

PHILIPPINE ASSOCIATION OF FREE LABOR UNION (PAFLU) AND CIPRIANO CID, PETITIONERS, VS. SERGIO BOGNOT, ET AL., RESPONDENTS.

G.R. No. L-19420. January 31, 1964

Ponente: BARRERA, J.

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BARRERA, J.:

This is a petition to review on certiorari the order of respondent Court of Industrial Relations dated November 25, 1961 (in Case No. 2978-ULP), affirmed by its resolution in bane of January 9, 1962.

On September 20, 1961, Acting CIR Prosecutor Mirafuente filed (on behalf of respondents Sergio Bognot and Renato Coronado) with respondent Court a complaint for unfair labor practice, under the provisions of Section 17[1] of Republic Act 875 (Industrial Peace Act), against petitioners Philippine Association of Free Labor Unions (PAFLU) and Cipriano Cid (as National President of PAFLU) alleging, inter alia that respondents Bognot and Coronado were former members and employees of herein petitioner PAFLU, both having been assigned to the legal staff of PAFLU prior to their dismissal; that despite the provisions of PAFLU's constitution and by-laws, petitioners failed to call the National Executive Committee of PAFLU to its regular meetings to formulate and implement policies for the better administration of PAFLU and its various affiliates, in violation of said constitution and by-laws; that petitioners, in violation of PAFLU's constitution and by-laws, knowingly allowed and authorized a person not elected or appointed as union treasurer to keep in her possession and control union funds and documents the custody of which, is not vested in her; that petitioner PAFLU through its officers, despite repeated demands from its members or officers, failed to properly discharge the administration of union matters, neglected rendering reports of its financial activities or status to its members, refused to implement or device measures to serve its local affiliates during strikes, refused to produce its book of accounts for examination of its members, officers, or government authorities, thereby, discouraging its members and affiliates to remain as such, resulting in gradual disintegration of its other affiliates; that petitioners failed to inform and report to its members the true and correct amount of receipts, expenditures or disposition of union funds, assets and liabilities possessed, and to present accurate report of its internal affairs to the members, thereby causing discontent and prejudice to them; that due to such maladministration and irregularities, a committee on reformation was organized by certain officers, assisted by respondents Bognot and Coronado; that because of respondents "vigorous and militant participation" in the drive for implementation of reforms, petitioners "unjustly expelled, and ultimately dismissed them from membership with PAFLU and as officers of its legal staff, without benefit of previous hearing, investigation or charges filed, against them; that since their dismissal, respondents have not been reinstated despite demands on petitioners; that petitioners' acts are contrary to paragraphs (b), (f), (i), (k), and (l), Section 17, of Republic Act No. 875. The complaint prayed that judgment be rendered declaring petitioners guilty of unfair labor practice, directing them to cease from further acts of unfair labor practice, to reinstate respondents to their former positions with back wages, and to comply and discharge faithfully the obligations imposed on them by PAFLU's constitution and by-laws.

To this petition, petitioners (on September 25 and 26, 1961, respectively) filed a motion to dismiss alleging that respondent Court has no jurisdiction over their person and the subject matter of the action, because the alleged basis of the complaint (paragraph 11) is Section 17 of Republic Act No. 875, but said action requires a report by a minimum of 10% of the members of a labor organization before there can be an unfair labor practice case, and there are only two complainants in the case; that the complaint states no cause of action, because PAFLU is a labor organization and is not an "employer" with the purview of Section 2(c) of Republic Act No. 875 and, granting that it is an employer, there is no employer-employee relationship between respondents and petitioners, for respondents were related to petitioners as lawyers; and further, no element of unionism or self-organization is claimed as involved in the activities of respondents and, therefore, the charge of unfair labor practice cannot stand. Petitioners prayed for the dismissal of the complaint.

Acting on said motions to dismiss, filed by herein petitioners, respondent Court (on November 25, 1961) issued an order of this tenor:

"ORDER

"Two motions to dismiss this case were separately filed by Atty. Cipriano Cid and the PAFLU. Both motions raise questions of law and of acts that are not beyond doubt.

Hence, the Court defers the determination of said motions until the trial. So ordered."

Petitioners (on December 5, 1961) filed a motion for reconsideration of said order, contending that the grounds contained in their motions to dismiss "are indubitable, both as to the facts and to the law", but said motion was denied by respondent Court in its resolution in banc of January 9, 1962.

Hence, this petition for review.

This petition is meritorious. Petitioners' motion to dismiss is predicated on alleged lack of jurisdiction of respondent Court, and/or lack of cause of action because on the face of the complaint, the basis thereof is Section 17 of Republic Act No. 875. And since this section requires "a minimum of ten per cent of the members of a labor organization (who) may report an alleged violation of these procedures in their labor organization to the Court", and only two members of PAFLU (herein respondents Bognot and Coronado) are complainants in this case, clearly the complaint is short of the requisite, ten per cent minimum requirement of the law. In other words, on its face, the complaint showed indubitably it was a matter beyond the cognizance of respondent Court. Accordingly, it should have dismissed the case outright instead of deferring the determination of petitioners' motions to dismiss until the trial. (See *Administrator of Hacienda Luisita Estate vs. Alberto, et al.*, G. R. No. L-12133, prom. October 31, 1958).

Wherefore, the petition is hereby granted. The order and resolution of respondent Court complained of are set aside and the complaint filed in this case is dismissed. No costs. So ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Paredes, Dizon, Regala and Makalintal, JJ., concur.

[1] Authorizing investigation by the Court of Industrial Relations, of complaints for violations of internal labor organization procedures, and dispose of them as in "unfair labor practice" cases.

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