

FEDERATION OF FREE WORKERS, TOMAS PEÑA, GAUDENCIO CUMBE, TEODULO CAPUNO, ELISA MACAPANPAN, RODOLFO CUCUYES, TOMAS TUVERA, ABAD TRIO, NOVELITA FABILA, DOMINGO DOVUCOL AND APOLINA...*G.R. No. L-32877. October 30, 1975*

Ponente: ANTONIO, J.

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Involved in this petition for Certiorari and Prohibition with Preliminary Injunction is the issue of jurisdiction – whether respondent Court of First Instance of Quezon City has jurisdiction over Civil Case No. Q-14968 involving an intra-union dispute as to who, between the parties, are the legitimate officers of the labor union. The following are the pertinent facts:

Petitioner Federation of Free Workers is a legitimate labor organization duly registered with the Department of Labor. The other petitioners, namely Tomas Peña, Gaudencio Cumbe, Teodulo Capuno, Elisa Macapanpan, Rodolfo Cucuyes, Tomas Tuvera, Abad Trio, Novelita Fabila, and Domingo Dovucol were, on August 29, 1969, elected as officers of the De Dios Dri-Con Association (referred to herein as the Union), an affiliate of petitioner Federation. Their term of office was to expire in August 1970 and general elections for the 1970-1971 term were scheduled. Respondents Eпитacio Torres, Alfredo Cristobal, Trencio Pascua, Melchor Grospe, Eleazar Esquillo, Lorenzo Cantillano, Elias Novales, Rufo Salvador and Florencio Capulong were among those who filed their certificates of candidacy for various offices in the Union. However, prior to August 1970, specifically on July 6, 1970, respondent Eпитacio Torres was expelled from the De Dios Dri-Con Association for "acts inimical to the interest of the union". On August 7, 1970, Eпитacio Torres questioned his expulsion from the Union by filing a charge with the Court of Industrial Relations.[1] On August 17, 1970, the 1970 Election Committee of the Union passed a resolution disqualifying Eпитacio Torres from running for any position in the Union.

Due to the pendency of Charge No. 3701 with the Court of Industrial Relations and upon the advice of the Conciliation Division of the Department of Labor, the elections set for August 19, 1970 were postponed by resolution of the Board of Directors. In order to legalize the continuance in office of the incumbent officers of the Union after August 1970, their term of office was, by amendment of the Constitution and By-laws of the Union, changed from one (1) year to two (2) years.

On September 12, 1970, private respondents caused the holding of an election. In that election, they were elected to the various offices in the Union. The management of the De Dios Transportation Co., Inc. refused to recognize them as officers of the Union and continued to deal with petitioners as such. To enjoin the incumbent officers from holding over and performing the functions of officers of the De Dios Dri-Con Employees Association, and the De Dios Transportation Company, Inc. from recognizing them as officers of said Union, private respondents filed a petition for injunction with writ of preliminary mandatory injunction with the Court of First Instance of Quezon City, Branch IX, then presided over by the Hon. Lorenzo Relova. In said petition,[2] respondents

(petitioners therein) allege:

“4. That the Constitution and By-laws of the De Dios Transportation Dri-Con Association provides:

‘Election and Tenure of Officers: Officers of the Association shall be elected by the direct vote of the entire association during the annual general meeting by secret ballot. The candidate receiving the plurality of votes shall be considered elected and in the case of tie, another election between the candidates obtaining the highest equal number of votes shall be held until such tie is broken. The officers elected shall hold office for a term of one year or until his (sic) successor shall have qualified.’ Article IV, Sec. 3 of the Constitution and By-laws. (Italics supplied).

“5. That notwithstanding the constitutional provision and the aforequoted expiration of their term of office last August 10, 1970, Tomas Peña, Gaudencio Cumbe, Teodulo Capuno, Elisa Macapanpan, Rodolfo Cucuyes, Tomas Tuvera, Abad Trio, Novelita Fabila and Domingo Duvocol, in conspiracy with one another and upon the instigation and advice of Apolinario Jaraba and of the Federation of Free Workers, deliberately and maliciously refused to call a general membership meeting and to hold the annual elections of officers of the association in order to perpetuate themselves in their seats of power in their impudent attempt to thwart and defeat the overwhelming clamor for their ouster from said position.

“6. That on account of their intentional dereliction and refusal to perform their duties by calling a meeting and holding an election, more than two thirds (2/3) of the general membership of the association passed a resolution last September 7, 1970 declaring all the positions of officers vacant and at the same time scheduling a special election to be held on September 14, 1970, pursuant to Article VI, Section 2 of the aforementioned Constitution and By-laws which is quoted hereinbelow:

‘Special General Election: The association may hold a special general meeting upon unanimous vote of the Board of Directors or upon petition in writing signed by at least one third (1/3) of all members of the association. No election may be held during such meeting unless so demanded by a majority of all the members of the association.’ (Italics supplied)

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“7. That in the special election held which was supervised by a representative of the Department of Labor, the following came out as the winners:

Epitacio Torres	President
Alfredo Cristobal	Vice President
Trencio Pascua	Secretary
Melchor Grospe	Treasurer
Elleazar Esquillo	Board Member
Florencio Capulong	Board Member
Rufo Salvador	Board Member
Elias Novales	Board Member
Lorenzo Cantillano	Board Member”

Contending that they are the legitimate officers of the Union, private respondents therefore prayed that the

petitioners be enjoined from performing their functions as officers of the Union; that the Federation of Free Workers be restrained from instigating and advising the petitioners (respondents therein) to perform such functions; and that the management of the De Dios Transportation Co., Inc. be compelled to recognize private respondents (petitioners therein) as the duly elected officers of the Union and to remit to them, not to petitioners, the check off dues from the members of the Union.

Alleging that respondent Court had no jurisdiction over the case as the same appertained to the Court of Industrial Relations, petitioners moved to dismiss the petition. Their motion was, however, denied by respondent Judge on November 13, 1970, who, in the same order, granted the injunctive writ to restrain petitioners from continuing with the performance of their duties as officers of the Union.

From that order, petitioners interposed the present petition. In their answer, respondents, while conceding that the present case involves the conflicting claims of two sets of officials of the labor union, however, contend that the same does not involve a labor dispute between the management and the workers, being but an ordinary case within the competence of the regular courts.

On February 2, 1971, We granted petitioners' prayer for preliminary injunction and thus restrained respondent Judge from enforcing the writ of preliminary injunction issued by him in Civil Case No. Q-14968, ordered respondent De Dios Transportation Co., Inc. to deal with and recognize petitioners as de jure officers of the Union, and enjoined private respondents from interfering with the management of the affairs of said Union.

We find the petition meritorious. An examination of the complaint in Civil Case No. Q-14968 reveals that the ultimate issue therein is who, between the petitioners and the respondents, are the legitimate officers of the labor union of the employees of the De Dios Transportation Co., Inc.. We have repeatedly held that questions involving the internal organization of labor unions, particularly the legality of the election of its officers, are matters within the exclusive competence of the Court of Industrial Relations and beyond the jurisdiction of the regular courts.[3]

Recently, in *Guevara v. Gopengco*,^[4] wherein the same issue was involved, We said:

"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.

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"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 Division 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 the 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 case 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.’ "

We hold, therefore, that respondent court had no jurisdiction over Civil Case No. Q-14968 and should have granted petitioners' motion to dismiss.

WHEREFORE, the order issued by respondent court on November 13, 1970, denying petitioners' motion to dismiss and granting the writ of preliminary injunction, is hereby set aside and declared null for having been issued without jurisdiction. The temporary injunction issued by this Court on February 2, 1971 is hereby made permanent and respondent court is hereby ordered to dismiss Civil Case No. Q-14968.

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

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

[*] Designated to sit in the Second Division.

[1] Entitled Eпитacio Torres, Complainant, versus Tomas Peña, Gaudencio Cumbe, Teodulo Capuno, Elisa Macapanpan, Rodolfo Cucuyes, Tomas Tuvera, Abad Trio, Novelita Fabila, and Domingo Dovucol, Respondents."

[2] Civil Case No. Q-14968, entitled "De Dios Transportation Dri-Con Association, Eпитacio Torres, Alfredo Cristobal, Trencio Pascua, Melchor Grospe, Elleazar Esquillo, Lorenzo Cantillano, Elias Novales, Rufo Salvador and Florencio Capulong, Petitioners, versus Tomas Pe?a, Gaudencio Cumbe, Teodulo Capuno, Elisa Macapanpan, Rodolfo Cucuyes, Tomas Tuvera, Abad Trio, Novelita Fabila, Domingo Dovucol, Apolinario Jaraba, Federation of Free Workers and De Dios Transportation Company, Inc., Respondents."

[3] Phil. Land-Air-Sea Labor Union, et al. v. Ortiz, 103 Phil. 409; Capistrano v. Bogar, 22 SCRA 155, 158; Lopez v. CFI, L-26358, June 27, 1975.

[4] L-39126, September 30, 1975.

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