

FEDERACION OBRERA DE LA INDUSTRIA TABAQUERA Y OTROS TRABAJADORES DE FILIPINAS, (FOITAF), PETITIONER, VS. THE HON. ANGEL MOJICA AND LIWAYWAY GAWGAW AND COFFEE REPACKING, RESPONDE...

G.R. No. L-25059. August 30, 1968

Ponente: FERNANDO, J.

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FERNANDO, J.:

Respondent Judge, as perhaps could have been expected, as-sumed jurisdiction in the light of a complaint for damages with writ for preliminary injunction, dated July 12, 1965, that on its face betrayed no indication of its fatal infirmity, the matter in dispute turning out to be an unfair labor practice. What was more, the plea of the other respondent, Liwayway Gawgaw & Coffee Repacking, for a preliminary injunction was granted by it on July 16, 1965.

Petitioner Federacion Obrera de la Industria Tabaguera, defendant below, invited respondent Judge's attention in its motion to dismiss complaint and to quash and dissolve the above writ, dated July 19, 1965, and in its answer to the above complaint, like-wise of the same date, to the existence "of two unfair labor practice cases" pending before the Court of Industrial Relations, but without success. So it would appear from the order of August 28, 1965 of respondent Judge. Thus: "Considering the 'Motion to Dismiss Complaint and to Quash and Dissolve Writ of Restraining Order' dated July 19, 1965, filed by counsel for the defendants and the opposition thereto, and it appearing from the averments of the complaint that this court has jurisdiction over the subject matter of this case said motion to dismiss is hereby denied and so with the prayer to dissolve the Writ of restraining order, for lack of merit."

Hence this petition for certiorari and prohibition with preli-minary injunction, dated September 14, 1965, complaining against the respondent Judge acting without or in excess of jurisdiction or the very least, with grave abuse of discretion in taking cognizance of the aforesaid complaint, issuing the writ of preliminary in-junction of July 16, 1965, and the order of August 28, 1965 denying the motion to dismiss and to dissolve such writ. Petitioner has the right to the writs prayed for.

While, as above noted, the complaint for damages with preli-minary injunction would suffice for respondent Judge acting on the matter, especially in view of the explicit allegation by respondent Liwayway Gawgaw & Coffee Repacking, as plaintiff, that there were no pending unfair labor practice cases before the Court of Industrial Relations, still the pleadings thereafter filed by now petitioner as defendant to dismiss the complaint and to dissolve the preliminary injunction as well as its answer ought to have put respondent Judge into a frame of mind, at the very least skeptical of the correctness of the action taken by him. A brief inquiry as to the real facts of the matter would have revealed that a complaint of the other respondent was so artfully worded as to lend a semblance of plausibility to a jurisdiction that does not in fact exist.

If such a procedure were followed, respondent Judge could have properly disposed of the matter. It would have

dissolved the writ of preliminary injunction and dismissed the complaint.

It has been the constant and uninterrupted holding of this Court from *PAFLU v. Tan*[1] to *Philippine Communications Electronics & Electricity Workers' Federation v. Nolasco*[2] that under the Industrial Peace Act, unfair labor practice cases fall within the exclusive competence of the Court of Industrial Relations. What a respondent Judge did paid scant heed to such an unbroken line of authority. It cannot elicit our approval.

In *Reyes v. Tan*,[3] decided the same day as the above case of *PAFLU v. Tan*, it was stated: "There are, however, admissions in this case by both parties that the acts against which the in-junction in question was obtained constitute unfair labor practices * * *. If we are to go by these admissions, then the application for injunction would have been exclusively cognizable by the Court of Industrial Relations and beyond the jurisdiction of the respondent Court of First Instance." Here, in the opposition to motion to dis-miss complaint and to quash the restraining order, respondent *Liwayway Gawgaw & Coffee Repacking* stated as "the truth of the matter" the fact "that alleged Cases Nos. 502-ULP and 3972-ULP mentioned by the defendants in their present motion to dismiss are not, strictly and legally speaking, actual cases pending before the Court of Industrial Relations, but mere 'charges' or complaints which are purely speculative in nature and as such are merely pend-ing preliminary investigation by the CIR-Prosecutors of the Court of Industrial Relations and not before the Court itself." [4]

Certainly, the above admission is fatal to the assumption of jurisdiction by respondent Judge. As early as *Erlanger & Galinger, Inc. v. Erlanger & Galinger Employees Association*,[5] it has been the principle adopted by this Court that even "if no unfair labor practice suit has been filed at all by any of the parties in the Court of Industrial Relations" at the time an injunction was filed in the court of first instance, still the latter "would have no jurisdiction to issue the temporary restraining order prayed for if it is shown to its satisfaction that the labor dispute arose out of unfair labor practices committed by any of the parties." It is still the Court of Industrial Relations where the action must be filed and where a restraining order could issue.

There was an emphatic reaffirmation of this doctrine in an even later case, the aforecited *Philippine Communications, Elec-tronics & Electricity Workers' Association v. Nolasco*, decided barely a month ago. Thus: "CIR's jurisdiction stays even if no unfair labor practice case has been filed with CIR. It is enough that unfair labor practice is involved. This renders irrelevant the distinction respondents would wish to make between an unfair labor practice charge and an unfair labor practice complaint."

There can be no other conclusion in the light of the repeated pronouncements by this Tribunal except the rather obvious fact that respondent Judge assumed jurisdiction over a matter which by law is vested in the Court of Industrial Relations. Its actuation, therefore, could be successfully impugned. This petition must be granted.

WHEREFORE, let a writ of certiorari issue to annul the order of July 16, 1965 of respondent Judge for the issuance of a writ of preliminary injunction as well as the order of respondent Judge of August 28, 1965, denying petitioner's motion to dismiss the com-plaint in Civil Case No. 2631-P of the Seventh Judicial District, Branch VII, Pasay City as well as to quash the writ of preliminary injunction and respondent Judge, or his successor acting in his place and stead, is hereby ordered to desist from taking any further action or any further step in Civil Case No. 2631-P, the matter therein involved being outside his jurisdiction. Costs against respon-dent *Liwayway Gawgaw & Coffee Repacking*.

Concepcion, C.J., Reyes, Dizon, Makalintal, Zaldivar, Sanchez, Castro, and Angeles, JJ., concur.

[1] 99 Phil. 854 (1956).

[2] G.R. No. L-24984, July 29, 1968.

[3] 99 Phil. 880, 883 (1956).

[4] Annex F, Petition for Certiorari, p. 2.

[5] 104 Phil. 17, 21 (1958). The case was subsequently relied upon in *Naric Workers' Union v. Alvendia*, G.R. No. L-14439, March 25, 1960; *Associated Labor Union v. Gomez*, G.R. No. L-25999, February 9, 1967; *Phil. Asso. of Free Labor Unions v. Marcos*, G.R. No. L-26213, March 27, 1968 and *Progressive Labor Asso. v. Villasor*, G.R. No. L-26383, April 3, 1968.

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