

**KAISAHAN NG MGA MANGGAGAWA SA LA CAMPANA (KKM),
PETITIONER, VS. HON. HERMOGENES CALUAG, ETC. ET AL.,
RESPONDENTS.***G.R. No. L-17692. July 20, 1961*

Ponente: DIZON, J.

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This is an original action for Certiorari and Prohibition mainly to have the Hon. Judge Hermogenes Caluag declared without jurisdiction to try, hear and decide Civil Case No. Q-5047 of the Court of First Instance of Quezon City.

It appears that, a final order issued by the Court of Industrial Relations on February 18, 1957 in Case No. 584-V (1), (2), (3), (4), (5), and (6) entitled *Kaisahan ng mga Manggagawa sa La Campana vs. La Campana Starch and Coffee Factory* and the administrator of the Estate of the deceased Ramon Tantongco having become executory, the petitioner there filed a motion for the issuance of a writ of execution. Said court issued the writ on September 30 of the same year, directing the herein respondent, Ricardo Tantongco, as administrator of the Estate of Ramon Tantongco, and the La Campana Starch and Coffee Factory, to reinstate the persons named in the order mentioned heretofore and to deposit the amount of P65,534.01 to pay their back wages. As said parties failed to comply with the writ, a motion for contempt against them was filed. Thereupon, Ricardo Tantongco filed a petition for certiorari and prohibition (G. R. No. L-13119) with this Court against the Court of Industrial Relations and the *Kaisahan ng mga Manggagawa sa La Campana (KKM)* to restrain them from taking further proceedings in connection with the charge for contempt, but the petition was denied on September 22, 1959. Thereafter, upon motion of the *Kaisahan* another writ of execution was issued on March 8, 1960 by the acting clerk of the Court of Industrial Relations. As the sheriff of Quezon City was about to comply therewith, the herein respondents, Ricardo Tantongco and La Campana Food Products, Inc., instituted an action for prohibition, with a petition for preliminary injunction, in the branch of the Court of First Instance of said city presided by the respondent judge (Civil Case No. Q-5047) for the purpose of preventing the enforcement of the aforesaid writ of execution. The respondents in said case, one of them petitioner herein, filed a motion to dismiss the case on the ground of lack of jurisdiction of the court over the subject-matter but this notwithstanding, the respondent judge directed that petitioner file its answer. Petitioner filed it on April 7, 1960.

It is clear from the allegations made in the amended petition for prohibition filed in civil case No. Q-5047 (Annex C attached to the petition filed in this case) that its purpose is to secure judgment nullifying the writ of execution issued by the acting clerk of the Court of Industrial Relations on May 8, 1960, to restrain or prohibit the Court of Industrial Relations and its acting clerk from enforcing said writ, and to recover alleged damages sustained by herein petitioner.

The question now before us is whether the respondent court has jurisdiction over the subject-matter of the above-mentioned case. This, in our opinion, must be answered in the negative, it being well settled in this

jurisdiction that the Court of Industrial Relations is equal in rank with the Courts of First Instance. Such being the case, it is obvious that the Court of First Instance presided by the respondent judge cannot issue a writ of preliminary injunction nor a writ of prohibition against the Court of Industrial Relations, because said writs may be issued only by a court to another tribunal or officer exercising either judicial or ministerial functions, lower in rank.

Writ granted without costs and without prejudice to the filing of an ordinary action for the recovery of the damages allegedly suffered by the herein respondents—with the exception of the respondent Judge.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, De Leon, and Natividad, JJ., concur.

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