

**NATIONAL SUGAR WORKERS UNION-PAFLU-NASWU-PAFLU,
PETITIONER, VS. LA CARLOTA SUGAR CENTRAL, HON. EDUARDO
ENRIQUEZ, AS JUDGE OF THE COURT OF FIRST INSTANCE OF
NEGROS OCCIDENTAL, AN...**

G.R. No. L-23569. May 25, 1972

Ponente: FERNANDO, J.

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FERNANDO, J.:

There is novelty in the specific question to be resolved in this certiorari proceeding. It is whether after a lower court had dismissed for lack of jurisdiction a suit for declaratory relief, on the ground of its being closely interwoven with a pending unfair labor practice case pending with the Court of Industrial Relations, it could still act on a motion for contempt arising from an alleged violation of a preliminary injunction obtained in such terminated suit. The precise query is indeed of first impression. There is though an authoritative principle that does not merely illuminate but points the way. It is this: For a contempt citation arising from disobedience to a court order to prosper, it is an indispensable requisite that the jurisdiction of the court be shown indisputably to exist. Accordingly, as will be more fully explained, petitioner National Sugar Workers Union-Paflu is entitled to the writ of certiorari prayed for to annul the order of the then respondent Judge of the Court of First Instance of Negros Occidental, the Honorable Eduardo Enriquez. There were two other respondents named: La Carlota Sugar Central and the Associated Labor Union.

The petition had its origins when on April 20, 1964, a group of workers all members of respondent Associated Labor Union, filed a petition for declaratory relief with preliminary injunction in the Court of First Instance of Negros Occidental, presided by Respondent Judge, petitioner Union and respondent Central, being named defendants. On the very same day, Respondent Judge issued an order for the immediate issuance of a writ of preliminary injunction, upon the posting of a bond in the amount of P2,000.00. In the writ issued by Respondent Judge, petitioner Union as well as respondent Central was ordered to refrain from terminating the services of the members of respondent Union, from their employment with such Central "until further orders from the Court." [1]

Then came on April 23, 1964, from petitioner Union a motion to dismiss such suit for declaratory relief on the following grounds: "That the said Respondent Judge has no jurisdiction to entertain said Civil Case No. 7289, as the said case is interwoven with acts constituting unfair labor practices. That even granting for the sake of argument that said Respondent Judge has jurisdiction thereof, still the Writ of Preliminary Injunction dated April 20, 1964, issued by the said Respondent Judge, is illegal for clearly violating section 9(d) of Republic Act 875 there being a labor dispute involved; That the Complaint states no cause of action." [2] There was a hearing on such motion to dismiss, after which Respondent Judge, in an order of August 1, 1964, dismissed such petition for declaratory relief "on the ground that the main case is interrelated with the pending unfair labor practice case, hence, [he was] without jurisdiction." [3]

Thereafter fortified by such order of dismissal, respondent Judge declaring himself to be without jurisdiction,

petitioner Union sought and was able to obtain the dismissal of the members of respondent Union employed in respondent Central. As a consequence thereof, respondent Union on September 9, 1964 filed a motion to declare petitioner Union and its officials in contempt of court on the ground that such dismissal was violative of the writ of preliminary injunction, previously issued but which should have expired with the order of the court terminating the suit for declaratory relief on the ground of lack of jurisdiction. So it was asserted by petitioner Union in its opposition to the motion to declare it in contempt of court. It likewise asked respondent Judge to dissolve as well the writ of preliminary injunction.[4]

It was unsuccessful, respondent Judge in its order of September 19, 1964 merely holding in abeyance the contempt proceeding against petitioner Union, but ordering respondent Central to reinstate the members of respondent Union to their respective employment within five (5) days, thus asserting its power to continue to act on the matter, even after it had declared itself to be without jurisdiction.[5] Hence this petition for certiorari with preliminary injunction.

The petition was filed on September 24, 1964. Then four days later this Court issued a resolution requiring each of the respondents to file within ten days from notice an answer, not a motion to dismiss, and granting petitioner Union's plea for a writ of preliminary injunction.

To parry the thrust of a petition impressed with such plausibility as to call for an issuance of a preliminary injunction, respondent Associated Labor Union ignoring that it was specifically required to answer, filed instead a manifestation on October 7, 1964, inviting the attention of this Court to what it alleged to be the non-appealability of what it termed was merely an interlocutory order and the non-availability of certiorari, unless all the remedies in the lower court were exhausted. Again without complying with the resolution of September 20, 1964 requiring it to answer, respondent Union in a pleading dated October 7, 1964, but received on October 8 by this Court, filed an urgent motion for dismissal and for the immediate suspension of the issuance of a writ of preliminary injunction, reiterating that the order sought to be reviewed was merely interlocutory and that the petition for certiorari was prematurely filed. This pleading was followed by a supplemental motion for dismissal and for the dissolution of the preliminary injunction, filed by the same respondent Union, alleging that it was not a party to a case filed with respondent Judge and that the petition for certiorari was fatally defective, since the plaintiffs in the declaratory suit dismissed by respondent Judge for lack of jurisdiction were not joined as respondents. The mode and manner in which respondent Union sought to defend its side would seem to indicate that it was not unaware of the weakness in law of what was done by respondent Judge. As a matter of fact, the same law firm representing respondent Union filed an answer on behalf of respondent Judge setting forth as affirmative defenses, contentions based on the alleged violation of such procedural doctrines that appeal was the proper remedy and that all the parties interested in sustaining the order, namely the plaintiffs in the action for declaratory proceeding, were not impleaded, ignoring that such respondent Union was made the respondent precisely to represent their interest. If the affirmative defenses of respondent have a familiar ring, it was not unexpected for, as was mentioned, it was filed by the very same counsel of respondent Union. On the other hand, the answer of respondent Central expressly manifested "that it has no interest in the issues raised in the present action, particularly those stated in pars. 14 through 21 of the complaint; and it will abide by whatever it shall be directed by this Honorable Court to do in regard to the subject-matter of the present proceedings; * * *". [6]

The recognition implicit in the above pleadings filed by respondent of the weakness of the position taken by respondent Judge is not surprising. As noted at the outset, it is a basic doctrine in this jurisdiction that once a court, especially by its own admission, has declared itself devoid of jurisdiction, then any further action taken, more specifically in this case, to hold a party in contempt, is bereft of support in law. This petition for certiorari, to repeat, is impressed with merit.

1. It is a cause for astonishment, and certainly there is no justification, for a court that declared itself without jurisdiction over the main suit, one for declaratory relief, which, in its own words, "is interrelated with a pending unfair labor practice case in the court of Industrial Relations", to proceed with a contempt citation based on alleged disobedience to the ancillary writ of preliminary injunction that certainly had lost its force and effect after the dismissal of the main petition. Parenthetically, it may be observed that the action taken by respondent Judge was in accordance with authoritative precedents. In the latest joint decision, rendered November 27, 1971, involving six cases,[7] Chief Justice Concepcion reiterated the well-settled doctrine that the jurisdiction of the Court of Industrial Relations in unfair labor practice controversies is exclusive, a power not to be frustrated by astuteness of counsel in plausibly distinguishing an aspect thereof to clothe a court of first instance with competence. The decisive factor is whether the acts complained of by the employer were directly interwoven with a labor dispute tinged with an unfair labor practice aspect. In support of such a view, the Chief Justice referred to three earlier pronouncements,[8] dating back to 1966. That is merely to adhere to what has been consistently held since *Paflu vs. Tan*,[9] decided in 1956.

When the respondent Judge therefore, in the challenged order of September 19, 1964,[10] instead of dismissing the contempt citation based on an alleged violation of the writ of preliminary injunction, issued the same day the suit for declaratory relief was filed in his sala, would continue to act thereon, with the possibility then that punishment could thereby be inflicted on petitioner Union for the contumacious act complained of, it failed to pay respect and deference to controlling authorities. As far back as 1904 in *Repide vs. Peterson*,[11] the power of a court to punish a person for a refusal to comply with its order is conditioned on its possession of jurisdiction. Stated in other words, to quote from *Chanco vs. Madrilejos*,[12] the order must be in accordance with law." [13] Emphatically, it was asserted therein: "The court has no authority to punish for disobedience or resistance of an order which was made without authority." [14] Shortly after liberation, in *Angel Jose Realty Corporation vs. Galao*,[15] it was again ruled: "Before contempt could be committed, it is a prerequisite that the order issued by the court which was violated be a valid and legal one. Without a lawful order having been issued, no contempt of court could be committed." [16] There was a restatement thereof in the following words of former Chief Justice Bengzon in *Estrada vs. Santiago*: [17] "It follows that these proceedings for contempt may not now continue, because the petitioners could not be punished for disobeying orders found to be without sufficient legal foundation." [18] Had there been then on the part of the respondent Judge an awareness of the compulsion exerted by an unbroken line of decisions, he would have acceded to the plea of the petitioner Union that the contempt citation against it be quashed. It could not be otherwise, especially so after his own finding that he was bereft of jurisdiction in the premises, the suit for declaratory relief being interrelated with an unfair labor practice case pending in the Court of Industrial Relations, thus calling for its dismissal, which was done.

2. It would appear that respondent Associated Labor Union was not insensible to the merit of the petition apparent on its face. For what other explanation is there, other than its realization of the weakness of the position taken by respondent Judge, for the defenses it did interpose. It did not meet squarely the principal issue of jurisdiction raised. It had nothing worthwhile to say about the alleged grievance suffered by petitioner but limited itself to the appropriateness of the remedy invoked. Further reflection on its part could have led it, however, to the conclusion that certiorari lies and that reliance thereon is not to be defeated by its being named as respondent, rather than its individual members, who were plaintiffs in the declaratory relief suit.

There can be no question as to the availability of certiorari as the appropriate remedy under the circumstances. The matter falls squarely within the express language of the Rules of Court which empowers a party aggrieved by the exercise of judicial function by any tribunal, acting "without or in excess of its or his jurisdiction, or with grave abuse of discretion," [19] to institute such a proceeding for the annulment of the order complained of. In the light of the above decisions cited as the exclusive competence conferred on the Court of Industrial Relations in

unfair labor practice cases respondent Judge had no alternative but to dismiss the declaratory relief suit, as he was devoid of jurisdiction. Lacking as he did in the language favored by Chief Justice Araullo, "the power to hear and determine the case and to administer justice,[20] as he himself did expressly admit, he should have not stopped at merely dismissing the suit for declaratory relief but should have refrained from taking any further action on the alleged contempt committed by petitioner for disobeying a writ of preliminary injunction, that had no more reason for existence after the principal action was terminated. Since certiorari is the appropriate remedy to assure that a tribunal should be confined within its jurisdictional limits, respondent Union cannot be heard to assert that petitioner could not resort to such a remedy.

It is contended by respondent Union that it ought not to have included as such but rather its members who filed the dismissed suit for declaratory relief. It is expressly declared in the Rules of Court: "When the petition filed relates to the acts of omissions of a court or judge, the petitioner shall join, as parties defendant with such court or judge, the person or persons interested in sustaining the proceedings in the court; and it shall be the duty of such person or persons to appear and defend, both in his or their own behalf and in behalf of the court or judge affected by the proceedings, and costs awarded in such proceedings in favor of the petitioner shall be against the person or persons in interest only, and not against the court or judge." [21] Respondent Union certainly, would not now assert that it was not "interested in sustaining the proceedings" complained of before respondent Judge. It is made its duty then under the Rules "to appear and defend" the challenged actuation. What kind of a labor union would it be if it would not comply with such obligation? Precisely, the very justification for a labor organization is its being ready, willing, and able to protect the interest of its members. It would be then to stultify its primordial objective if, when given the opportunity to take up the cudgels for them, it would beat a hasty retreat, or, in the language of the craft, raise a purely technical defense, with decidedly unfavorable implications for the labor movement. It ought to have welcomed the opportunity afforded it by petitioner Union, which incidentally must have named it respondent because in the pending unfair labor practice case in the Court of Industrial Relations, it was the respondent. Nothing could be fairer or more appropriate than for it to be thus included. Thereby it is afforded further occasion for continuing in another arena the struggle on behalf of its principals, the rank and file. The protection that labor is entitled to under the Constitution would be rendered nugatory if a defense as that interposed by respondent Union would merit acceptance. Moreover, in the same way that the veil of corporate fiction may be pierced so that the liability could be made to fall on the individuals that compose it,[22] the juridical personality that is assumed by a labor union could, as a converse proposition, be disregarded so that the ultimate beneficiaries, its members, could in law be considered as the parties in fact haled before the court. The procedural bars sought to be interposed by respondent Union are therefore hardly in the category of insuperable obstacles.

3. Nothing remains to be done except to dispose of the motion filed by respondent Union to declare counsel for petitioner Union in contempt of court. It is based on the alleged misrepresentation of facts in the petition, relating to an averment that respondent Union, rather than its members, was a party in the suit for declaratory relief, when such was not the case at all. It is to be admitted that counsel for petitioner could have been more precise and accurate in their statement of the antecedent facts. Nonetheless such lack of care in itself is not so serious as to call for the exercise of the disciplinary powers of this Court. It is a thought worth repeating though that members of the bar in their pleadings should exercise due diligence and the utmost circumspection so that there be fidelity to facts as they did occur. It may be further added that the bitterness evident in the language employed by counsel for both parties does not commend itself. It is always advisable that less vehemence, and certainly less intemperate expressions, should characterize briefs and memoranda, if only to manifest respect for the judiciary. What is regrettable is that incidents of this character are manifestations of the internecine wrangling among labor unions that even now continue to afflict the movement for a better day for the workingmen.

WHEREFORE, the petition for certiorari is granted, the order complained of being annulled, and the writ of preliminary injunction is made permanent. Respondent Judge, or whoever has been named in his place to preside over such Court, is ordered to terminate and definitely close all further proceedings, especially this citation for contempt, filed in connection with Civil Case No. 7289, which was dismissed for lack of jurisdiction as far back as August 1, 1964. Without pronouncement as to costs.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Teehankee, Barredo, Makasiar, and Antonio, JJ., concur.

Concepcion, C.J., on official leave.

Castro, J., took no part.

[1] Petition, pars. 2 to 4.

[2] Ibid, par. 5.

[3] Ibid, par. 6.

[4] Ibid, pars. 7 to 11.

[5] Ibid, pars. 12 to 14.

[6] Answer of respondent La Carlota Sugar, par. 2.

[7] Mindanao Rapid Co. Inc. vs. Omandam, G.R. No. L-23058, Nov. 27, 1971; Dominguez vs. Pepsi-Cola Bottling Co., Inc., G.R. No. L-23473; Glipo vs. A. L. Ammen Transportation Co., Inc., G.R. No. L-23871, Nov. 27, 1971; Democratic Labor Association vs. Villazor, G.R. No. L-24232, Nov. 27, 1971; Manila Cordage Workers' Union-Paflu vs. Reyes, G.R. No. L-24718, Nov. 27, 1971; National Mines and Allied Workers' Union vs. Quicho, G.R. No. L-24956, Nov. 27, 1971, 42 SCRA 250.

[8] Bayview Hotel vs. Manila Hotel Workers' Union, G.R. No. L-21803, Dec. 17, 1966, 18 SCRA 946; Lakas ng Manggagawang Makabayan vs. Abiera, G.R. No. L-29474, Dec. 19, 1970, 36 SCRA 437 and Rustan Supervisory Union vs. Dalisay, G.R. No. L-32891, April 29, 1971, 38 SCRA 500.

[9] 99 Phil. 54.

[10] Annex I of the Petition.

[11] 3 Phil. 276.

[12] 9 Phil. 356 (1907).

[13] Ibid, p. 361.

[14] Ibid.

[15] 76 Phil. 201 (1946).

[16] Ibid, p. 204. Cf. Segarra vs. Maronilla, Jr., 108 Phil. 1086 (1960); Gosiengfiao vs. Yatco, G.R. No. L-16676, Jan. 28, 1961, 1 SCRA 358; Magallanes vs. Sarita, G.R. No. L-22092, Oct. 29, 1966, 18 SCRA 575; Republic Commodities Corp. vs. Oca, G.R. No. L-24995, May 27, 1970, 33 SCRA 24.

[17] G.R. No. L-15655, March 29, 1963, 7 SCRA 486.

[18] Ibid, p. 489.

[19] Rule 65, Section 1, Rules of Court.

[20] Cf. *Conchada vs. Director of Prisons*, 31 Phil. 94 (1915).

[21] Rule 65, Section 5, Rules of Court.

[22] Cf. *Arnold vs. Willits and Patterson, Ltd.*, 44 Phil. 634 (1923); *Koppel (Phil.) Inc. vs. Yatco*, 77 Phil. 496 (1946); *La Campana Coffee Factory vs. Kaisahan*, 93 Phil. 160 (1953); *Marvel Building Corp. vs. David*, 94 Phil. 376 (1954); *Madrigal Shipping Co. Inc. vs. Ogilvie*, 104 Phil. 748 (1958); *Laguna Trans. Co. vs. Social Security System*, 107 Phil 833 (1960); *McConnel vs. Court of Appeals*, G.R. No. L-10510, March 17, 1961, 1 SCRA 722; *Liddell and Co. vs. Collector of Internal Revenue*, G.R. No. L-9687, June 30, 1961, 2 SCRA 632; *Palacio vs. Fely Trans. Co.*, G.R. No. L-15121, Aug. 31, 1962, 5 SCRA 1011; and *Albert vs. University Publishing Co., Inc.*, L-19118, June 16, 1965, 14 SCRA 285.

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