

ESPIRIDION M. BRILLO, PLAINTIFF AND APPELLANT, VS. PEDRO BUKLATAN ET AL., DEFENDANTS AND APPELLEES.*G.R. No. L-2213. October 14, 1950*

Ponente: MORAN, C.J.

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This is an appeal taken by plaintiff from an order dismissing his complaint on motion of the defendants.

The complaint contains four causes of action. In the first, plaintiff, as President of the Leyte United Workers, seeks to recover from several defendants, the amounts of money which the latter, in their respective capacities as chief foreman and foreman, have been collecting from several groups of laborers, as their contribution to the funds of the Leyte United Workers, being a duly registered Labor Union under Commonwealth Act No. 213, has capacity to sue, and therefore, the action should have been brought in its name. Plaintiff-appellant admits that the Leyte United Workers has juridical capacity to sue. If this is so, the action should be brought in its own name, and not in the name of its president, under Rule 3, section 2.

Furthermore, the first cause of action is composed of separate claims against several defendants of different amounts each of which is not more than P2,000 and falls under the jurisdiction of the justice of the peace court under section 88 of Republic Act No. 293. The several claims do not seem to arise from the same transaction or series of transactions and there seem to be no questions of law or of fact common to all the defendants as may warrant their joinder under Rule 3, section 6. Therefore, if new complaints are to be filed in the name of the real party in interest they should be filed in the justice of the peace court.

The second cause of action is directed against the International Trust Corporation and Pacific Copra Export Company which are alleged to have entered into a contract with the Leyte United Workers whereby they agreed to increase by 20 per cent the wages of their laborers who were members of the Leyte United Workers and they failed to fulfill the terms of such agreement. It appears, however, that the Leyte United Workers has already applied with the Court of Industrial Relations for increase of wages of their laborers working with the two defendant corporations, and it abandoned the supposed agreement regarding the increase of 20 per cent after the two defendant corporations denied having entered into such agreement, and instead it claimed a general increase of 50 per cent which the Court of Industrial Relations refused to grant. Under such circumstances, the Leyte United Workers cannot now be allowed to press upon the supposed agreement of 20 per cent increase which was abandoned in the Court of Industrial Relations which is the court with jurisdiction over that subject matter.

The third cause of action is for certiorari against the Secretary of Labor for having granted licenses to new unions, namely, the Leyte Stevedoring and Terminal Dock Workers Union and the Visayan Workers Union, the registration of which is alleged to be detrimental to Leyte United Workers. It is alleged that the new labor unions were organized by old members of the Leyte United Workers, with the aid of the employers, and the result may be the death of the Leyte United Workers. It is maintained that the action of the Secretary of Labor in approving the application of the said new labor unions constitutes an excess of jurisdiction and grave abuse of discretion.

The petition for certiorari does not lie because the Secretary of Labor did not exercise judicial function. Furthermore, there is no allegation that the new labor unions have the purpose of undermining or destroying the constituted Government or of violating any law or laws of the Philippines, and therefore, they cannot be denied registration and permission to operate under section 2, of Commonwealth Act No. 213. (Umali vs. Lovina, 47 Off. gaz., 6196; 86 Phil., 313.)

The fourth claim alleged in the complaint is a petition for declaratory relief involving practically the same questions raised in the third cause of action.

For all the foregoing, the order of dismissal appealed from is affirmed, the costs to be paid by appellant.

Ozaeta, Paras, Pablo, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

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