

EDMUND BASCOS, PLAINTIFF-APPELLANT, VS. SHERIFF EUGENIO V. BARTOLOME OF THE NATIONAL LABOR RELATIONS COMMISSION, DEFENDANT-APPELLEE.

Ponente: YBAÑEZ, J.

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YBAÑEZ, J.:

In this Appeal[1], plaintiff-appellant Edmund Bascos assails the 09 December 2010 Order[2] of the Regional Trial Court of Santiago City, Branch 35, dismissing the plaintiff-appellant's complaint.

Antecedents

The controversy in the case before Us has its origins from consolidated cases for Illegal Dismissal filed with the National Labor Relations Commission (NLRC) by former employees of NELBUSCO, Inc., docketed as NLRC-NCR Case No. 04-04928-2008 and NLRC-NCR Case No. 04-05356-08, entitled “Raul Gamiao, Andy Suguitan, Arnel Bernabe, Dominador Batag, Edilberto Reyno, Angelito Roque vs. NELBUSCO, Inc./Benito Bascos” and “Alfredo L. Mallava, Judy Galaton, and Emmanuel Bautista vs. NELBUSCO, Inc./Benito Bascos”, respectively.[3]

The Labor Arbiter dismissed the cases, citing that complainants therein had to pursue their claims with the court handling the insolvency proceedings of NELBUSCO, Inc.[4]

On appeal, however, the NLRC ordered NELBUSCO, Inc. to pay therein complainants. No remedy was sought by NELBUSCO, Inc. against the adjudication of the NLRC, thus, the Resolution of the NLRC became final and executory, and an entry of judgment was issued on 27 July 2009.[5]

Subsequently, a Writ of Execution was issued on 14 January 2010, ordering the defendant-appellee to “proceed to respondent NELBUSCO, Inc. and/or Benito Bascos' premises together with complainants located at Earnshaw St., Sampaloc, Manila or wherever they may be found within the Philippine Jurisdiction and to collect the total amount of EIGHT HUNDRED THIRTY THOUSAND FOURTEEN PESOS (P830,014.00) representing complainants' separation pay and indemnity.” Two units of NELBUSCO buses with plate numbers BVA 705 and BVF 884 were levied for execution. Public auction/sale was scheduled on 23 April 2010 at the NLRC, Quezon City.[6]

On 21 April 2010, plaintiff-appellant filed a complaint before the court a quo. He alleged that he is the owner of the two (2) units of buses which were the subject of the scheduled auction sale. He prayed that a Temporary Restraining Order (TRO) be issued enjoining the scheduled auction sale. He further prayed for the issuance of an injunction permanently enjoining the plaintiff-appellee from proceeding against the subject properties.[7] On the same day, the court a quo issued a 72-hour TRO.[8]

Immediately after that, defendant-appellee filed a Motion to Dismiss challenging the jurisdiction of the court a quo. The court a quo then issued the appealed Order granting the Motion to Dismiss.[9]

Undaunted, the plaintiff-appellant filed the instant appeal and assigned this error:

THE REGIONAL TRIAL COURT OF SANTIAGO CITY, BRANCH 35 ERRED IN RULING THAT IT LACKS JURISDICTION OVER THE CASE AND IN DISMISSING THE COMPLAINT ON SAID GROUND OF LACK OF JURISDICTION.[10]

The plaintiff-appellant argued that the subject matter of the levy is situated in Santiago City and the Sheriff will have to take possession and sell the same at a public auction in Santiago City, thus, the court a quo has jurisdiction over the subject matter.[11] He asseverated that Section 21 of the Judiciary Reorganization Act of 1990 mandates that Regional Trial Courts have original jurisdiction over prohibition and injunction which may be enforced in any part of their respective territorial jurisdiction.[12]

In addition, the plaintiff-appellant posited that the complaint is a separate civil action which is not an interference with the powers or the processes of the Labor Arbiter and the National Labor Relations Commission which rendered the judgment to be enforced and executed upon the levied properties.[13]

On the other hand, the defendant-appellee, citing the case of National Electrification Administration, et. al. vs. Buenaventura, G.R. No. 132453, 14 February 2008, averred that courts have no jurisdiction to act on labor cases or various incidents arising therefrom.[14] According to him, the principal relief prayed for by the plaintiff-appellant, which is “Annulment and/or Cancellation of Levy and/or the Notice of Levy and Notice of Sale on Execution and Injunction with Prayer for Issuance of Temporary Restraining Order and Preliminary Injunction and Damages”, constitutes an interference with the power, authority and jurisdiction conferred by law and jurisprudence over labor courts.[15]

The defendant-appellee further contended that contrary to the plaintiff-appellant's claim that he is the owner of the levied properties, upon verification with the Land Transportation Office, records reflect that the registered owner of the buses subject of the levy is NELBUSCO, Inc.[16]

Our Ruling

The appeal lacks merit.

Plaintiff-appellant filed a complaint before the court a quo by reason of a writ of execution issued by the NLRC. The complaint before the court a quo was for “Annulment and/or Cancellation of Levy and/or the Notice of Levy and Notice of Sale on Execution and Injunction with Prayer for Issuance of Temporary Restraining Order and Preliminary Injunction and Damages” which is in essence an action challenging the legality or propriety of the levy, including the acts performed by the NLRC and the Sheriff implementing the writ, or a motion to quash the writ of execution of a Final and Executory Resolution rendered in a case properly within the jurisdiction of the NLRC. Since the subject matter of the complaint is but an incident of the labor case, it is a matter beyond the jurisdiction of regional trial courts.[17]

It has been long settled that regular courts have no jurisdiction to hear and decide questions which arise from and are incidental to the enforcement of decisions, orders, or awards rendered in labor cases by appropriate officers and tribunals of the Department of Labor and Employment. To hold otherwise is to sanction splitting of jurisdiction which is obnoxious to the orderly administration of justice.[18] This conclusion is based on Article 254 of the Labor Code, to wit:

“Article 254. Injunction Prohibited. - No temporary or permanent injunction or restraining order in any case

involving or growing out of labor disputes shall be issued by any court or other entity, except as otherwise provided in Articles 218 and 264 of this Code.”

Furthermore, any court which issued a writ of execution has the inherent power, for the advancement of justice, to correct errors of its ministerial officers and to control its own processes. The broad powers granted to the Labor Arbiter and to the NLRC by Articles 217, 218 and 224 of the Labor Code can only be interpreted as vesting in them jurisdiction over incidents arising from, in connection with or relating to labor disputes, as the controversy under consideration, to the exclusion of the regular courts.[19]

The plaintiff-appellant need not look further than the National Labor Relations Commission Manual on the Execution of Judgment that governs any question on the execution of a judgment of the labor tribunal.[20] The Manual deals specifically with third-party claims in cases brought before that body. It defines a third-party claim as one where a person, not a party to the case, asserts title to or right to the possession of the property levied upon.[21]

Having established that jurisdiction over the case rests with the NLRC, We find no error on the part of court a quo is dismissing the plaintiff-appellant's complaint.

WHEREFORE, premises considered, the instant appeal is DENIED. The Order dated 09 December 2010 of the Regional Trial Court of Santiago City, Branch 35 is AFFIRMED.

SO ORDERED.

Dimaampao, (Chairperson), and Sadang, JJ., concur.

[1] Rollo, pp. 16-21.

[2] Ibid., p. 22.

[3] Ibid., p. 31.

[4] Ibid., pp. 31-32.

[5] Ibid., p. 32.

[6] Ibid., p. 33.

[7] Ibid., pp. 33-34.

[8] Ibid., p. 34.

[9] Ibid.

[10] Ibid., p. 16.

[11] Ibid., p. 19.

[12] Ibid.

[13] Ibid.

[14] Ibid., p. 39.

[15] Ibid., p. 40.

[16] Ibid., p. 41.

[17] Delaventures Resources, Inc. vs. Hon. Fernando P. Cabato, et. al., G.R. No. 118216, March 9, 2000, 327 SCRA 521.

[18] Air Services Cooperative vs. CA, 354 Phil 905, 916 (1998), citing Balais v. Hon. Velasco, 322 Phil. 790, 807 (1996)

[19] Delaventures Resources, Inc. vs. Hon. Fernando P. Cabato, et. al., G.R. No. 118216, March 9, 2000.

[20] Paquito Ando vs. Andresito Y. Campo, et. al., G.R. No. 184007, February 16, 2011, 643 SCRA 513.

[21] Ibid., citing NLRC Manual on the Execution of Judgment, Rule VI, Sec. 1.

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