

**MINDANAO RAPID CO., INC. (MINRAPCO), REPRESENTED BY ITS
MANAGER, DALMACIO S. ENRIQUE, PLAINTIFF-APPELLANT, VS.
CRESENCIO OMANDAM, LABOR LEADER, ET AL.,
DEFENDANTS-APPELLEES.**

G.R. No. L-23058. November 27, 1971

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

A common basic issue in these six (6) cases - which court has jurisdiction over the same, the Court of First Instance or the Court of Industrial Relations - has prompted the rendition of this joint decision.

L-23058. Plaintiff, Mindanao Rapid Co., Inc. (MINRAPCO), filed with the Court of First Instance of Cotabato a complaint - docketed as Civil Case No. 1920 - for the recovery of actual and moral damages, as well as attorney's fees, owing to the following acts, allegedly committed by defendants Cresencio Omandam, Angel Matondo, Arturo Tero, Feliciano Carreon, and other persons whose names do not appear in the records before Us, namely: (1) leaving or abandoning "their respective jobs or works" as em-ployees of MINRAPCO and dumping eleven (11) passenger buses there-of at Bangkal, Davao City, "thereby exposing them to the elements and to the hazards of being damaged or lost"; (2) coercing and inti-midating MINRAPCO officials thereby exposing them to "humiliation, public ridicule and mental anguish"; and (3) thereby compelling MIN-RAPCO to engage the services of counsel.

The defendants filed a motion to dismiss, alleging that the court has no jurisdiction over the subject-matter of the complaint, the acts complained of by MINRAPCO having arisen from a labor dispute between their, and that the defendants, who are members of the Cota-bato Employees and Laborers' Union (CELU), had participated in a strike declared by CELU against MINRAPCO and picketed its garage at Bangkal, Davao City, "where the eleven buses in question are found." The lower court granted the motion and dismissed the com-plaint. Hence, this appeal by MINRAPCO, upon the theory that, in finding that the aforementioned labor dispute existed, the lower court had indulged in "a mere conjecture," unsupported by any of the allegations in the complaint, which must be assumed to be true and are ex-clusively determinative of the merits of the motion to dismiss and of the order of dismissal appealed from.

L-23473. Plaintiff Rudy Dominguez filed with the Court of First Instance of Negros Occidental - where it was docketed as Civil Case No. 6912 - a complaint for reinstatement and damages owing to his dismissal by defendant Pepsi-Cola Bottling Co., Inc., as truck driver thereof, "without due warning and without possible cause or causes." The company moved to dismiss for lack of juris-diction of said court over the subject-matter of the case, the same being within the exclusive original jurisdiction of the Court of Indus-trial Relations owing to plaintiff's prayer for reinstatement. The motion having been denied, the case was, after the filing of defen-dant's answer, subsequently heard on the merits. Judgment was later rendered directing plaintiff's reinstatement without back wages, for, although he had, without just cause, assaulted the officer-in--charge of defendant's motorpool, such act is - in the

lower court's opinion - insufficient to warrant plaintiff's dismissal, this being his "first offense." In its appeal, the defendant insists, inter alia, that the case is within the exclusive jurisdiction of the Court of Industrial Relations.

L-23871. In his complaint filed with the Court of First Instance of Sorsogon, plaintiff Juan Glipo seeks to recover P3,969.00, plus moral and exemplary damages apart from attorney's fees, upon the ground that, as night watchman of defendant A. L. Ammen Transportation Co., working from 6 p.m. to 6 a.m., since May 13, 1960, he had been receiving P90.00 less, every month, than the minimum provided for in the Minimum Wage Law, and had not been given the prescribed overtime pay. On motion of the company, the lower court dismissed the case, upon the ground that it is within the exclusive jurisdiction of the Court of Industrial Relations. A reconsideration of the order to this effect having been denied, plaintiff interposed the present appeal.

L-24232. Petitioner Democratic Labor Association having staged a strike against respondent Cebu Stevedoring Co., for alleged unfair labor practices thereof, the company filed with the Court of First Instance of Cebu a complaint - docketed as Civil Case No. 8725 thereof - to restrain the Association from preventing, through force, intimidation and coercion, the ingress and egress of non-striking employees into and from the compound of the company. The latter, likewise, sought to recover damages, for unearned income during the strike, and prayed for a writ of preliminary injunction, which was granted ex parte by respondent Judge Guillermo Villazor.

The Association moved to dismiss, assailing the jurisdiction of the lower court, upon the theory that the damages claimed by the company and the picketing it sought to restrain had arisen out of a labor dispute between the parties owing to unfair labor practices of the company, which are within the exclusive jurisdiction of the Court of Industrial Relations. The court of first instance having denied the motion and thereafter made the injunction permanent, the Association commenced the present original action for certiorari and prohibition, with preliminary injunction - which we issued - upon the ground that the main case is within the exclusive jurisdiction of the Court of Industrial Relations, the issue in the court of first instance being an integral part of a labor dispute between the parties, arising from an unfair labor practice of the company.

L-24718. Petitioner Manila Cordage Workers' Union-PAFLU having given a notice of strike, respondent Manila Cordage Company filed with the Court of First Instance of Rizal a petition - docketed as Civil Case No. 8617 of said court - "for declaratory relief and injunction" against the union and its officers, to restrain them "from demanding and insisting on their demand and from threatening to enforce their demand," as well as from compelling the company to "negotiate with the respondents on bargainable matters x x x." The trial court issued the writ of preliminary injunction prayed for by the company, and later refused to lift said writ. Soon, thereafter, the union and several members thereof filed, with the Court of Industrial Relations, an unfair labor practice charge against the Company for having dismissed the "individual complainants discriminatorily" on account of their union activities. Thereafter, the union went on strike. On motion of the Company, the court of first instance required the respondents in case No. 8617 to show cause why they should not be punished for contempt of court for having allegedly violated the injunction. Thereupon, the Union initiated in the Supreme Court the present special civil action for "certiorari with injunction," alleging lack of jurisdiction of the court of first instance to hear and decide said case No. 8617, the issue therein being inextricably connected with a labor dispute arising from the Company's unfair labor practices, which are within the exclusive jurisdiction of the Court of Industrial Relations.

L-24956. Petitioner National Mines and Allied Workers' Union (NMAWU-MIF) preferred an unfair labor practice charge against respondent Legaspi Oil Company, Inc. in view of the dismissal, due allegedly to union activities, of a number of its employees, who are Union members. Soon later, the Union struck against the Company and established a picket line along its premises in Arimbay, Legaspi City. The Company, in turn, filed with the Court of First Instance of Albay a complaint for injunction and damages - docketed as Civil Case No.

2772 of said court - alleging that, despite the absence of a collective bargaining agreement between the parties, the Union had declared a strike and picketed the Company premises; that, by means of threat and violence, the Union had thus prevented laborers, employees and customers of the Company from going in and out of said premises; and that, in consequence thereof, the Company stood to lose P10,000 daily. As prayed for by the Company, the court of first instance issued ex parte a writ of preliminary injunction. The Union moved to dismiss said case No. 2772, alleging, inter alia, lack of jurisdiction over its subject-matter, upon the theory that the case had arisen out of a labor dispute already pending in the Court of Industrial Relations. Judge Perfecto Quicho, who presided over the court of first instance, denied the motion and ordered the issuance of an injunction pursuant to section 9(d) of Rep. Act 875. Hence, this original petition for certiorari and prohibition against Judge Quicho, the Company and its plant superintendent, Eldred Fewkes.

As above indicated, the common issue in these cases is whether the same are within the jurisdiction of the Court of Industrial Relations or that of the court of first instance. In this connection, speaking through Mr. Justice Sanchez, We had occasion to postulate, in *Bay-view Hotel, Inc. v. Manila Hotel Workers' Union*[1]:

"1. Petitioner's case is planted upon the averment that respondent's causes of action are not covered by any one of those enumerated in the 1956 case of *PAFLU vs. Tan*, 99 Phil. 854, 862. There, this Court confined the CIR's jurisdiction to the following cases:

"x x x (1) when the labor dispute affects an industry which is indispensable to the national interest and is so certified by the President to the industrial court (Section 10, Republic Act No. 875); (2) when the controversy refers to minimum wage under the Minimum Wage Law (Republic Act No. 602); (3) when it involves hours of employment under the Eight-Hour Labor Law (Commonwealth Act No. 444); and (4) when it involves an unfair labor practice [Section 5, (a), Republic Act No. 875]."

"But the court below asserted jurisdiction on the authority of *PRISCO vs. CIR, et al.*, L-13806, May 23, 1960. In that case, this Court reviewed the cases decided since *PAFLU* and then stated:

'Analyzing these cases, the underlying principle, it will be noted in all of them, though not stated in express terms, is that where the employer-employee relationship is still existing or is sought to be reestablished because of its wrongful severance (as where the employee seeks reinstatement), the Court of Industrial Relations has jurisdiction over all claims arising out of or in connection with employment, such as those related to the Minimum Wage Law and the Eight-Hour Labor Law. After the termination of the relationship and no reinstatement is sought, such claims become mere money claims, and come within the jurisdiction of the regular courts.

'We are aware that in 2 cases [*Mindanao Bus Employees Labor Union (PLUM) vs. Mindanao Bus Co., et al.*, L-9795, December 28, 1957; *Gomez vs. North Camarines Lumber Co.*, L-11945, August 18, 1958] some statements implying a different view have been made, but we now hold and declare the principles set forth in the next preceding paragraph as the one governing all cases of this nature.'

"Then, amongst the many cases thereafter, restatements were made in *Sy Huan vs. Bautista, et al.*, L-16115, August 29, 1961, and *Campos, et al. vs. Manila Railroad Co., et al.*, L-17905, May 25, 1962. In *Sy Huan*, we said:

'The jurisdiction of the Court of Industrial Relations, under the law and the jurisprudence, extends only to cases involving (a) labor disputes affecting an industry which is indispensable to the national interest and so certified by the President to the Court, Section 10, Republic Act No. 875; (b) controversy about the minimum wage under the Minimum Wage Law, Republic Act No. 602; (c) hours of employment under the Eight-Hour Labor Law, Commonwealth Act No. 444; and (d) unfair labor practice, Section 5 (a), Republic Act No. 875. *PAFLU vs. Tan*, 52 O.G. 5836. x x x. And such disputes and controversies, in order that they may fall under the jurisdiction of the

Court of Industrial Relations, must arise while the employer-employee relationship between the parties exists, or the employee seeks reinstatement. When such relationship is over and the employee does not seek rein-statement, all claims become money claims that fall under the jurisdiction of the regular courts. Price Stabilization Corporation vs. Court of Industrial Relations, et al., x x x.'

And in Campos, the language we employed was:

'We may, therefore, restate, for the benefit of the bench and the bar, that in order that the Court of Industrial Relations may acquire jurisdiction over a controversy in the light of Republic Act No. 875, the following circumstances must be present: (a) there must exist between the parties an employer-employee relationship, or the claimant must seek his reinstate-ment; and (b) the controversy must relate to a case certified by the President to the CIR as one involving national interest, or must have a bearing on an unfair labor practice charge, or must arise either under the Eight-Hour Labor Law, or under the Minimum Wage Law. In default of any of these circumstances the claim becomes a mere money claim that comes under the jurisdiction of the regular courts.'

"Later pronouncements reiterate the Campos case. As matters now stand, the doctrine enunciated in Campos still prevails."²

This view was reiterated in *Lakas ng Manggagawang Makabayan v. Abiera*,³ from which We quote:

"Under the next section of the Industrial Peace Act,⁴ the jurisdiction over an unfair labor practice case, whether on the part of management or of a labor union, is vested with the Court of Industrial Relations. Thus: 'The Court shall have jurisdiction over the prevention of unfair labor practices and is empowered to prevent any person from engaging in any unfair labor practice. This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that has been or may be established by an agreement, code, law or otherwise.' This Court then ever since the effectivity of such Act has no choice but to adhere to the view that the Court of Industrial Relations and not a court of first instance, is vested with jurisdiction over every kind of an unfair labor practice case. x x x."

To the long list of cases cited in support of the foregoing statement,⁵ We must add the recent decision in *Rustan Supervisory Union v. Dalisay*⁶ stressing the exclusive jurisdiction of the Court of Industrial Relations over unfair labor practice cases.

Referring now to cases L-23058, L-24232, L-24718 and L-24956, it will be noted that the acts therein complained of by the employer were directly interwoven with a labor dispute arising out of certain acts there-of claimed by the employees and/or the union to which they are affiliated to constitute unfair labor practices. The issue between the parties is, accordingly, within the exclusive jurisdiction of the Court of Industrial Relations and beyond that of courts of first instance, even if no unfair labor practice case had as yet been filed with the first court, it being "enough that unfair labor practice is involved."⁷

Appellant in L-23058 and private respondent in L-24718 maintain that jurisdiction is determined solely by the allegations of their respective complaints, and that, tested by such allegations, the subject-mat-ter of said complaints in the court of first instance are within the juris-diction thereof. The rule to this effect, established, in connection with demurrers under our old Code of Civil Procedure⁸ is no longer ad-hered to - except, perhaps, where the ground invoked is the failure of the complaint to state a cause of action - inasmuch as the Rules of Court⁹ now permit a motion to dismiss based upon facts not alleged in the complaint, such as, inter alia, pendency of another action between the same parties for the same cause, res adjudicata, the statute of limitations.

This is specially true in cases involving a conflict of jurisdiction between the Court of Industrial Relations and a court of first instance. To be sure, counsel have, at times, drafted their pleadings so adroitly as to refrain from even suggesting that the issue between the parties is due to a labor dispute between them. This notwithstanding,

whenever the existence of such dispute and of other facts placing the issue within the exclusive jurisdiction of the Court of Industrial Relations has been duly established, this Court has not hesitated to declare that the court of first instance has no authority to hear and decide the case.¹⁰ Thus, in *Rustan Supervisory Union v. Dalisay*,¹¹ it was held:

"x x x For while in regular civil actions, the question of jurisdiction is determined by the allegations of the complaint, the rule differs in labor disputes in that the Court has set the criterion that 'whether the acts complained of in the petition for injunction arose out of, or are connected or interwoven with, the unfair labor practice case [presents] 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,' and 'the court is duty bound to find out if there really is a labor dispute by reception of evidence.' x x x."

As this Court had earlier said, in *Leoquinco v. Canada Dry Bottling Co. of the Philippines, Inc. Employees Association*¹²:

"x x x, We see no abuse of discretion by the court a quo in taking into account the related facts disclosed in respondent labor organization's opposition to the issuance of the injunction, and in the annexes thereto, specially since they were merely clarificatory of the averments of the appellants' complaint that was so artfully drafted as to conceal the fact that the acts sought to be enjoined originated or were the consequence of a strike against the common employer."

It having been satisfactorily shown that the facts alleged in the complaints in L-23058, L-24232, L-24718 and L-24956 are directly interwoven with unfair labor practices, courts of first instance are bereft of authority to restrain said acts, the power to determine whether the same should be enjoined being vested exclusively in the Court of Industrial Relations.

"It has likewise long been settled that where the acts complained of by the company are directly interwoven with the unfair labor practice charged against it by the union, 'the main case does not come under the jurisdiction of the [regu-lar] trial court, even if it involves violence, intimidation and coercion as averred in the complaint,' as in the case below, for the industrial court's jurisdiction is exclusive. If the pur-pose of the action is to obtain some injunctive relief against certain acts of the union members, the same can be obtained from the industrial court which is given ample powers to act thereon."¹³

What is more, the issuance of labor injunctions demand strict adherence to the provisions of section 9 of the Industrial Peace Act. As postulated in the *Rustan* case¹⁴:

"x x x. The issuance of injunctions in connection with labor disputes is governed by the statutory restrictions there-in provided and not by the Rules of Court. And injunctions in labor disputes are not favored and may issue only after a strict and rigorous compliance with the statutory requisites. It will be readily seen that the injunction order and writ of respondent court must be overturned for the same failure to comply with the statutory restrictions as in the *Philippine Communications Workers* case, viz: 'For one, there is the absence of a showing that the court heard the testimony of witnesses required in Section 9 (d) to support the allegations of the complaint and testimony in opposition thereto. Then, the court did not make any 'finding of fact' as to the exist-ence or non-existence of the facts required to be shown under the afore-quoted Section 9 (d) and also under Section 9 (f) of the Industrial Peace Act. Nor was notice given 'to the chief of those public officials of the * * * city * * * charged with the duty to protect complainant's property,' also a pre-requi-site in said Section 9 (d) heretofore mentioned. And finally, the record is barren as to whether or not complainant exerted 'every reasonable effort to settle such dispute by negotiation or with the aid of any available governmental machinery of mediation or by voluntary arbitration,' another condition exacted by law - this time Section 9 (c) of the Industrial Peace Act - before a restraining order or injunction may be granted. Failure to comply with even one of these requirements will suffice to deny the issuance of the writ.'"¹⁵

The jurisdictional issue heretofore dealt with has in L-23473 and L-23871 certain peculiar aspects. Although the plaintiff in L-23473 seeks reinstatement with back wages, upon the theory that he had been dismissed without just cause, no other fact has been alleged to make out a case within the jurisdiction of the Court of Industrial Relations. An analogous situation obtained in *Administrator of Hda. Luisita Estate vs. Alberto*,¹⁶ involving employees who had allegedly been removed summarily or without just cause. Inasmuch as no additional fact had been alleged that might bring the dispute within the jurisdiction of the Court of Industrial Relations, and there being not even a hint of unfair labor practice or violation of either the Minimum Wage Law or the Eight-Hour Labor Law, We held that said Court had no jurisdiction over the case, for:

"At any rate, and as a practical consideration, these ex-employees never invoked in the Industrial Court any of the possible circumstances that might bring the dispute within the category of suits included in its jurisdiction. Therein they submitted several pleadings; and in maintaining the Court's authority, they never hinted at any unfair labor practice, or Wage Law or Eight-Hour Labor Law violation. Even here, fully apprised of the Industrial Court's position, they failed to take their cue, and advanced no proposition to confirm the respondent court's conjectures or foreseen contingencies. In other words, even after the Industrial Court had indicated three lines of approach, three roads leading to its jurisdictional territory, Alberto et al. refused to walk any one of them or to express their intention to follow the lead. Obviously, because their counsel knows they can't.

"Wherefore, there is no use compelling the Hacienda to spend time and money resisting their claims before the Industrial Court."

The Court of First Instance of Negros Occidental, accordingly, had jurisdiction over the subject-matter of plaintiff's complaint in L-23473, so that the issue before Us boils down to whether his dismissal by the plaintiff-appellee was capricious or justified. It appears that plaintiff had inflicted physical injuries, within the company compound, upon Gerardo Gareza, who was in charge of the company motor-pool. Considering that an employer is entitled to fire employees for just cause¹⁷ and that challenging a superior officer to a fight has been held to be a sufficient ground for dismissal, as a measure of self-protection of the employer whose interest is jeopardized thereby,¹⁸ We find that defendant company was justified in dismissing plaintiff Rudy Dominguez.

Opining that his dismissal was too harsh a measure inasmuch as plaintiff's misdeed was his "first offense," and that his suspension since October 30, 1962, is more than sufficient penalty for the wrong done by him, the lower court ordered his reinstatement without back wages. We do not share this view. In *Manila Trading and Supply Co. vs. Zulueta*,¹⁹ this Court adverted to the fact that even economic orthodoxy cannot be expanded to compel an employer to continue employing a person guilty of misfeasance against the former and whose interest is endangered by the continued service of said employee. In the words of Mr. Justice Laurel,

"The whole controversy is centered around the right of the Court of Industrial Relations to order the readmission of a laborer who, it is admitted, had been found derelict in the performance of his duties towards his employer. We concede that the right of an employer to freely select or discharge his employees, is subject to regulation by the State basically in the exercise of its paramount police power. (Commonwealth Acts. Nos. 103 and 213.) But much as we should expand beyond economic orthodoxy, we hold that an employer cannot legally be compelled to continue with the employment of a person who admittedly was guilty of misfeasance or malfeasance towards his employer, and whose continuance in the service of the latter is patently inimical to his interests. The law, in protecting the rights of the laborer, authorizes neither oppression nor self-destruction of the employer. There may, of course, be cases where the suspension or dismissal of an employee is whimsical or unjustified or otherwise illegal in which case he will be protected. Each case will be scrutinized carefully and the proper authorities will go to the core of the controversy and not close their eyes to the real situation. This is not however the case here."

Plaintiff's dismissal by the defendant being justified, the former's reinstatement as directed by the lower court

cannot be sustained.

In L-23871, plaintiff Juan Glipo seeks to recover a sum of money allegedly due to him by way of underpayment of wages. However, he has neither prayed for reinstatement nor alleged the existence of an employer-employee relationship between him and the Company. Thus, the case is limited to one simply for the recovery of a sum of money, which is within the competence of the court of first instance. In *Magdalena Estate, Inc. vs. Bangilan*,²⁰ We held:

"Is an action (1) for recovery of underpayment under the Minimum Wage Law, and (2) for the recovery of separation pay under Republic Act 1052, as amended by Republic Act 1787, within the jurisdiction of the Court of Industrial Relations? With respect to the first item, we are of the opinion that the proper court before which the claim should be presented is the Court of First Instance and not the Industrial Court, particularly where, as in this case, there is no labor dispute involved and the claim pertains exclusively to the past and has nothing to do with current wages. In *Teodora Donato vs. Philippine Marine Officers Association & Court of Industrial Relations*, G.R. No. L-12506, May 18, 1959, it is stated:

'Underpayment of the minimum wage or violation of the Minimum Wage Law is not one of the acts of unfair labor practice enumerated in Republic Act No. 875, particularly Section 4 thereof, and the jurisdiction of the Industrial Court under Section 5 thereof exclusively refers to the prevention of unfair labor practice, not of having allegedly underpaid Morales by giving him a salary below the minimum wage fixed by Republic Act 602; so that in our opinion, it is clear that the Industrial Court decided and resolved a point absolutely outside the question and case presented before it and over which it had no jurisdiction.

'Moreover, only the Courts of First Instance have jurisdiction over cases arising from the Minimum Wage Law. Section 16 of said law, Republic Act 602, provides that the Court of First Instance shall have jurisdiction to restrain violations of said act. In the case of *Isidoro Cebrero vs. Jose Talamán*, G.R. No. L-11924, decided on May 16, 1958, involving among other things underpayment by an employer to an employee, we said, through Mr. Justice Alex Reyes that under Republic Act 602, known as the Minimum Wage Law, an employee is authorized to bring an action in the regular courts for the recovery of unpaid wages. The Industrial Court with its limited jurisdiction does not come under the category of regular courts.'

"Section 16 (a) of Republic Act No. 602, referred to in the decision just cited, provided:

'SEC. 16. JURISDICTION OF THE COURTS. - (a) The Court of First Instance shall have jurisdiction to restrain violations of this Act; action by the Secretary or by the employees affected to recover UNDERPAYMENT may be brought in any COMPETENT Court, which shall render its decision on such cases within fifteen days from the time the case has been submitted for decision; in appropriate instances, appeal from the decisions of those courts on any action under this Act shall be in accordance with applicable law.'"²¹

Since the lower court has jurisdiction over the case, the appealed order dismissing the complaint should be set aside and the case remanded to said court for further proceedings.

IN VIEW OF THE FOREGOING, judgment should be, as it is hereby, rendered:

(a) In L-24232, L-24718 and L-24956, granting the writ of certiorari therein prayed for and making permanent the writs of preliminary injunction therein issued. Respondent courts and/or judges should, moreover, be, as they are hereby, ordered to dismiss Civil Case No. 8725 in L-24232, Civil Case No. 8617 in L-24718, and Civil Case No. 2772 in L-24956, with costs against the private respondents therein;

(b) In L-23058, affirming the order appealed from, with costs against plaintiff-appellant Mindanao Rapid Co., Inc.;

(c) In L-23871, reversing the order appealed from and remand-ing the case to the trial court for further proceedings, with the costs of this instance against defendant A.L. Ammen Transportation Co.; and

(d) In L-23473, modifying the decision appealed from in the manner above indicated and dismissing the case, without special pro-nouncement as to costs.

IT IS SO ORDERED.

Reyes,J.B.L., Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

[1] L-21803, December 17, 1966.

2 See: Luzon Stevedoring Corporation vs. Celorio, L-22542, July 31, 1968; Naguiat vs. Arcilla, et al., L-16602, Feb. 28, 1963; Araullo vs. Monte de Piedad Savings Bank, et al., L-17840, April 23, 1963; Barranta vs. International Harvester Company of the Phil-ippines, L-18198, April 22, 1963; National Mines & Allied Workers' Union vs. Philippine Iron Mines, Inc., et al., L-19372, Oct. 31, 1964; Mercado vs. Elizalde & Co., Inc., L-18962, Dec. 23, 1964; Oriental Tin Cans Workers' Union vs. Court of Industrial Relations, et al., L-17695, Feb. 26, 1965; Edward J. Nell Corporation vs. Cubacub, et al., L-20842, June 23, 1965. Underscoring supplied.

3 L-29474, December 19, 1970.

4 Section 5(a).

5 Cf. National Labor Union v. Dinglasan, 98 Phil. 649 (1956); PAFLU v. Tan, 99 Phil. 854 (1956); Reyes v. Tan, 99 Phil. 880 (1956); Dee Cho Lumber Workers' Union v. Dee Cho Lumber Co., 101 Phil. 417 (1957), Phil. Sugar Institute v. CIR, 106 Phil. 401 (1959); Velez v. PAV Watchmen's Union, 107 Phil. 689 (1960); Ormoc Sugar Co., Inc. v. OSCO Workers Fraternity Labor Union, L-15826, Jan. 23, 1961; National Labor Union v. Insular-Yebana Tobacco Corp., L-15363, July 31, 1961; Phil. Am. Cigar & Cigarette Factory Workers Independent Union v. Phil. Am. Cigar & Cigarette Mfg. Co., Inc., L-18364, Feb. 28, 1963 United States Lines Co. v. Assoc. Watchmen & Security Union, L-15508, June 29, 1963, Phil. Land-Air-Sea Labor Union v. Sy Indong Trading Co. Rice & Corn Mill, L-18476, May 30, 1964; Manila Railroad Co. v. Kapisanan ng Mga Mang-gagawa sa Manila Railroad Co., L-19728, July 30, 1964; Itogon-Suyoc Mines, Inc. v. Baldo, L-17739, Dec. 24, 1964; Visayan Bicycle Mfg. Co., Inc. v. National Labor Union, L-19997, May 19, 1965; Magalit v. CIR, L-20448, May 25, 1965; Luzon Stevedoring Corp. v. CIR, L-17411, Dec. 31, 1965; Industrial-Commercial-Agricultural Workers' Org. v. CIR, L-21465, March 31, 1966; Pan Am World Airways, Inc. v. CIR, L-20434, July 30, 1966; Rizal Labor Union v. Rizal Cement Co., Inc., L-19779, July 30, 1966; Bay View Hotel Inc. v. Manila Hotel Workers' Union, L-21803, Dec. 17, 1966; Allied Free Workers' Union v. Compania Mari-tima, L-22951-52, Jan. 31, 1967; Salunga v. CIR, L-22456, Sept. 27, 1967; Security Bank Employees Union-NATU v. Security Bank and Trust Co., L-28536, April 30, 1968; Federacion Obrera v. Mojica, L-25059, Aug. 30, 1968; Veterans Security Free Workers' Union v. Cloribel, L-26439, Jan. 30, 1970.

6 L-32891, April 29, 1971.

7 Philippine Communications, Electronics & Electricity Work-ers' Federation (PCWF) v. Nolasco, L-24984, July 29, 1968; Rustan Supervisory Union v. Dalisay, L-32891, April 29, 1971; Erlanger & Galinger, Inc. v. Erlanger & Galinger Employees Association, 104 Phil. 17, 21; Consolidated Labor Association of the Philippines v. Caluag, 103 Phil. 1032, 1040, citing Reyes v. Tan, 99 Phil. 880.

8 Act No. 190, section 91.

9 Rule 16, section 1.

10 Espanilla v. La Carlota Sugar Central, L-23722, March 31, 1971; Leoquinco v. Canada Dry Bottling Co., L-28621, Feb. 22, 1971; Lakas Ng Manggagawang Makabayan (LMM) v. Abiera, L-29474, Dec. 19, 1970; Veterans Security Free Workers Union (FFW) v. Cloribel, L-26439, Jan. 30, 1970; Philippine Communications, Electronics & Electricity Workers' Federation (PCWF) v. Nolasco, L-24984, July 29, 1968; Regal Manufacturing Employees Association v. Reyes, L-24388, July 29, 1968; Federacion Obrera de la Industria Tabacquera v. Mojica, L-25059, Aug. 30, 1968, Security Bank Employees' Union--NATU v. Security Bank and Trust Co., L-28536, April 30, 1968.

11 Supra.

12 Supra.

13 Rustan Supervisory Union v. Dalisay, supra.

14 Supra.

15 Underscoring supplied.

16 L-12133, Oct. 31, 1958.

17 PLDT vs. PLDT Workers Union, 91 Phil. 550.

18 Luzon Stevedoring Corp. vs. CIR, L-17411, L-18681, and L-18683, Dec. 31, 1965.

19 69 Phil. 485, 486-487.

20 L-16357, April 22, 1963.

21 See, also, Valleson, Inc. vs. Tiburcio, L-18185, Sept. 28, 1962.

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