

ONOFRE P. GUEVARA, PETITIONER, VS. THE HONORABLE SIMEON M. GOPENGCO, JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, BRANCH XXV, AND CATALINO G. LUZANO, GREGORIO ABOY, FELICIANO...*G.R. No. L-39126. September 30, 1975*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c578edc9a42f/>

Petition for certiorari and prohibition with preliminary injunction to nullify the Order, dated August 13, 1974, of respondent Judge Simeon M. Gopengco of the Court of First Instance of Manila, Branch XXV, for want of jurisdiction to act in Civil Case No. 94612 for damages with preliminary injunction.

On July 5, 1974, private respondents tiled with the said Court of First Instance of Manila Civil Case No. 94612,[1] against herein petitioner Onofre P. Guevara, for damages with preliminary injunction, alleging, among others, that they are the entire membership of the National Executive Committee of the Philippine Association of Free Labor Unions (PAFLU); that under the PAFLU Constitution and By-laws, upon the death on June 24, 1974 of Cipriano Cid, PAFLU National President, the private respondents by virtue of their alleged powers under the PAFLU Constitution² could direct the affairs of the PAFLU; that on June 28, 1974, the very day that the deceased PAFLU National President was buried, petitioner Onofre P. Guevara, who is one of the legal consultants of PAFLU, illegally assumed all the powers of the PAFLU by wiring all PAFLU locals, declaring all positions in the organization vacant, and calling for a convention on July 7, 1974; that pursuant to the PAFLU Constitution,[3] a meeting of the National Council was scheduled for July 14, 1974 for the purpose of determining who should succeed the late Cipriano Cid and other officers of the Union; and that the illegal and immoral acts of the petitioner had caused the individual private respondents to suffer great and irreparable injury for which they accordingly prayed the lower court for damages as well as for a writ of preliminary injunction to enjoin the petitioner from holding the convention set for July 7, 1974 and from exercising the powers of a PAFLU Executive Officer.

On the same day of the filing of the complaint, respondent Judge Simeon M. Gopengco issued an Order "enjoining defendant Onofre P. Guevara from holding the convention set for July 7, 1974 and from assuming the powers of a PAFLU executive officer, until further orders of this Court."

Prior thereto, or on July 1, 1974, a petition containing substantially the same allegations as those in the aforesaid complaint was filed with the National Labor Relations Commission by Cipriano Cid, Jr., in representation of members and affiliates of the PAFLU in far-flung corners of the Philippines, against Onofre P. Guevara and others, which was docketed therein as NLRC CASE No. LR-4271,[4] praying the Commission, in the exercise of its powers, to restrain or enjoin the respondents from holding the so-called PAFLU National Convention which they scheduled for July 7, 1974, and to direct them to postpone said convention to a date not earlier than October, 1974.

On July 7, 1974. the national convention was actually held, allegedly without the participation of petitioner Onofre P. Guevara and, as a result thereof, a new set of officers was elected therein, among them petitioner Onofre P. Guevara, as President (subject matter of Supplemental Complaint filed by private respondents on July

12, 1974).

On July 9, 1974, petitioner filed an urgent motion to dismiss the complaint and to dissolve the ex parte order of preliminary injunction on the grounds that: (1) the respondent Court has no jurisdiction over the subject matter of the controversy; (2) a case involving the same issue has already been filed earlier, or on July 1, 1974, with the National Labor Relations Commission (NLRC Case No. LR-4271) under Presidential Decree No. 21 and hence the Commission has assumed jurisdiction over the case to the exclusion of respondent Court.

On the same day, July 9, 1974, respondent Judge lifted the Order granting preliminary injunction on the ground that the convention had already taken place on July 7, 1974 and, as such, the same had become moot and academic. However, respondent Judge directed counsel for the respondents to file his opposition to the motion to dismiss within five (5) days and counsel for the petitioner to submit his reply within five (5) days from receipt of said opposition.

On July 15, 1974, private respondents filed an opposition to the motion to dismiss and to lift the restraining order on the principal ground that the pendency of NLRC Case No. LR-4271 in the National Labor Relations Commission cannot affect the jurisdiction of respondent Court because (a) the National Labor Relations Commission has no jurisdiction over the subject matter of the complaint, and (b) the subject matter of NLRC Case No. LR-4271 is different from that of Civil Case No. 94612. The reason advanced by private respondents for maintaining the jurisdiction of the lower court is that the complaint is for civil damages based on tort and for injunction against wrongful and illegal acts of the defendant (petitioner herein), which is within the jurisdiction of the regular courts and not of the NLRC;

On the same day, July 15, 1974, private respondents filed a motion for leave to file supplemental pleadings with preliminary injunction.

On July 19, 1974, without waiting for the reply of the petitioner to respondents' opposition to the motion to dismiss as called by his Order of July 9, 1974, respondent Judge issued an Order denying the motion to dismiss and the petition for preliminary injunction on the ground that the same has become moot and academic.

On July 24, 1974, petitioner's counsel filed a motion for reconsideration reiterating its stand that the respondent Court has no jurisdiction over the case, even if it involves a question of damages, citing *Regal Manufacturing Employees Union v. Judge Reyes, et al.*[5]

On August 13, 1974, respondent Judge issued another ex parte Order denying petitioner's motion for reconsideration, admitting respondents' motion dated July 12, 1974 and the supplemental complaint attached thereto, and "enjoining defendant (petitioner herein), his subordinates, agents and all persons acting under him from exercising the powers of PAFLU president by using the name, emblems and insignias of plaintiff organization; by entering into transactions, contracts and arrangements in behalf of plaintiff organization: by entering, occupying and using the headquarters, offices and other premises of plaintiff organization; by taking over, controlling and using the records, funds, property and other assets of plaintiff corporation; by issuing orders, directives, memoranda and instruction to various locals, affiliates, members and agents of plaintiff organization; and by excluding individual plaintiffs from the lawful exercise or discharge of their functions, as well as from the premises, records and assets of plaintiff organization, until further orders of this Court."

On August 20, 1974, the petitioner filed the instant petition for certiorari and prohibition with preliminary injunction, which was amended on October 29, 1974.

We find the amended petition meritorious.

Under Section 17 of the Industrial Peace Act, cases involving violations of internal labor organization procedures come within the exclusive jurisdiction of the Court of Industrial Relations, and if the Court finds, upon investigation, evidence to substantiate the alleged violation and that efforts to correct the alleged violations through the procedures provided by the labor organization's Constitution and By-laws, or by law, have been exhausted, said Court shall dispose of the complaint "as in unfair labor practice cases." As explained in an earlier case^[6] one reason "why cases involving the rights and conditions of membership in a labor union or organization are placed within the exclusive jurisdiction of the Court of Industrial Relations' is that said court is in a better position and is more qualified than ordinary courts to determine said cases, dealing as it does with problems of management and labor, the latter represented by labor unions, the activities of such labor organizations and their members, certification elections to determine the labor unions as a bargaining agency to deal and negotiate with the management, etc."

To ensure the integrity of labor unions as instruments of labor in its quest for security and better returns for its members, it is better that jurisdiction to decide questions involving the internal operation of labor unions be left in the hands of those agencies of government better qualified and trained for such purposes.

In the case at bar, it would be impossible for respondent Judge to determine the question of whether or not damages should be awarded and how much, without resolving the legality of the subsequent election of a new set of officers of the PAFLU which, under the Industrial Peace Act, was within the exclusive competence of the Court of Industrial Relations. Said issues are, basically, whether or not the procedure outlined in the PAFLU Constitution for the election of officers has been violated, and which, among two sets of officers - one including the private respondents herein, who were elected prior to the death of the late National President Cipriano Cid, and the other, composed of officers elected during the convention held on July 7, 1974 headed by petitioner Onofre P. Guevara, as President — has the right to represent the labor organization (PAFLU). These issues are not for the civil courts to resolve.^[6-A]

In *Donato Lopez, Jr. vs. The Court of First Instance of Manila*,^[7] this Court, speaking through Justice Enrique M. Fernando, sustained the right of the Court of Industrial Relations to take cognizance of a case involving the presidency of a labor union, rather than that of the Court of First Instance of Manila.

"We start with Section 17 of the Industrial Peace Act (Republic Act No. 875 [1953], the statute applicable to this controversy (insofar as pertinent, Section 17 which deals with the rights and conditions of membership in labor organizations provides that members 'shall also have the right to elect officers by secret ballot at intervals of not more than two years. ***.') As far back as *Kapisanan ng mga Manggagawa v. Bugay* (101 Phil. 18), decided in 1957, this Court, through Justice Montemayor, explicitly declared that under this provision, 'questions involving the rights and conditions of membership in a labor organization, fall within the jurisdiction of the CIR.' (Ibid, 23) Phil. Land-Air-Sea Labor Union v. Ortiz, (103 Phil. 409 [1958], decided a year later, is even more relevant. Again, this Court, speaking through the same jurist, reiterated such a view. In this action for certiorari and prohibition seeking to annul the decision of the then respondent Judge Montano A. Ortiz, it was shown that notwithstanding the fact that there was an intramural dispute between a member and the officers of a labor union, the lower court denied a motion to dismiss on the ground of lack of jurisdiction. The Supreme Court reversed on the authority of the above *Kapisanan ng mga Manggagawa* decision. As succinctly put by Justice Montemayor: 'This same question has already been submitted to and decided by this Court, for which reason, we do not deem it necessary to discuss it at length. (Ibid, 411). He elaborated on the basis of this doctrine thus: 'One reason, in our opinion, why cases involving the rights and conditions of membership in a labor union or organization are placed within the exclusive jurisdiction of the Court of Industrial Relations is that said court is in a better position and is more qualified than ordinary courts to determine said cases, dealing as it does with problems of management and labor, the latter represented by labor unions, the activities of such labor organizations and their members, certification elections to determine the

labor unions as a bargaining agency to deal and negotiate with the management, ***.' (Ibid, 413). Then came a 1959 decision which is quite in point, *Philippine Association of Free Labor Unions v. Padilla* (106 Phil. 591). This was an appeal from an order of the Court of First Instance of Camarines Norte dismissing plaintiffs' complaint precisely on the ground of lack of jurisdiction over the subject matter of the action (Ibid, 592). What was sought in the case, among others, was the ousting of the defendants from their respective positions as officers of the labor union. (Ibid, 594). It needed only one paragraph for Justice Labrador as ponente to dispose of the contention that the lower court and not the Court of Industrial Relations had jurisdiction. Reference was made to the Industrial Peace Act and it was then noted that 'the court vested with jurisdiction to take judicial cognizance of actions involving violations of internal labor organization procedures is the Court of Industrial Relations, [therefore] the lower court correctly dismissed the complaint presented by the plaintiffs.' (Ibid, 596. Cf. *Capistrano v. Bogar*, L-24707, January 18, 1968, 22 SCRA 155; *Catura v. Court of Industrial Relations*, L-27392, January 30, 1971, 37 SCRA 303.)

"Nothing seems to be clearer, therefore, than that the lower court ought to have manifested receptivity to the plea that the question of who was rightfully elected to the presidency of a labor union was one for the then Court of Industrial Relations to decide. Surprisingly, the lower court, acting through three judges one after the other, came to a contrary conclusion. It would appear, therefore, that there is some truth to the observation made about occupants of the bench being reluctant to any diminution of their competence in favor of administrative agencies. It was so even in the United States where for some time the vesting sole and exclusive competence to administrative agencies, at least in its initial stages, subject later to judicial review by an appellate tribunal, hardly elicited the enthusiasm of the traditionalists in the legal profession. (Cf. 1 Davis, *Administrative Law Treatise* 44, 53 [1958]."

Private respondents' claim for damages does not necessarily mean that the case is strictly based on tort and, therefore, cognizable by the court *a quo*. For it is inaccurate for private respondent to characterize the dispute as one between the organization itself, and an outsider, as it is not denied that petitioner was elected National President of the PAFLU at the convention of July 7, 1974. Whether or not such damages are recoverable, and to what extent, would have still to depend on the final outcome of NLRC Case No. LR-4271, or, in the resolution of the issue, whether or not the PAFLU Constitution and By-laws were violated, and which among the two set of officers elected, has the right to represent the labor union. These are questions, the resolution of which has been conferred by law upon administrative bodies.[8]

As a result of the abolition of the Court of Industrial Relations by Section 337 of the Labor Code of the Philippines, jurisdiction over all inter-union and intra-union conflicts is now conferred by said Code on the Bureau of Labor Relations and the Labor Relations Divisions in the regional offices of the Department of Labor. Thus, the New Labor Code provides the following:

"ART. 275. Bureau of Labor Relations. — The Bureau of Labor Relations and the labor relations divisions in the regional offices of the Department of Labor shall have original and exclusive authority to act, at their own initiative or upon request of either or both parties, on all inter-union and intra-union conflicts, and all disputes, grievances or problems arising from or affecting labor-management relations in all workplaces whether agricultural or non-agricultural, except those arising from the implementation or interpretation of collective bargaining agreements which shall be the subject of grievance procedure and/or voluntary arbitration.

"The Bureau shall have fifteen (15) working days to act on all labor cases, subject to extension by agreement of the parties, after which the Bureau shall certify the cases to the appropriate Labor Arbiters. The 15-working day deadline, however, shall not apply to cases involving deadlocks in collective bargaining which the Bureau shall certify to the appropriate Labor Arbiters only after all possibilities of voluntary settlement shall have been tried." (As amended by Sec. 45 of Presidential Decree No. 570-A, promulgated November 1, 1974.)

Article 288 of the same Code, as amended by Section 47 of Presidential Decree No. 570-A and renumbered as

Article 291, which enumerates the rights and conditions of membership in a labor organization (among which is the right of members to elect their officers at intervals of not more than three (3) years, which right is involved in the facts of this case), likewise provides:

"Any violation of the above rights and conditions of membership shall be a ground for cancellation of union registration or expulsion of an officer from office, whichever is appropriate. At least 30 per cent of all the members of a union or any member or members specifically concerned may report such violation to the Bureau. The Bureau shall have the power to hear and decide any reported violation and to mete the appropriate penalty." [9]

This agreement eliminated the following provisions of Article 288 which read:

". .. The decision of the Bureau shall be appealable only question of law by certiorari to the Supreme Court.

"Criminal and civil liabilities arising from violations of above rights and conditions of membership shall continue to be under the jurisdiction of ordinary courts."

Undoubtedly, such provision, as amended, buttresses the claim that intra-union conflicts, such as the case at bar, appertain to the exclusive competence of the Bureau of Labor Relations. It also indicates the greater emphasis placed by law on the role of administrative bodies as official instrumentalities in the enforcement of regulatory acts.

With respect to the question of damages, respondent Court has jurisdiction. However, under the circumstances obtaining in this case, respondent Judge should have suspended the action therein insofar as the question of damages is concerned until the intra-union conflict shall have been finally decided in the administrative body concerned. [10]

WHEREFORE, the writ of certiorari is hereby granted and the Order, dated August 13, 1974, of respondent Judge Simeon M. Gopengco, insofar as it granted the issuance of the writ of preliminary injunction, as well as the writ of preliminary injunction issued on August 16, 1974, is hereby set aside and declared null and void. The respondent Judge is also ordered to refrain from proceeding with Civil Case No. 94612 on the question of damages until the legality of the convention of July 7, 1974, wherein the questioned elections were held has been finally determined.

Fernando (Chairman), Barredo, Aquino, and Martin, JJ., concur.

[1] Entitled "Philippine Association of Free Labor Unions (PAFLU), Catalino G. Luzano, Gregorio A. Aboy, Feliciano A. Rubio, Florencio Tirad and Lliseo Flora, all in their capacity as Members of the PAFLU National Executive Committee, Plaintiffs, versus Onofre P. Guevara, defendant."

[2] The PAFLU Constitution provides for succession in case of the death of the National President, as follows:

"If the office of the National President is declared vacant by the NATIONAL COUNCIL the powers of the National President shall be vested upon the National [executive Committee. Within thirty (30) days from such declaration of vacancy the NATIONAL COMMITTEE must meet and elect among the members of the National Executive Committee his successor for the unexpired term."

[3] On the matter of the calling of conventions, the PAFLU Constitution provides in its Article VI, National convention, (he following:

"Section 5. The National Council shall issue a convention call to Local Unions in good standing not less than sixty (60) days prior to the opening date of the convention. It shall forward to each such Local Union duplicate

credentials which shall serve as certificates of election for delegates and alternates when properly executed by duly authorized officers of the Local Unions."

[4] Entitled "Cipriano Cid, Jr., in representation of members and affiliates of the Philippine Association of Free Labor Unions in far-flung corners of the Philippines, Petitioner, versus Onofre P. Guevara, Calalino Luzano, Feliciano Rubio, Gregorio Aboy and the Members of the National Executive Committee of the Philippine Association of Free Labor Unions (PAFLU), Respondents."

[5] G.R No L-24388. July 29, 1968, 24 SCRA 352.

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

[6-A] Phil. Land-Air-Sea Labor Union, et al. vs. Ortiz, 103 Phil. 409, 413.

[7] G.R. No. L-26358, June 27, 1975.

[8] Capistrano v. Bogar, 22 SCRA 155-158, citing Kapisanan ng mga Manggagawa sa MRR v. Bugay, 101 Phil. 18; PLASLU v. Ortiz, 103 Phil. 409.

[9] The pertinent provisions of the Rules and Regulations implementing the Labor Code of the Philippines, as amended, promulgated by the Department of Labor effective February 3, 1975, read as follows:

"Rule VIII

INTRA-UNION CONFLICTS

Section 1. Complaint. — A complaint for any violation of the constitution and by-laws and the rights and conditions of membership under Article 241 may be filed in the Regional Office where the union is domiciled.

Section 2. Who may file. — If the issue involves the entire membership of the union, the complaint shall be signed by at least 30% of the membership of the union.

In addition to the above requirements, the petition in its face must show that the administrative remedies provided for in the constitution and by-laws have been exhausted or such remedies are not readily available to the complaining members through no fault of their own. However, if the issue affects a single member only, such member may alone file his complaint.

Section 3. Contents of complaint. — The complaint must, among other things, contain the following:

- (a) the person or persons charged;
- (b) the specific violation/s committed;
- (c) the relief/s prayed for; and
- (d) other relevant matters.

Such complaint must be in writing and under oath, and a copy thereof served on the respondent.

Section 4. Procedures. — Upon receipt of the complaint, the Regional Director shall immediately assign the case to a med-arbiter. The med-arbiter shall have twenty (20) working days within which to settle or decide the case. The decision of the med-arbiter shall state the facts and the reliefs granted, if any. If the conflict involves a violation of the rights and conditions of the membership enumerated under Article 241 of the Code the med-arbiter shall order the cancellation of the registration certificate of the erring union or the expulsion of the guilty party from the union, whichever is appropriate.

Section 5. Appeal — The aggrieved party may, within ten (10) working days from receipt of the decision of the med-arbiter, appeal the same to the Bureau on any of the following grounds:

- (a) grave abuse of discretion; and
- (b) gross incompetence.

The appeal shall consist of a position paper specifically stating the grounds relied upon by the appellant and the supporting arguments under oath.

Section 6. Decision of Bureau final. — the decision of the Bureau shall be final and unappealable."

[10] Regal Manufacturing Employees Association, et al. vs. Reyes, et al., L-24388. July 29. 1968. 24 SCRA 352.

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