

PHILIPPINE ASSOCIATION OF FREE LABOR UNIONS (PAFLU) AND BAGUIO AMALGAMATED RADIO ANNOUNCERS AND EMPLOYEES ASSOCIATION (PAFLU), PETITIONERS, VS. HON. PIO R. MARCOS, AS DIS-TRICT ...

G.R. No. L-26213. March 27, 1968

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

Petitioner Philippine Association of Free Labor Unions is a legitimate labor organization operating as a federation of trade unions. Affiliated to it is co-petitioner Baguio Amalgamated Radio Announcers and Employees Association, a labor organization composed of the rank and file employees of Radio Stations DZBS and DZAH in Baguio City owned and operated by private respondent Radio Philippines Network, Inc.

On June 17, 1966, respondent filed Civil Case 1697 in the Court of First Instance of Baguio, for injunction with damages, alleging principally that co-petitioner and its members staged an illegal strike that very morning and "x x x have picketed the working premises of the DZBS and DZAH, padlocked the doors, cut telephone lines, re-moved switches, damaged equipment of the plaintiff and threaten/ed to do further damage to the property of the plaintiff." The verified complaint also contained the requisite allegations for to issuance of preliminary injunction in labor disputes.[1]

The following day, June 18, 1966, the lower court issued an order requiring co-petitioner union to answer and appear before it on June 20, 1966 to show cause why preliminary injunction should not issue.

On June 20, 1966, co-petitioner union filed a motion to dismiss on the ground of lack of jurisdiction, alleging that the present labor dispute was connected with an unfair labor practice charge previously filed by petitioner on May 22, 1966 against respondent in the Court of Industrial Relations for alleged violation of Sec. 4(a)(1) and (2) of Republic Act 875.

By an order of even date, the lower court resolved the motion as follows:[2]

"Finding the Motion to Dismiss to be without merit, the Court hereby denies it.

"Both parties agree, after counsel for defendants had announced his intention to appeal this order to the Supreme Court, and the Court hereby orders, that defendants or any of the members of the PAFLU shall not molest nor prohibit the officials of plaintiff or any of its non-striking employees when entering or getting out of the premises of plaintiff; that defendants shall not destroy or cause any damage to the properties of plaintiff in the premises in question; that defendants shall not coerce or threaten any person in the premises; and that the alleged two stabs shall not perform any announcing work in the radio station nor do the duties of technicians except to guard and keep maintenance work on the equipment of plaintiff, in the meantime that this case is pending determination."

Without asking for a reconsideration of the above-quoted order, petitioners instituted the present special civil

action of certiorari with preliminary injunction. The petition was given due course and this Court issued preliminary injunction.

Petitioners admit that the order of June 20, 1966 did not even amount to a restraining order issued by the lower court. They raise no question regarding the same. The only issue tendered is whether the Court of First Instance had jurisdiction over Civil Case 1697.

A labor dispute involving an unfair labor practice is exclusively cognizable by the Court of Industrial Relations.[3] The Court of First Instance has no jurisdiction. To establish this, however, there must be a showing - not mere allegation - that the labor dispute either arose out of, or is connected or interwoven with the unfair labor practice. The mere filing of an unfair labor practice charge in the Court of Industrial Relations does not, per se, establish the connection. So We ruled in *United Pepsi-Cola Sales Organization v. Hon. Cañizares*, 102 Phil. 887, 891, thru the pen of Justice J.B.L. Reyes –

"We see nothing in the Company's complaint and petition for preliminary injunction that could apprise or warn the court below that an unfair labor practice case was involved. Nor can the lack of jurisdiction of the lower court be simply assumed from the bare fact that an unfair labor practice case had been filed with the Court of Industrial Relations. The criterion, to bring the case under the jurisdiction of the Industrial Court, is whether the acts complained of in the petition for injunction arose out of, or are connected or interwoven with, the unfair labor practice case. (*PAFLU vs. Caluag*, G.R. L-9104 Sept. 10, 1956), a question of fact that should be brought to the attention of the court a quo to enable it to pass upon the issue whether it has jurisdiction or not over the case. x x x" (Stressed for emphasis)

The rule above-stated, based on the foregoing pronouncement, was followed and reaffirmed in four subsequent cases wherein the lack of jurisdiction of the Court of First Instance was upheld because of the showing that the labor dispute subject of the civil case was connected with the unfair labor practices charged. In *ERLANGER & GALINGER v. ERLANGER & GALINGER EMPLOYEES ASS'N.*, 104 Phil. 17, the petitioner company admitted to the lower court that the labor dispute involved an unfair labor practice. The records also disclosed that the strike and picketing arose from the unfair labor practice charges levelled against petitioner company. In *NATIONAL MINES & ALLIED WORKERS' UNION v. HON. ILAO*, G.R. No. L-16884, Jan. 31, 1963, the unfair labor practice charge for discrimination was based particularly on the alleged unjust dismissal of one Jorge Patinio, which dismissal caused the petitioning union to stage a picket, thereby creating a labor dispute which respondent company sought to enjoin in a civil case. In *B.C.I. EMPLOYEES & WORKERS UNION v. HON. MARCOS*, G.R. No. L-21016, July 30, 1965, the unfair labor practice charges were based on the alleged unlawful dismissal of union members because of union activities and the records showed that one of the reasons for the strike which was sought to be enjoined was "discrimination against union members in enforcement of disciplinary actions." Finally, in *CITIZENS' LEAGUE OF FREE WORKERS v. HON. ABBAS*, G.R. No. L-21212, Sept. 23, 1966, the complaint itself in the civil case contained the allegation that plaintiff's refusal to recognize their auto-calesa drivers as employees and bargain with them as such was the cause of the strike staged by the latter.

In the case at bar, except for the bare allegation in co-petitioner's motion to dismiss filed before the lower court and the controverted allegations in par. IV of the petition, there is no competent and satisfactory showing that the labor dispute object of Civil Case 1697 was connected or interwoven with the acts constituting unfair labor practice covered in Case 1159-ULP filed in the Court of Industrial Relations. The connection could not even be inferred from the charge which was couched in general language. Petitioners could very well have established this connection in a motion for reconsideration which they should have filed first before resorting to this Court. Withal, there is nothing to prevent petitioners from showing said connection before the lower court in the proceedings to follow. But the petition here must be dismissed for now.

WHEREFORE, the petition is hereby dismissed and the preliminary injunction heretofore issued is revoked and set aside. Costs against petitioners.

SO ORDERED.

Reyes, Acting Chief Justice, Dizon, Makalintal, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., on leave.

[1] Rollo, pp. 8-9.

[2] Rollo, p. 14.

[3] Sec. 5(a), Republic Act 875.

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