

**RIZALINO HOLGANZA, LEOCADIO RAMIREZ, ALEGRIA CELIS, LEVY A. RACELIS, GREGORIO CADIENTE, JR., PEDRO DIONEDA, RAUL LARRACAS, EMILIO LEONOR, JR., ARISTIDES PARAS, CONRADO YACABA, C...***G.R. No. L-32953. March 31, 1977*

Ponente: FERNANDO, J.

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The necessity for this certiorari and prohibition proceeding filed by petitioners precisely on the ground of lack of jurisdiction could have been obviated, the case against them in the court of first instance presided by respondent Judge Sergio A. F. Apostol being for the recovery of damages allegedly arising from picketing carried on during a strike against private respondent, the Social Security System. There was a motion to dismiss, but it was denied. That was not in accordance with the authoritative doctrine which would leave such matters to the labor tribunal. That has been the settled law for some time. In October of last year, in *Goodrich Employees Association v. The Honorable Delfin B. Flores*,<sup>[1]</sup> it was again reiterated. There is thus merit to this suit for prohibition and certiorari.

Private respondent Social Security System filed with the lower court a complaint for damages with writ of preliminary attachment against the defendants named therein, included among whom are the present petitioners.<sup>[2]</sup> Thereafter, petitioners filed a motion to dismiss, premised primarily on the ground of lack of jurisdiction, with the added objection that the action was premature.<sup>[3]</sup> The motion to dismiss included as annexes the complaint in Case No. V-41 as well as Case No. 46-IPA, then both pending in the Court of Industrial Relations, the latter being certified to such tribunal by the President.<sup>[4]</sup> There was an opposition to such motion.<sup>[5]</sup> It was sustained by respondent Judge in these words: "For lack of merit, the motion to dismiss filed by the defendant-movants is hereby denied. The defendant-movants are directed to file the necessary answer within the prescribed period provided for in the Rules of Court."<sup>[6]</sup> There was a motion for reconsideration, but it was denied. Hence this petition.

The jurisdictional issue, as noted, must be decided in favor of petitioners. There is this appraisal of the nature of the action instituted against them by private respondent, the Social Security System: "Clearly, the complaint for damages is deeply rooted from the labor dispute certified by the President of the Philippines and from which resulted a collective bargaining agreement that was adopted as the court award. This award, in turn, branched out to disputes that led to the strike. On the basis of this strike, the SSS petitioned the CIR to declare the said strike illegal, to dismiss the striking employees, and to declare the officers in contempt of court. And the claim for damages is the result of the strike. The SSS alleges that: '19. As a result of the Defendants' strike and picketing from September 3, 1968 to September 18, 1969, staged as aforesaid, in violation of the CIR award of August 5, 1966, as well as the orders of the CIR of August 29, 1966 and September 3 and September 5, 1968, plaintiff suffered actual and consequential damages . . . ' (par. 19, Complaint, Annex 'A'; underlining supplied). Likewise, in paragraphs 20 and 21 of the complaint the SSS seeks exemplary and moral damages in view of the defiance of the CIR orders and also because of the strike and picketing as thus alleged. In fine, the alleged damages, the strike

and picketing, the alluded CIR orders, the petition to declare the said strike illegal, to dismiss the striking employees, and to declare the officers in contempt of court—are so intertwined and inseparable from each other. Except for the aspect of damages, all these incidents are embraced in CIR Case No. 46-IPA and which are all still pending.”[7] As far back as *Associated Labor Union v. Gomez*,<sup>[8]</sup> the exclusive jurisdiction of the Court of Industrial Relations in disputes of this character was upheld. “To hold otherwise,” as succinctly stated by the ponente, Justice Sanchez, “is to sanction split jurisdiction—which is obnoxious to the orderly administration of Justice.”[9] Then in *Progressive Labor Association v. Atlas Consolidated Mining and Development Corporation*,<sup>[10]</sup> decided three years later, Justice J.B.L. Reyes, speaking for the Court, stressed that to rule that such demand for damages is to be passed upon by the regular courts of justice, instead of leaving the matter to the Court of Industrial Relations, “would be to sanction split jurisdiction, which is prejudicial to the orderly administration of justice.”[11] Thereafter, this Court, in the cases of *Leoquenio v. Canada Dry Bottling Co.*<sup>[12]</sup> and *Associated Labor Union v. Cruz*,<sup>[13]</sup> with the opinions coming from the same distinguished jurist, adhered to such a doctrine. The latest case in point, as noted at the outset, is the *Goodrich Employees Association* decision. The lack of jurisdiction of respondent Judge is thus manifest.

WHEREFORE, the writ of certiorari is granted, respondent Judge being devoid of jurisdiction to entertain Civil Case No. Q-12541, entitled, *Social Security System v. Philippine Association of Free Labor Unions (PAFLU)*, pending in his sala. The writ of prohibition prayed for is likewise granted, and the lower court restrained from taking any further action on the aforesaid case except for the purpose of dismissing the same.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

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[1] L-30211, October 5, 1976.

[2] Petition, The Case, par. I. The case is entitled, *Social Security System v. Philippine Association of Free Labor Unions (PAFLU)*, Civil Case No. Q-12541.

[3] *Ibid*, par. II and Annex B.

[4] *Ibid*, par. III.

[5] *Ibid*, par. IV.

[6] *Ibid*, pars. V and VII.

[7] *Ibid*, Reasons and Authorities in Support of These Issues, 7-8.

[8] L-25999, February 9, 1967, 19 SCRA 304.

[9] *Ibid*, 309.

[10] L-27585, May 29, 1970, 33 SCRA 349.

[11] *Ibid*, 355.

[12] L-28621, February 22, 1971, 37 SCRA 535.

[13] L-28978, September 22, 1971, 41 SCRA 12.

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