

JUAN ESPANILLA, ET AL., PLAINTIFFS-APPELLANTS, VS. LA CARLOTA SUGAR CENTRAL AND THE NATIONAL SUGAR WORKERS UNION (NASWU-PAFLU), DEFENDANTS-APPELLEES.

G.R. No. L-23722. March 11, 1971

Ponente: DIZON, J.

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DIZON, J.:

On April 20, 1964, Juan Espanilla and others filed with the Court of First Instance of Negros Occidental a pleading entitled Petition for Declaratory Relief with Preliminary Injunction against La Carlota Sugar Central - hereinafter referred to as the Central - and the National Sugar Workers Union (NASWU-PAFLU) - hereinafter referred to as the Union.

The Central filed its answer alleging, inter alia, that it had no desire to participate in the dispute between the plaintiffs and its co-defendant Union, and that it was constrained to send the letters mentioned in the complaint because it was threatened with a strike by the Union in case it did not accede to its demand for the dismissal of the plaintiffs upon their failure to re-affiliate with the Union.

On April 23, 1965, the Union filed a motion to dis-miss the case claiming that the court had no jurisdiction over the subject matter thereof because it involved an impending labor strike and it was related to a case for unfair labor practice then pending in the Court of Indus-trial Relations as Case No. 3910-ULP. Both parties admit, however, that this case has already been dismissed because of non-appearance of the therein complainants at the sched-uled hearing.

After a hearing on the motion to dismiss, the trial court, on August 1, 1964, issued an order dismissing the case upon the ground that it had no jurisdiction over its subject matter. Hence, the present appeal in which appel-lants pray for a reversal of said order and for the remand-ing of the case to the lower court for further proceedings, upon the following grounds:

"FIRST ERROR

The Lower Court Erred In Holding That Jurisdiction In The Present Case Should Be With The Court Of Industrial Relations.

SECOND ERROR

The Lower Court Erred In Holding That Case No. 3910-ULP, CIR, Is Between The Parties.

THIRD ERROR

The Lower Court Erred In Dismissing This Case."

The pleadings of the parties reproduced in the Record on Appeal clearly show that appellants' action can not be one for declaratory relief, its purpose being firstly, to secure judgment declaring "as illegal, immoral, and null and

void," Sec. 1 of the Collective Bargaining Agreement (Annex A attached to the complaint) entered into by and between the defendants La Carlota Sugar Central and National Sugar Workers Union (NASWU-PAFLU) and secondly, to enjoin the enforcement of its provisions against the plaintiffs.

However, delving deeper into the nature and purpose of appellants' action, We can not but reach the conclusion that it was intended primarily to prevent their dismissal or, at least to prevent the defendants-appellees from compelling them to withdraw their resignation from the appellant Union. It seems clear from this that the action was, in effect, intended to prevent the commission of an act which would constitute an unfair labor practice. In this connection, We have recently held in *Lakas Ng Manggagawang Makabayan (LMM) vs. Hon. Carlos Abiera, et al.* (G.R. L-29474, December 19, 1970) that under Sec. 5 (a) of the Industrial Peace Act the Court of Industrial Relations has jurisdiction over the prevention of unfair labor practices; that it is empowered to prevent any person from engaging in any unfair labor practice, and that said court and not a Court of First Instance is the one vested with jurisdiction over any kind of unfair labor practice. We, therefore, agree with the trial court that it had no jurisdiction over appellants' action.

WHEREFORE, the order of dismissal appealed from is affirmed but without prejudice to appellants' right to seek relief from the Court of Industrial Relations. Without costs.

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

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