

**PHILIPPINE ASSOCIATION OF FREE LABOR UNIONS (PAFLU),
MANLAPAZ PUBLISHING EMPLOYEES UNION (PAFLU), EFREN
VILLAROSA, VICENTE MAULLON, EDGARDO VELASCO, MAXIMA
ADRICULA AND JOSE DIA...**

G.R. No. L-26508. October 22, 1975

Ponente: ANTONIO, J.

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ANTONIO, J.:

Asserting that respondent Court acted without or in excess of its jurisdiction in issuing the restraining order in Civil Case No. Q-10360 as the issue therein arose out of a labor dispute and is interwoven with the unfair labor practice case pending in the Court of Industrial Relations, petitioners filed this petition for certiorari and prohibition to restrain respondent Judge from further proceeding with the case, and to nullify his order of September 5, 1966.

After conciliatory conferences had failed, the Manlapaz Publishing Employees Union, an affiliate of the Philippine Association of Free Labor Unions (PAFLU), filed a notice of strike with the Bureau of Labor Relations and staged a strike against the respondent Manlapaz Publishing Company, Inc. on August 14, 1966. The following day, respondent publishing company instituted with the Court of Industrial Relations a petition to declare the strike illegal, with prayer for preliminary injunction (Case No. 199-INJ). Acting on the petition and finding that the same appears more to be for alleged unfair labor practices, the Court of Industrial Relations endorsed the case to the Prosecution Division for investigation. In turn, the union, on August 18, 1966, filed with the same court an unfair labor practice charge against the company allegedly for its refusal to bargain with the union (Charge No. 1323-ULP).

On August 26, 1966, the respondent publishing company filed before the Court of First Instance of Rizal, Branch IV, Quezon City, presided over by respondent Judge, a complaint for damages with preliminary injunction against the union and its officers.[1] In the aforesaid complaint, the said respondent alleged, among others, that "on or about August 14, 1966, at 6:00 o'clock in the evening, the above-named defendants blocked and continue to block all the entrance of the plaintiff's establishment at 425 E. Rodriguez Blvd., Quezon City and by means of violence, force, coercion, threats and intimidation prevented and are preventing the employees and the management staff of the plaintiff from entering or leaving the premises of said establishment, thereby preventing the printing and publishing department to operate"; and that "by reason of the said illegal and unlawful acts of the defendants, the plaintiff has been unable to comply with its contractual commitments, and as a result of which plaintiff suffered and continues to suffer damages and losses" in the amounts specified therein. Plaintiff, therefore, prayed for the issuance ex parte of a writ of preliminary injunction against defendants, and after due hearing, for the rendition of judgment making the injunction permanent and ordering defendants to pay, jointly and severally, to plaintiff the amount of damages claimed in the suit. The union opposed the issuance of the injunctive writ, invoking as grounds, (a) the pendency before the Court of Industrial Relations of Case No. 199-INJ (Manlapaz Publishing Co., Inc. v. Manlapaz Publishing Employees Union [PAFLU], et al.); (b) the lack of jurisdiction of the trial court

over the subject matter of the action as it involves a labor dispute arising out of unfair labor practices which clearly falls within the exclusive jurisdiction of the Court of Industrial Relations; and (c) the insufficiency of the complaint to justify the issuance of the writ of injunction prayed for.

On September 5, 1966, the respondent Judge ordered the parties to maintain the status quo pending resolution of the prayer for injunction by "restraining the defendants, their agents, representatives and any and all persons acting for and in their behalf from blocking the entrance to the Manlapaz Publishing Co., Inc., located at 425 E. Rodriguez Blvd., Quezon City, and preventing the employees and customers of the said establishment, and intimidating persons entering and leaving the said establishment" until further orders from said court.

On September 8, 1966, petitioners filed with this Court the present petition for certiorari and prohibition with urgent prayer for preliminary injunction seeking, among others, the nullification of the status quo order of respondent Judge dated September 5, 1966, and a declaration that respondent Judge has acted without jurisdiction and/or with grave abuse of discretion, and praying, in the interim, that the afore-mentioned Judge be restrained from further proceeding with Civil Case No. -Q-10360. The basis of this petition is that the respondent Judge acted without jurisdiction in the case, not only because the Court of Industrial Relations had previously acquired jurisdiction over the unfair labor practice case, but also relating as it does to a labor dispute which has arisen as a consequence of unfair labor practice acts, the said case clearly falls within the exclusive jurisdiction of the Court of Industrial Relations.

On September 13, 1966, this Court required the respondents to file their answer and at the same time issued the writ of preliminary injunction sought in the petition. The main thrust of respondents' answer is that the Court of First Instance of Rizal had jurisdiction to entertain the afore-mentioned civil case because it was an ordinary action for damages and that the respondent Judge issued the restraining order to maintain the status quo pending resolution of the prayer for the issuance of a writ of preliminary injunction.

In the meantime, or on January 20, 1967, respondents filed a motion to dismiss the petition on the ground that the same had become moot and academic as (a) the temporary restraining order of September 5, 1966 has already ceased to be effective after five (5) days, pursuant to Section 9[d] of Republic Act No. 875; (b) on December 21, 1966, petitioners entered into a "strike settlement agreement" with the respondent Manlapaz Publishing Co., Inc., whereby the petitioner union agreed to immediately lift the picket lines at the premises of the respondent company and assured respondent company free ingress to and egress from the premises of the company of any person or vehicle; (c) pursuant to said agreement, the petitioner union through its president, filed a manifestation with the Court of Industrial Relations in Case No. 1752-NC, to the effect that "said union has disaffiliated" from petitioner PAFLU and "was disauthorizing said union for acting for and in behalf of Manlapaz Publishing Employees Union" ' (d) petitioner Manlapaz Publishing Employees Union also filed in ULP Case No. 1537 (Manlapaz Publishing Employees Union [PAFLU] v. Manlapaz Publishing Company, Inc.) of the Court of Industrial Relations a motion to withdraw the unfair labor practice charge which the union filed against the company, and (e) on January 19, 1967, respondent Manlapaz Publishing Company, Inc. filed a motion to dismiss its complaint in the afore-stated Civil Case No. Q--10360 pending before the respondent Judge on the ground that in view of the afore-mentioned "strike settlement agreement" of December 21, 1966, the publishing company was no longer interested in the continuance of the case. Petitioners, however, on March 2, 1967, opposed the motion and impugned the validity of the strike settlement agreement, the authority of the officers of the union to file the motion for withdrawal and/or disaffiliation with PAFLU and that contrary to the averments of the movant, Civil Case No. Q-10360, subject of these proceedings, was not dismissed but action thereon was deferred by respondent Judge in view of the pendency of this case with this Court.

The only issue is whether the respondent Court acted without or in excess of its jurisdiction, or with grave abuse

of discretion in issuing the challenged order complained of. Civil Case No. Q-10360 appears to have been instituted by the publishing company by reason of the picketing of the premises of the company on the occasion of the strike staged by the labor union. This strike was declared by the union allegedly as the consequence of unfair labor practices of the company, stemming from its discrimination in laying off workers and in bargaining in bad faith with the union.

It should be noted that the acts sought to be restrained by private respondents in Civil Case No. Q-10360 in the Court of First Instance of Rizal are directly interwoven with a labor dispute arising out of certain acts of the respondent company claimed by the employees and/or the union to which they are affiliated to constitute unfair labor practices. Section 5[a] of the Industrial Peace Act explicitly provides for the exclusive jurisdiction of the Court of Industrial Relations in unfair labor practices and is empowered to prevent any person from engaging in any unfair labor practice, and 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."^[2]

There is no question that the picketing and strike involved in Civil Case No. Q-10360 arose out of an unfair labor practice of respondent company by its alleged refusal to bargain collectively with the petitioner union. On many occasions, this Court has held that when the issue in an action is interwoven with unfair labor practice cases pending before the Court of Industrial Relations, said case is beyond the ambit of the authority of the regular courts even if it involves acts of violence, intimidation and coercion as alleged in the complaint.^[3] This rule applies even if no unfair labor practice case has as yet been filed with the Court of Industrial Relations, it being sufficient that an unfair labor practice is involved. Thus, We stressed in the Cebu Portland Cement Company case, that "it is not the filing of an unfair labor case in the Industrial Court that divests the court of first instance jurisdiction over actions properly belonging to the former. It is the existence of a controversy that properly falls within the exclusive jurisdiction of the Industrial Court and to which the civil action is linked or connected that removes said civil case from the competence of the regular courts. It is for this reason that civil actions found to be intertwined with, or arising out of, a dispute exclusively cognizable by the Court of Industrial Relations were dismissed, even if the cases were commenced ahead of the unfair labor practice proceeding, and jurisdiction to restrain picketing was decreed to belong to the Court of Industrial Relations although no unfair labor practice case has as yet been instituted. For the Court of First Instance to lose authority to pass upon a case, therefore, it is enough that an unfair labor practice case is in fact involved in or attached to the action, such fact of course being established by sufficient proof."^[4]

In view of the attendant facts, the lower court, in proceeding with Civil Case No. Q-10360 and in issuing the restraining order in question, had, therefore, acted without or in excess of its jurisdiction.

During the pendency of this case, the Courts of Industrial Relations were abolished, upon the effectivity of the Labor Code of the Philippines on November 1, 1974,^[5] and all cases pending before said Industrial Court were transferred to "the corresponding labor relations division or the National Labor Relations Commission", created under said Code.^[6] Under the Labor Code, unfair labor practice cases now appertain to the exclusive jurisdiction of Labor Arbiters whose decisions, awards or orders are "final and executory unless appealed"^[7] to the National Labor Relations "within ten (10) days from receipt of such awards, orders or decisions."^[8] The conferment of such authority upon the afore-mentioned organs of the Department of Labor was to make possible the speedy settlement of labor disputes, unencumbered by technical and procedural strictures.

Accordingly, the writ of certiorari and prohibition prayed for is hereby granted, and the preliminary injunction heretofore issued by this Court is hereby made permanent. Respondent Court is directed to dismiss the aforesaid Civil Case No. Q-10360, without prejudice. With costs against private respondents.

Barredo, (Acting Chairman), Aquino, Concepcion, Jr., and Martin[*], JJ., concur.

Fernando, (Chairman), J., on leave.

[*] Designated to sit in the Second Division.

[1] Civil Case No. Q-10360, entitled "Manlapaz Publishing Co., Inc., plaintiff, vs. Manlapaz Publishing Employees Union (PAFLU) and Efren Villarosa, Vicente Maullon, Edgardo Velasco, Maxima Adricula, and Jose Diaz, defendants."

[2] Rustan Supervisory Union v. Dalisay, L-32891, April 29, 1971, 38 SCRA 500, citing Veterans Security Free Workers Union v. Cloribel, L-26439, January 30, 1970, 31 SCRA 297.

[3] BCI Employees and Workers Union (PAFLU) v. Marcos, L-21016, July 30, 1965, 14 SCRA 793; Cebu Portland Cement Co. v. Cement Workers Union, L-30174, May 31, 1972, 45 SCRA 337; Mindanao Rapid Co., Inc. v. Omandam, L-23058, November 27, 1971, 42 SCRA 250.

[4] Cebu Portland Cement Co. v. Cement Workers Union, *supra*, citing: Veterans Free Workers Union v. Cloribel, *supra*; Citizens' League of Freeworkers v. Abbas, L-21212, September 23, 1966, 18 SCRA 71; Associated Labor Union v. Gomez, L-25999, February 9, 1967, 19 SCRA 304; Mindanao Rapid Co. v. Omandam, *supra*; Philippine Communications, Electronics & Electricity Workers' Federation v. Nolasco, L-24984, July 29, 1968, 24 SCRA 321; Rustan v. Dalisay, L-32891, April 29, 1971, 30 SCRA 800. *Italics supplied.*

[5] Article 288 of the Labor Code of the Philippines.

[6] Article 289, *Ibid.*

[7] Article 216, *Ibid.*

[8] Article 222, *Ibid.*

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