

**“ANTIPOLO HIGHWAY LINES EMPLOYEES UNION”;
MANUEL ALVARAN, IRENEO REYES, BONIFACIO BUHAY, ALBERTO
BELEN AND RODOLFO FERNANDEZ, PETITIONERS, VS. HONORABLE
BENJAMIN H. AQUINO, AS P...**

G.R. No. L-31785. September 25, 1979

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cefcbbcbcbfb0/>

MELENCIO-HERRERA, J.:

This Petition for Certiorari places in issue the jurisdiction of respondent Judge, then presiding over the Court of First Instance of Rizal, Branch VIII, in 1) taking cognizance of Civil Case No. 12384 for Damages with Preliminary Injunction filed by private respondent; 2) issuing a Restraining Order on October 16, 1969 and a Writ of Preliminary Injunction on December 8, 1969; and 3) in promulgating a Decision making said injunctive Orders permanent, and sentencing petitioners to pay damages and attorney's fees.

The main thrust of petitioners' submission is that jurisdiction properly belonged to the Court of Industrial Relations on the ground that private respondent's suit (Civil Case No. 12384) for Damages with Preliminary Injunction is "interrelated, inter-woven, or connected with acts of unfair labor practice" and partakes of a labor dispute.[1]

The records bare the following antecedents: Private respondent Francisco DE JESUS is the owner-operator of the "Antipolo Highway Lines" (AHL, for short), a public service entity operating around 40 buses. Sometime in September, 1969, some employees and workers of said transportation company organized themselves into a union known as the Antipolo Highway Lines Employees' Union, petitioner herein, and affiliated itself with the Pambansang Kilusan ng Paggawa (hereinafter referred to as AHLEU-KILUSAN). Petitioner Union was duly registered with the Department of Labor and was issued Registration Permit No. 6283-IB on September 8, 1969. The individual petitioners are officers of petitioner Union.

In a letter dated September 15, 1969, AHLEU-KILUSAN informed the AHL through private respondent DE JESUS of its organization and due registration and requested for an immediate conference between the company and the union representatives.[2] Attached to the letter was a list of proposals for a Collective Bargaining Agreement among which were union recognition, union security job security, grievance machinery and others.[3]

Apparently, no action was taken by AHL on the aforesaid letter, as on September 29, 1969, AHLEU-KILUSAN filed with the Bureau of Labor Relations a Notice of Strike against the AHL for acts constituting unfair labor practice under Republic Act No. 875, such as refusal to bargain, coercion, discrimination against Union members in trip assignments, and violation of other labor laws, among others.[4]

On October 3, 1969, AHLEU-KILUSAN declared a strike against the AHL and established a picket line. However, the strike was lifted the next day since conciliation negotiations were undertaken by petitioners and DE JESUS with the assistance of the Mayor of Antipolo, according to petitioners. The latter contend further that

in the conference of October 4, 1969, a "Return to Work Agreement" was arrived at in principle. However, when the draft for said Agreement was presented at a conference to be held on October 12, 1969, DE JESUS did not attend the same. Instead, a representative of his came and informed petitioners that AHL had already entered into a Collective Bargaining Agreement with the Antipolo Highway Lines Employees' Association, affiliated with Philippine Transport and General Workers Organization (AHLEA- PTGWO).[5] AHLEU-KILUSAN then resumed its picketing on October 15, 1969.

On the following day, October 16, 1969, DE JESUS filed with the lower Court a Complaint for Damages with Preliminary Injunction against AHLEU--KILUSAN and its officers. The Complaint alleged essentially that 1) AHL had already entered into a Collective Bargaining Agreement with the AHLEA--PTGWO on September 10, 1969; 2) petitioners, who called an illegal strike against AHL on October 15, 1969 and posted picket lines along its compound and around the gasoline station owned by it, are not employees of the Company; 3) petitioners pre-vented the employees of AHL from performing their work by means of threats, violence and intimidation; 4) DE JESUS suffered material loss and damages in the sum of P11,000 by reason of non-operation of his buses, and daily damages in the amount of P4,000.00 due to illegal acts of petitioners in preventing and blocking customers from AHL's gaso-line station. The Complaint then prayed that Pre-liminary Injunction be issued ex parte enjoining the petitioners from continuing their illegal acts; for payment of actual damages in the amount of P15,000 plus moral damages in the discretion of the Court; and attorney's fees in the amount of P6,000.00.

On the same date of October 16, 1969, respondent Court issued an ex-parte Restraining Order enjoining petitioners "from continuing with their illegal acts and from posting their picket lines along AHL pre-mises and on such places as are within the Certificate of Public Convenience issued to (AHL)", and set the application for Preliminary Injunction for hearing on October 29, 1969.[6] The Restraining Order is first challenged herein.

On October 22, 1969, petitioners filed an Urgent Motion to Lift Restraining Order and/or to Dismiss Complaint, which was opposed by DE JESUS.

On November 22, 1969, upon manifestation of both parties, respondent Court considered the appli-cation for the issuance of a Writ of Preliminary Injunction submitted for resolution on the basis of the pleadings, without oral argument.[7]

On December 8, 1969, respondent Court issued a Writ of Preliminary injunction, also questioned herein by petitioners, upon DE JESUS' filing of a bond of P5,000.00, rationalizing as follows:

"The main question before the Court is whether defendants are employees of plaintiff (De Jesus). During the hearing on the writ of preliminary injunction, defendants did not present any evidence to prove that they are employees of the plain-tiff. On the other hand, plaintiff in his complaint strongly denies the re-lationship of employer and employee between plaintiff and defendants under oath. The mere allegations in defendants' opposition to the issuance of the writ of preliminary in-junction that defendants are employees of plain-tiff, without evidence in support of it cannot divest this Court of jurisdiction over a case of damages as set out in plaintiff's complaint. Until and unless it is established by convincing evidence that the rela-tionship between plain-tiff and defendants is one of employee and em-ployer and the incident from which the present case arose is one of a labor dispute a bare claim in defendants' opposition to the writ asserting such relationship and such dispute cannot divest this Court of jurisdiction." [8]

In a letter dated December 21, 1969, AHLEU-KILUSAN formally offered to return to work under the same terms and conditions as prior to the strike, effective Decem-ber 26, 1969 at 6:00 p.m. Attached to said letter was a list of thirty-seven striking employees returning to work.[9] However, DE JESUS refused to accept said offer to return to work on the ground that the employees listed in said letter were not legitimate employees of his company. DE JESUS also called at-tention to the pending case between him and the peti-tioners.[10]

AHLEU-KILUSAN then filed Charge No. 3294, dated January 1, 1970, against AHL and DE JESUS with the Prosecution Division of the Court of Industrial Relations for Unfair Labor Practice.[11] The Charge essentially averred that private respondent refused to reinstate all the striking employees to their former positions "without justifiable reasons but to harass, discriminate, and coerce said striking employees because of their union activities and affiliations".[12]

On January 10, 1970, respondent Court declared petitioners in default upon motion of DE JESUS.[13] And on January 16, 1970, respondent Court allowed DE JESUS to present his evidence ex parte.[14]

On January 23, 1970, respondent Court rendered the Decision in question in DE JESUS' favor, the dis-positive portion of which is quoted hereunder:

"WHEREFORE, judgment is hereby rendered in favor of the plaintiff ordering the defendants to pay plaintiff the amount of P12,850.00 as actual damages for loss of income; ordering the defendants to pay attorney's fees in the amount of P2,000.00 and the costs of this suit.

"The writ of preliminary injunction previously issued in this case is hereby declared permanent."[15]

On February 6, 1970, petitioners filed a Petition to Set Aside Decision of January 23, 1970 and the Order of Default of January 10, 1970. Petitioners contended that they were not afforded their day in Court as they were not given a chance to file their Answer since their Motion to Dismiss was never re-solved by the Court.[16] Said Petition was denied by respondent Court for lack of merit on February 14, 1970.[17]

Hence, the present recourse which was given due course.[18]

Petitioners contend:

I. THAT THE RESPONDENT JUDGE ACTED WITHOUT JURISDICTION IN ISSUING HIS RESTRAINING ORDERS OF OCTOBER 16 AND DECEMBER 8, 1969, REFERRED TO IN ANNEXES "E" AND "I" - PETITION.

II. THAT THE RESPONDENT JUDGE ACTED WITHOUT JURISDICTION IN ENTER-TAINING AND TAKING COGNIZANCE OF THE COMPLAINT FOR INJUNCTION WITH DAMAGES LIKEWISE DATED OCTOBER 16, 1969, REFERRED TO IN ANNEX "D"-PETITION.

III. THAT RESPONDENT JUDGE ACTED WITHOUT JURISDICTION IN ULTI-MATELY PROMULGATING A DECISION DATED JANUARY 23, 1970 REFERRED TO IN ANNEX "J"-PETITION.

For the resolution of the jurisdictional issue posed, we refer to the Industrial Peace Act (Republic Act No. 875), which was the governing statute at the time of the controversy. Section 5 (a) of that Act explicitly provides:

SEC. 5. Unfair Labor Practice Cases. - (a) The Court (of Industrial Relations) shall have jurisdiction over the prevention of unfair labor practices and is empowered to prevent any person from engaging in any unfair labor practice. 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. (Emphasis supplied).

As to what is constitutive of "unfair labor practice", Section 4 of the same Act states:

"SEC. 4. Unfair Labor Practice. -

(a) It shall be unfair labor practice for an employer:

x x x x x

(6) To refuse to bargain collectively with the represent-atives of his employees subject to the provisions of sections thirteen and fourteen."

The seed of the controversy herein germinated from an alleged unfair labor practice, particularly, the refusal of AHL to take action on petitioner AHLEU-KILUSAN's proposals for a Collective Bargaining Agreement. By reason thereof, that Union declared a strike, which was called off the next day due to conciliation negotiations. Subsequently, however, DE JESUS refused to sit in conference with AHLEU-KILUSAN on the ground that AHL had already entered into a Collective Bargaining Agreement with another labor union, the AHLEA-PTGWO. That precipitated the picketing by petitioner AHLEU-KILUSAN, which DE JESUS sought to enjoin in Civil Case No. 12384 filed before respondent Court, and which the latter should not have taken cognizance of.

We restate what Justice J.B.L. Reyes, speaking for the Court in the case of *Leoquinco, et al. vs. Canada Dry Bottling Co. of the Philippines, Inc., Employees Association, et al.*, [19] aptly said:

"The authority of the Court of Industrial Relations to take cognizance of cases connected with the carrying out of a strike is well re-cognized in this jurisdiction. In a long line of decided cases this Court has held that where the acts com-plained of in the petition for injunction are found to arise out of or to be con-nected with any case ex-clusively belonging to the jurisdiction of the Court of Industrial Relations, the case shall be heard by the said court. In those instances, the court of first instance shall be without jurisdiction to issue any injunctive writ, whether temporary or per-manent, to restrain the conducting by strikers of activities related to, or connected with, the labor dispute, and where the in-junction is indeed proper, recourse may be had to the Industrial Court where the main action belongs."

Neither does a Court of First Instance have concurrent jurisdiction with the Court of Industrial Relations over labor disputes arising out of unfair labor practices.

"Labor disputes arising out of unfair labor practices com-mitted by any of the parties do not present a question of con-current jurisdiction between the Court of First Instance and the Court of Industrial Relations, but that jurisdiction over such matters is vested exclusively in the Court of Industrial Relations. The fact that a civil case was filed ahead in the Court of First Instance than the filing of the unfair labor practices charge in the Industrial Court does not deprive the Court of Industrial Relations of its jurisdiction"[20]

Although it was artfully made to appear that the suit was one for Damages, that did not divest the Court of Industrial Relations of its jurisdiction. The Complaint itself, in paragraph 5, adverted to an "illegal strike" and "picket lines", which are but mere incidents or consequences of the unfair labor practice complained against by petitioner Union. In other words, it is clear that the cause of action for damages "arose out of or was necessarily intertwined with" an alleged unfair labor practice committed by DE JESUS in refusing to sit at the bargaining table. It is still the labor Court, therefore, that has jurisdiction, particularly under the principle that split jurisdiction is not to be countenanced for being "obnoxious to the orderly administration of justice."

In the *Leoquinco* case, *supra.*, it was also maintained that the action was not against the strike or the strikers but was a simple demand for payment of damages. The Court, through Justice J.B.L. Reyes, held:

"This is not the first time that the argument was presented before and ruled on by this Court. In the case of *Erlanger and Galinger, Inc. vs. Erlanger & Galinger Employees Asso-ciation* (104 Phil 17), in-volving practically the same set of facts, the resort to the court of first instance by the com-pany to restrain the strikers' allegedly unlawful act of preventing the entrance into the company premises of the non-striking employees and from molesting and harass-ing the company officials and agents, was declared improper, the recourse being to institute appropriate action in the Court of Industrial Rela-tions and there to secure the necessary restraining order under Section 9 (d) of the Industrial Peace Act. Then, overruling the con-tention that the petition was for damages cognizable by the court of first ins-tance, this Court said:

'While there is merit in petitioner's claim that the lower court should not have dismissed its entire petition on the ground of lack of jurisdiction, because said petition also asks for the pay-ment of damages suffered by the company on account of the alleged acts of violence and coercion committed by the respondent Union in the course of its picket-ing of petitioner's premises, whether or not such damages are recover-able, and to what extent, would still have to de-pend on the evidence in the unfair labor practice case between the parties pending in the Court of Industrial Relations, and its final outcome.'

In other cases where the same question of court jurisdiction was put in issue, because of the allegation of damages against the strikers, this Court sustained the authority of the Court of Industrial Relations, thus:

'Neither would the claim for damages suf-fice to keep the case within the jurisdictional boundaries of the court of first instance. That claim is interwoven with unfair labor practice. The legality or illegal-ity of the strike must necessarily be litigated in the unfair labor practice case. And the right to damages would still have to depend on the evidence in the unfair labor practice case -- in the CIR. To allow Civil Case No. 60864 to prosper would be to bring about split juris-diction -- which is obnoxious to the or-derly administration of justice.' (Asso-ciated Labor Union vs. Gomez, L-25999, February 9, 1967, 19 SCRA 304)"

The same principles were reaffirmed by the Court in the cases of Philippine Communications, Electronics & Electricity Workers' Federation vs. Nolasco, et al. (24 SCRA 321 [1968]), per Sanchez, J; Progressive Labor Association vs. Atlas Consolidated Mining and Development Corporation, et al. (33 SCRA 349 [1970]), per J.B.L. Reyes, J.; Associated Labor Union, et al. vs. Cruz, et al. (41 SCRA 12 [1971]), per J.B.L. Reyes, J.; Guevara vs. Hon. S. Gopengco, et al. (67 SCRA 236 [1975]), per Antonio, J.; Goodrich Employees Association vs. Flores, et al, (73 SCRA 297 [1976]), per then Justice, now Chief Justice Enrique R. Fernando; and Federation of Free Farmers, et al. vs. Hon. V. Ericta, et al. (73 SCRA 601 [1976]), per then Justice, now Chief Justice Enrique M. Fernando; Cyphil Employees Association-NATU vs. Pharmaceutical Industries Inc., et al. (77 SCRA 135 [1972]), per then Justice, now Chief Justice Enrique M. Fernando.

And CIR's jurisdiction stays even if no unfair labor practice case has been filed with the CIR. It is enough that unfair labor practice is involved.[21]

Since respondent Court was without jurisdiction over the subject matter of Civil Case No. 12384, neither did it have the authority to provide for the ancillary writ of preliminary injunction.[22] Further-more, even if it could take cognizance of the dispute, respondent Court did not follow the procedure laid down by law for the issuance of injunction.

"x x x in order that an injunction may be properly issued the procedure laid down in section 9 (d) of Republic Act 875 should be followed and cannot be granted ex-parte as allowed by Rule 60, section 6 of the Rules of Court. The reason is that the case, involving as it does a labor dispute, comes under said section 9(d) of the law. That procedure requires that there should be a hear-ing at which the parties should be given an oppor-tunity to present witnesses in support of the complaint and of the opposition, if any, with opportunity for cross-examination, and that the other conditions required by said section as pre-requisites for the grant-ing of relief must be established and stated in the order of the court. Unless this procedure is followed, the proceedings would be invalid and of no effect. The court would then be acting in excess of its jurisdiction"[23]

Inasmuch as exclusive jurisdiction over unfair labor practice cases lies in the Court of Industrial Relations, the lack of employer-employee relationship alleged by DE JESUS is a matter of defense which may be properly raised in the Court of Industrial Relations.[24]

Another clear proviso of the Industrial Peace Act overlooked by respondent Judge is section 9(d), which provides that a temporary restraining order is effect-ive for no longer than five days and becomes void at the expiration of

said five days. The records reveal that the Restraining Order, issued on October 16, 1969, continued in full force and effect until Injunction was issued on December 8, 1969.

All told, and as enunciated by Chief Justice Fernando in *Cyphil Employees Association - NATU vs. Pharmaceutical Industries, Inc.* (supra.) "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."

WHEREFORE, the questioned Decision of January 23, 1970, and the Orders of October 16, 1969 and December 8, 1969, issued by respondent Judge in Civil Case No. 12384, are hereby declared null and void for want of jurisdiction, and accordingly set aside.

Costs against private respondent.

SO ORDERED.

Teehankee, Acting C.J., (Chairman), Fernandez, Guerrero, and De Castro, JJ., concur.
Makasias, J., is on leave.

[1] Annex "F", Petition.

[2] Annex "A", Petition, p. 10, Rollo.

[3] P. 11, Rollo.

[4] P. 12, Rollo.

[5] Pp. 91-95, Rollo.

[6] P. 19, Rollo.

[7] P. 96, Rollo.

[8] Pp. 40-41, Rollo.

[9] Pp. 30-31, Rollo.

[10] P. 105, Rollo.

[11] Annex "H", Petition, p. 32, Rollo.

[12] Pp. 32-34, Rollo.

[13] P. 106, Rollo.

[14] P. 107, Rollo.

[15] P. 45, Rollo.

[16] Pp. 46-49, Rollo.

[17] P. 58, Rollo.

[18] Resolution of March 21, 1970, p. 60, Rollo.

[19] 37 SCRA 535 (1971).

[20] Veterans Security Free Workers Union (FFW) vs.. Hon. Cloribel, et al., 31 SCRA 297 (1970).

[21] Philippine Communications, Electronics & Electricity Workers' Federation vs. Hon. Nolasco, et al., supra., citing Erlanger & Galinger, Inc. vs. Erlanger & Galinger Employees Association, supra.

[22] Leoquinco, et al vs. Canada Dry Bottling Co. of the Philippines, Inc., Employees Association, et al., supra.

[23] Philippine Association of Free Labor Unions (PAFLU), et al, vs. Tan, et al., 99 Phil 854, 867 (1956).

[24] Veterans Security Free Workers Union vs. Hon. G. Cloribel (31 SCRA 297 [1970]), citing Associated Labor Union vs. Gomez (19 SCRA 304 [1967]).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.