented by labor unions, the activities of such labor organizations and their members, certification elections to determine the labor unions as a bargaining agency to deal and negotiate with the management, * * *. 'Then came a 1959 decision which is quite in point, *Philippine Association of Free Labor Unions v. Padilla*. This was an appeal from an order of the Court of First Instance of Camarines Norte dismissing plaintiffs' complaint precisely on the ground of lack of jurisdiction over the subject matter of the action. What was sought in the case, among others, was the ousting of the defendants from their respective positions as officers of the labor union. It needed only one paragraph for Justice Labrador as ponente to dispose of the contention that the lower court and not the Court of Industrial Relations had jurisdiction. Reference was made to the Industrial Peace Act and it was then noted that 'the court vested with jurisdiction to take judicial cognizance of actions involving violations of internal labor organization procedures is the Court of Industrial Relation [therefore] the lower court correctly dismissed the complaint presented by the plaintiffs.'"[11] The above decision was cited with approval by Justice Antonio in the even more recent decision of *Guevara v. Gopengco*[12] in these words: "In *Donato Lopez, Jr. v. The Court of First Instance of Manila*, this Court, speaking through Justice Enrique M. Fernando, sustained the right of the Court of Industrial Relations to take cognizance of a case involving the presidency of a labor union, rather than that of the Court of First Instance of Manila."[13]

2. Respondent Judge could not have been unaware of such a well-settled doctrine. He denied the motion to dismiss, however, as there was a claim for damages in the quo warranto petition filed by private respondents as plaintiffs. This is a point likewise discussed by Justice Antonio in *Guevara*. Thus: "Private respondents' claim for damages does not necessarily mean that the case is strictly based on tort and, therefore, cognizable by the court a quo. For it is inaccurate for private respondent to characterize the dispute as one between the organization itself, and an outsider, as it is not denied that petitioner was elected National President of the PAFLU at the convention of July 7, 1974. Whether or not such damages are recoverable, and to what extent, would have still to depend on the final outcome of NLRC Case No. LR-4271, or, in the resolution of the issue, whether or not the PAFLU Constitution and By-Laws were violated, and which among the two set of officers elected, has the right to represent the labor union. These are questions, the resolution of which has been conferred by law upon administrative bodies."[14] As a matter of law, as far back as *Associated Labor Union v. Gomez*,[15] a 1967 decision, Justice Sanchez had already set forth the controlling doctrine whenever the jurisdiction is exclusively conferred on an administrative tribunal in the following explicit language: "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. To hold otherwise is to sanction split jurisdiction - which is obnoxious to the orderly

administration of justice." [16] Such a ruling was reaffirmed in the latter cases of *Progressive Labor Association v. Atlas Consolidated Mining Corporation*; [17] *Leoquinco v. Canada Dry Bottling Co.*, [18] and *Associated Labor Union v. Cruz*. [19] The latest decision on the matter, *Goodrich Employees Association v. Flores*, [20] was just promulgated early this month.

3. It is to be made clear that our ruling extends only to the lack of jurisdiction on the part of respondent Judge. Whatever remedy then is available to private respondents, if any, should be sought elsewhere. Insofar as intra-union conflicts are concerned, the Court of Industrial Relations has now been replaced by the Bureau of Labor Relations. [21]

WHEREFORE, the writ of certiorari is granted and the order of respondent Judge of March 28, 1974 denying the motion to dismiss filed by petitioners, as well as his order of June 10, 1974 denying the motion for its reconsideration, are hereby nullified and set aside. The writ of prohibition prayed for is likewise granted and the successor of respondent Judge Vicente G. Ericta is perpetually restrained from acting on the complaint for quo warranto and damages except for the purpose of dismissing the same. No costs.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] Manuel E. Mondejar, Jr., Ludovico Villamor, Victor Gerardo Bulatao, Felicísimo B. Patayan, Gerardo J. Esguerra, Cesar G. Mascariñas, and Fr. Pio M. Eugenio.

[2] Petitioner Jeremias U. Montemayor is the President of petitioner Union, while petitioners Faustino F. Bonifacio, Jr. and Edgar M. Viriña were named to the National Policy Planning Board of such union by petitioner Montemayor.

[3] Section 17 of the Industrial Peace Act, Republic Act No. 875, was invoked. Its first paragraph reads as follows: "It is hereby declared to be the public policy of the Philippines to encourage the following internal labor organization procedures. A minimum of ten percent of the members of a labor organization may report an alleged violation of these procedures in their labor organization to the Court. If the Court finds, upon investigation, evidence to substantiate the alleged violation and that efforts to correct the alleged violation through the procedures provided by the labor organization's constitution or by-laws have been exhausted, the Court shall dispose of the complaint as in 'unfair labor practice' cases." The Court specified is the now-defunct Court of Industrial Relations. The cases of *Phil. Land-Air-Sea Labor Union v. Ortiz*, 103 Phil. 409 (1958) and *Philippine Association of Free Labor Unions v. Padilla*, 106 Phil. 591 (1959) were cited in the petition. Parenthetically, it may be observed that counsel for petitioners would be well-advised to give the citations as found in the Philippine Reports. Opposing counsel may be inconvenienced by the reference to the original case numbers in the Docket of this Court.

[4] Petition, par. IV. Leonardo Q. Montemayor, Cristina Nacario, Norberto Arcangel, Romulo Lopez, Alfredo Tolentino, Ramon P. Mabanag, Gualberto Perez, Aguedo Bustos and Julian Tuyor were also named as respondents in such quo warranto suit.

[5] *Ibid*, Arguments, 6.

[6] *Ibid*, par. V.

[7] *Ibid*, par. VII.

[8] *Ibid*, par. VIII.

[9] Annex I.

[10] L-26358, June 27, 1975, 64 SCRA 394.

[11] Ibid, 396-398. The Kapisanan decision is reported in 101 Phil. 18 (1957); Phil. Land-Air-Sea Labor Union, in 103 Phil. 409 (1958); Philippine Association of Free Labor Unions, in 106 Phil. 591 (1959). Cf. Capistrano v. Bogar, L-24707, Jan. 18, 1968, 22 SCRA 155 and Catura v. Court of Industrial Relations, L-27392, Jan. 30, 1971, 37 SCRA 303.

[12] L-39126, September 30, 1975, 67 SCRA 236.

[13] Ibid, 242.

[14] Ibid, 243-244.

[15] L-25999, February 9, 1967, 19 SCRA 304.

[16] Ibid, 309.

[17] L-27585, May 29, 1970, 33 SCRA 349.

[18] L-28621, February 22, 1971, 37 SCRA 535.

[19] L-28978, September 22, 1971, 41 SCRA 12.

[20] L-30211, October 5, 1976.

[21] According to Article 225 of Presidential Decree No. 570 (1974): "Bureau of Labor Relations. - The Bureau of Labor Relations and the labor relations divisions in the regional offices of the Department of Labor shall have original and exclusive authority to act, at their own initiative or upon request of either or both parties, on all inter-union and intra-union conflicts, and all disputes, grievances or problems arising from or affecting labor-management relations in all workplaces whether agri-cultural or non-agricultural, except those arising from the implementation or inter-pretation of collective bargaining agreements which shall be the subject of grievance procedure and/or voluntary arbitration."

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