

**CYPHIL EMPLOYEES ASSOCIATION-NATU, PETITIONER, VS.
PHARMACEUTICAL INDUSTRIES, INC., AND HON. ALBERTO J.
FRANCISCO, JUDGE, COURT OF FIRST INSTANCE, MANILA,
RESPONDENTS.**

G.R. No. L-33520. May 26, 1977

Ponente: FERNANDO, J.

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FERNANDO, J.:

The decisive issue raised in this certiorari proceeding filed by petitioner Labor Union against the then respondent Judge Alberto J. Francisco,[1] now retired, is his lack of jurisdiction over a complaint for injunction with damages presumably traceable to a strike resulting from alleged unfair labor practices. Petitioner alleged: "That on February 12, 1971, the petitioner union was compelled to file a notice of strike against the Cyanamid Philippines, Inc. with the Department of Labor, in view of the unmitigated commission of various unfair labor practices by the Company against the petitioner, consisting of interference with the Union's right to self-organization and the refusal to bargain collectively with the petitioner; That despite several conciliation conferences between the petitioner and the Cyanamid Philippines, Inc., held under the auspices of the Department of Labor, said Company adamantly refused to stop the commission of the continuing unfair labor practices complained of; That the unabated commission of the unfair labor practices committed by the Cyanamid Philippines, Inc. against the petitioner union forced the petitioner union to declare a strike against the Cyanamid Philippines, Inc. on March 25, 1971, and to set up peaceful picket lines in front of the premises of said company and its sister firm, the herein respondent company, which handles the manufacturing functions of the Cyanamid company and is, therefore, an essential economic arm of said company; That on March 31, 1971, the respondent company filed a complaint with the Court of First Instance of Manila against the herein petitioner union seeking an injunction with damages and asking for a preliminary injunction * * *; That on March 31, 1971, the respondent judge, in utter disregard of repeated pronouncements and injunctions of this Honorable Court against the grant of ex parte injunctions and restraining orders, especially in labor disputes, and acting without or in excess of jurisdiction or with grave abuse of discretion amounting to lack of jurisdiction, issued ex parte, without notice or hearing, and without observing the procedure and requirements of Republic Act 875, a restraining order forbidding the petitioner, among other things, from engaging in picketing, * * *." [2] There was a motion to dismiss filed by petitioner, the principal contention being that respondent Judge was devoid of jurisdiction over the case, it being a labor dispute involving unfair labor practices exclusively cognizable by the Court of Industrial Relations. [3] The above notwithstanding, respondent Judge, sustaining the opposition filed by private respondent, denied such motion to dismiss and to lift restraining order, and at the same time issued a writ of preliminary injunction upon the filing by the latter of a P5,000.00 bond, reiterating that picketing was prohibited.

The merit of the petition was rather apparent. As a result, this Court, on May 21, 1971, required respondents to answer and issued a writ of preliminary injunction upon petitioner Labor Union posting a bond of P500.00. There was nothing in the answer by private respondent that in any wise militated against the claim of petitioner that

respondent Judge ought not to have assumed over a matter within the exclusive competence of the now defunct Court of Industrial Relations. *Holganza v. Hon. Apostol*,^[4] promulgated only on March 31, 1977, renders manifest the merit of this petition. We grant certiorari.

This excerpt from the *Holganza* opinion makes clear why the jurisdictional issue must be decided in favor of petitioner Labor Union: "As far back as *Associated Labor Union v. Gomez*, the exclusive jurisdiction of the Court of Industrial Relations in disputes of this character was upheld. 'To hold otherwise,' as succinctly stated by the ponente, Justice Sanchez, 'is to sanction split jurisdiction--which is obnoxious to the orderly administration of justice.' Then in *Progressive Labor Association v. Atlas Consolidated Mining and Development Corporation*, decided three years later, Justice J. B. L. Reyes, speaking for the Court, stressed that to rule that such demand for damages is to be passed upon by the regular courts of justice, instead of leaving the matter to the Court of Industrial Relations, 'would be to sanction split jurisdiction, which is prejudicial to the orderly administration of justice.' Thereafter, this Court, in the cases of *Leoquenio v. Canada Dry Bottling Co.* and *Associated Labor Union v. Cruz*, with the opinions coming from the same distinguished jurist, adhered to such a doctrine."^[5] *Associated Labor Union v. Gomez*^[6] was handed down on February 9, 1967. The *Progressive Labor Association* decision was decided on May 29, 1970.^[7] The two later decisions of *Leoquenio v. Canada Dry Bottling Co.*^[8] and *Associated Labor Union v. Cruz*^[9] were both promulgated in 1971, the former on February 22 and the latter on September 22, 1971. When, therefore, the motion to dismiss filed by petitioner with respondent Judge was denied in his order of April 23, 1971, he apparently overlooked the authoritative force of three of the above cases. It should be noted that prior to *Holganza v. Apostol*, this Court, in October of 1976, in *Goodrich Employees Association v. Honorable Delfin B. Flores*,^[10] had occasion to reaffirm such a well-settled doctrine. The impress of deceptive plausibility that could be affixed through artful advocacy to a complaint otherwise outside the jurisdiction of a regular court ought not to have misled respondent Judge.

The point raised by petitioner as to the order of respondent Judge suffering from a fatal infirmity insofar as it prohibited peaceful picketing, while meritorious, needs no extensive consideration, considering that absence of jurisdiction of respondent Judge being clear, the dismissal of the case is a foregone conclusion. It suffices to recall that as far back as 1947, in *Mortera v. Court of Industrial Relations*,^[11] this Court expressly declared: "Peaceful picketing cannot be prohibited. It is part of the freedom of speech guaranteed by the Constitution."^[12]

WHEREFORE, the writ of certiorari is granted, respondent Judge being devoid of jurisdiction to entertain Civil Case No. 82752 of the Court of First Instance of Manila, Sixth Judicial District, Branch IX. The preliminary injunction issued by this Court on June 18, 1971 enjoining respondent Judge from executing the challenged orders issued by him and from further proceeding with the aforesaid case is made permanent. With this decision, Civil Case No. 82752 is ordered dismissed. Costs against private respondent.

Barredo, Antonio, Aquino, and Martin, JJ., concur.
Concepcion, Jr., J., on leave.

[1] The private respondent is Pharmaceutical Industries, Inc.

[2] Petition, pars. III to VII.

[3] *Ibid*, par. VIII.

[4] L-32953.

[5] Holganza v. Apostol, L-32953, 3.

[6] L-25999, 19 SCRA 304.

[7] Progressive Labor Association v. Atlas Consolidated Mining and Development Corporation, 33 SCRA 349.

[8] L-28621, 37 SCRA 535.

[9] L-28978, 41 SCRA 12.

[10] L-30211, October 5, 1976.

[11] 79 Phil. 345.

[12] Ibid, 351. Cf. PAFLU v. Barot, 99 Phil. 1008 (1956); De Leon v. National Labor Union, 100 Phil. 789 (1957); Malayang Manggagawa sa Esso v. Esso Standard Eastern, Inc., L-24224, July 30, 1965, 14 SCRA 801; Security Bank Employees Union v. Security Bank & Trust Co., L-28536, April 30, 1968, 23 SCRA 503; Associated Labor Union v. Borromeo, L-26461, November 27, 1968, 26 SCRA 88; Philippine Association of Free Labor Unions v. Cloribel, L-25878, March 28, 1969, 27 SCRA 465; The Insular Life Assurance Co., Ltd. Employees Association v. The Insular Life Assurance Co., Ltd., L-25291, January 30, 1971, 37 SCRA 244; New Frontier Supermarket Labor Union v. Erecta, L-30826, April 30, 1974, 56 SCRA 785; Feati University Faculty Club v. Feati University, L-31503, August 15, 1974, 58 SCRA 395; Litton Mills Workers Union v. Reyes, L-23745, January 22, 1975, 62 SCRA 98.

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