

JACINTO FLORES, MAMERTO CENEDOZA, MARCELINO CALPA CRUZ, RAYMUNDO BAYLOSIS, NESTOR ABELGAS, DALMACIO DIMAAPI AND FERNANDO ARETA, PETITIONERS, VS. FILIPINO HAND EMBROIDERY CO., IN...

G.R. No. L-35126. August 30, 1988

Ponente: PARAS, J.

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PARAS, J.:

This is a petition for certiorari and prohibition with preliminary injunction seeking to restrain and prohibit respondent Judge Hermino C. Mariano of the then Court of First Instance of Rizal, Seventh Judicial District, Branch X, from further proceeding with Civil Case No. 14747 for alleged lack of jurisdiction.

Private respondent is a domestic corporation organized under Philippine laws and engaged in the manufacture of gloves and other embroidered products while petitioners are the factory workers of said corporation.

In 1971, herein petitioners along with 200 factory workers of said corporation, organized a union, the Hand Embroidery Workers Union-CCLU, with petitioner Flores and Cenedoza as president and vice-president, respectively, and the other petitioners as officers and/or active members.

On April 19, 1971, petitioners' union sent by registered mail a statement of proposals to Mr. Nicolas Jureidini, manager of private respondent, but Mr. Jureidini, claiming to have resigned from his position, refused to receive the same.

On May 11, 1971, the same statement of proposals was addressed to private respondent, who, through its counsel, on May 17, 1971, answered "that it cannot presently entertain your proposals for collective bargaining because the said corporation has a valid and existing collective bargaining contract with the Filipino Hand Embroidery United Workers Organization (FUWC for short), which will expire on September 8, 1971. This matter, I understand, was the subject of your conference with the counsel for the FUWC last May 3 and 7, 1971." (Rollo, p. 2)

On the same date, May 11, 1971, 10% of the employees of private respondent filed a Petition for Certification Election with the Court of Industrial Relations, docketed therein as Case No. 3057-MC (Rollo, pp. 8-10).

On May 18, 1971, private respondent dismissed 43 workers, including petitioners, allegedly for failure to heed the company's memorandum to restore their normal individual production of 40 pairs of gloves a day instead of only 30 pairs. Because of such dismissal, on May 19, 1971, petitioners' union filed a charge of unfair labor practice with the Court of Industrial Relations, docketed therein as Charge No. 4234 (Ibid., p. 11).

On the same date, May 19, 1971, private respondent filed the instant case with the then Court of First Instance of Rizal, Seventh Judicial District, Branch X, presided over by herein public respondent Judge Herminio C. Mariano (Rollo, pp. 12-15), who issued a restraining order on May 20, 1971 (Ibid., pp. 16-17).

On May 26, 1971, petitioners filed a motion praying that the preliminary injunction be lifted and that the

complaint be dismissed for lack of jurisdiction (*Ibid.*, pp. 18-21), and in a letter dated May 26, 1971 (*Ibid.*, pp. 22-23), petitioners requested that the said motion be set for hearing on May 27, 1971. This motion, however, was denied in an Order dated July 16, 1971 (*Ibid.*, pp. 24-29).

On August 4, 1971, petitioners filed a Motion for Reconsideration (*Ibid.*, pp. 30-35).

On March 6, 1972, petitioners received an Order dated February 8, 1972, declaring them in default and allowing private respondent to present its evidence ex-parte on May 4, 1972.

On March 18, 1972, petitioners filed a Motion for Resolution of Motion for Reconsideration dated August 4, 1971, praying that the Order of February 8, 1972 be lifted and that their motion for reconsideration of August 4, 1971 be resolved (*Ibid.*, p. 36).

In an Order dated September 21, 1971, petitioners' Motion for Reconsideration of August 4, 1971 was denied (*Rollo*, p. 37).

Hence, this petition.

In a Resolution of this Court dated June 6, 1972, respondents were required to file an answer, and upon petitioners posting a bond, directed the issuance of a preliminary injunction (*Ibid.*, p. 38). In compliance therewith, petitioners posted a cash bond and a Writ of Preliminary Injunction was issued on June 30, 1972 (*Ibid.*, pp. 45-46). Respondents filed their Answer on July 10, 1972 (*Ibid.*, pp. 48-49).

The instant petition is impressed with merit.

The sole issue in this case is whether or not respondent judge erred in maintaining his jurisdiction over Civil Case No. 14747.

It will be recalled that private respondent, in his Complaint of May 18, 1971 (*Rollo*, pp. 12-15), alleges, among others -

"5. That the present employees are now working full blast in order to meet the delivery date of the goods heretofore stated, but defendants unlawfully, feloniously, maliciously as well as in confabulation with one another and with intent to inflict damage and injury, have threatened and are about to cordon the premises of plaintiff in order to prevent ingress and egress, especially to prevent plaintiff from complying with its business commitment."

and accordingly made the prayer that pending hearing, a writ of preliminary injunction be issued immediately to enjoin the petitioners, their agents, representatives, their attorneys, and all persons acting for and in their behalf or assisting them from blocking, singly or en masse, cordoning or forming a human blockade and otherwise interfering in any manner in the free passage of goods and personnel in private respondent's factory, upon the filing of a nominal bond therefor.

Likewise, it will be recalled that in his Order of July 11, 1971 (*Ibid.*, pp., 24-29), it is the finding of respondent judge that -

"On May 11, 1971, the defendants filed a petition with the Court of Industrial Relations, Exhibit 'F', praying that a consent or certification election be ordered held. After the petition for certification election was filed, the company threatened to lay-off 15 employees, some of whom have been working with the plaintiff for a period ranging from 5 to 12 years. On May 13, 1971, a notice of strike was filed by defendants' counsel, Atty. Oliver Gesmundo, and as a consequence of said notice 43 employees, who are members of the Hand Embroidery Workers Union were finally dismissed on May 18, 1971 allegedly because of their union activities. Because of said dismissal, the Hand Embroidery Workers Union, thru Atty. Germundo, filed a complaint dated May 19,

1971 with the Court of Industrial Relations against the plaintiff for alleged unfair labor practice." (Pages 2-3 of the said order).

From the above, it is clear that private respondent's action for damages arose out of, or is connected or intertwined with, the unfair labor practice case, and as such, jurisdiction belongs to the Court of Industrial Relations. It is settled that where the plaintiff's cause of action for damages arose out of, or was necessarily intertwined with, the alleged unfair labor practice committed by the union, the jurisdiction properly belongs to the Court of Industrial Relations (*Maria Cristina Fertilizer Plant Employees Asso. vs. Tandayag*, 83 SCRA 57 [1978]).

In the case of *PLDT Company vs. Free Telephone Workers Union* (116 SCRA 145, 153-154 [1982]), this Court ruled - that the regular courts have no jurisdiction over complaints for damages of this nature.

In said case, this Court, citing *Holganza vs. Apostol*, 76 SCRA 191 [1977]), states:

"Jurisprudence under R.A. 875, as amended, otherwise known as the Industrial Peace Act (which is now completely superseded by the New Labor Code) is settled that jurisdiction over this kind of complaint for damages is exclusively lodged with the defunct Court of Industrial Relations and that the assumption and exercise of jurisdiction by the regular courts, Courts of First Instance, over the same, is a nullity. We have declared that 'x x x to rule that such demand for damages is to be passed upon by the regular courts of justice, instead of leaving the matter to the Court of Industrial Relations, 'would be to sanction split jurisdiction, which is prejudicial to the orderly administration of justice'."

It is private respondent's contention, however, that petitioners' Exhibit "B" of the Petition, which reads:

"Complainant charges respondents with unfair labor practice in violation of RA 875, Sec. 4(2) sub-paragraphs (1), (2), (3), (4), (5), and (6)."

does not serve to warn the respondent Court - it is merely a charge, without factual basis, of an alleged unfair labor practice filed by the Hand Embroidery Workers Union (CCLU), but not by the seven petitioners; and that even assuming, for the sake of argument, that there is an unfair labor practice involving the petitioners, the respondent court, for purposes of disposing of the matter of jurisdiction, has found, as a fact, that the petitioners were dismissed for cause, a question of fact which this Court cannot review on certiorari.

These contentions of private respondent are untenable.

The findings of respondent judge, as shown above, clearly show that respondent judge is very much aware of the existence of a labor dispute. His knowledge of the pending certification election and the charge of unfair labor practice in the Court of Industrial Relations is already sufficient reason to show that his jurisdiction over the case is wanting. All matters involved in the proceedings for certification election and for unfair labor practice pending in the Court of Industrial Relations are within its exclusive jurisdiction, and the Court of First Instance has no jurisdiction, to issue an anti-picketing injunction - whether final or preliminary - in relation to such matters (*National Mines and Allied Workers' Union vs. Ilao*, 7 SCRA 113, [1963]). Where an unfair labor practice charge was previously filed in the industrial court, it was error for a court of first instance judge to take cognizance of a complaint for injunction and damages based on the same dispute or arising out of the same circumstances that gave rise to filing the ULP charge (*Villacorta vs. Honrado*, 70 SCRA 407 [1976]). Respondent judge, having no jurisdiction over the case, his declaration that petitioners were dismissed for cause is a nullity.

PREMISES CONSIDERED, as respondent Judge has no jurisdiction over the case, his acts, orders and decisions are declared void ab initio and the issued writ of preliminary injunction is made permanent.

SO ORDERED.

Melencio-Herrera, Padilla, Sarmiento, and Regalado, JJ., concur.

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