

**BENEDICTO S. PRUDON, ERNESTO TRILLO, JR., DANIEL ROBERTO,
PRO-TACIO OBRIQUE, APOLO-NIO M. AYROSO, PROCE-NIO
PEÑAFLOR, ROMUALDO ADLAWAN AND BENJAMIN DE LEON,
PETITIONERS, VS. COU...**

G.R. No. L-36937. August 23, 1978

Ponente: CONCEPCION JR., J.

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CONCEPCION JR., J.:

Petition for the review of the decision of the respondent court in Civil Case No. 84127, entitled, "Government Service Insurance System Employees' Association-CUGCO, plaintiff, versus Benedicto S. Prudon, et al., defendants."

The petitioners are the officers and members of a labor organization known as the "Government Service Insurance System Employees' Association-PAGE,"[1] as distinguished from the respondent, Government Service Insurance System Employees' Association-CUGCO.[2]

In the beginning, there was only one labor union organized by the employees of the Government Service Insurance System, GSIS, for short, known as the "Government Service Insurance System Employees' Association" which had a collective bargaining agreement with the GSIS.[3] The petitioners, being employees of the GSIS were members of the said labor organization. Unfortunately, in 1967, there arose serious misunderstanding and dissension among the members and officers of the labor union. The petitioners, composing one set or faction thereof were questioning the right of another set of officers in the organization to exercise union powers and functions. They affiliated their faction with the Philippine Association of Government Employees and thereafter, called their faction as the GSISEA-PAGE. The other faction was affiliated with the Confederation of Unions in Government Corporations and offices and called themselves the GSISEA-CUGCO.

The rift between the factions considerably widened, so that in 1971, the GSISEA-PAGE, headed by the petitioners, filed a petition for certification election with the then Court of Industrial Relations in order to determine once and for all which faction represents the employees of the GSIS.[4]

The other faction, the herein respondent Government Service Insurance System Employees' Association-CUGCO, upon the other hand, initiated Civil Case No. 84127 before the respondent Court of First Instance of Manila against the individual members and officers of the Government Service Insurance System Employees' Association-PAGE, for damages and to enjoin them from using and adopting the name "Government Service Insurance System Employees' Association" in their transactions.[5] After trial, judgment was rendered in favor of the plaintiff.[6] Hence, the present petition for review filed by the defendants, upon the ground that the respondent court has no jurisdiction to issue the writ of injunction as well as to order the petitioners to pay damages to the private respondent.

The criterion to determine which court has the jurisdiction to issue injunction in a labor dispute is whether the acts

complained of arose out of, or are connected or interwoven with, the cases which fall within the exclusive jurisdiction of the Court of Industrial Relations.

The Court of Industrial Relations has the exclusive jurisdiction to issue labor injunctions (a) when the labor dispute affects an industry which is indispensable to the national interest and is so certified by the President to the Industrial Court; (b) when the controversy refers to minimum wage under the Minimum Wage Law; (c) when it arises from 8 Hour Labor Law; and (d) when it involves an unfair labor practice. In all other cases involving labor disputes not falling within the jurisdiction of the Court of Industrial Relations above stated, the ordinary courts of justice have the power to issue the injunction.

In the case at bar, it appears that the faction headed by the petitioners had filed a petition for certification election with the then Court of Industrial Relations on September 1, 1971, wherein the private respondent had intervened.[7] This Court has ruled that a controversy between two rival unions as to which of them should be the recognized bargaining agent for the employees constitutes a labor dispute within the meaning of the Industrial Peace Act.[8] Accordingly, since the issue in the action filed with the respondent Judge of First Instance is interwoven with the unfair labor practice, said action is outside the jurisdiction of regular courts.

Even assuming that the respondent court has jurisdiction to issue the injunction in Civil Case No. 84127, the least that could be done therein is either to dismiss it or suspend proceedings until the final resolution of the said labor dispute considering that the Court of Industrial Relations had already acquired complete jurisdiction of the labor dispute.[9]

WHEREFORE, the judgment appealed from should be as it is hereby set aside and the complaint dismissed. No costs.

SO ORDERED.

Fernando, (Chairman), Antonio, and Santos, JJ., concur.

Barredo, J., Concur, because the determination of which group may use the name in dispute would be necessary consequence of the result of the certification case.

Aquino, J., see concurring opinion.

[1] PAGE stands for Philippine Association of Government Employees, a labor union to which the faction of the petitioners is affiliated.

[2] CUGCO stands for Confederation of Unions in Government Corporations and Offices.

[3] p. 77, rollo.

[4] See pp. 98-103, rollo.

[5] See Complaint, p. 57, rollo.

[6] pp. 45-46, rollo.

"WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of plaintiff against defendants and the preliminary injunction issued by this Court on Sept. 22, 1971 is hereby considered permanent and defendants, their agents and representatives are hereby enjoined permanently from committing the illegal and unlawful acts as follows:

1. Using and adopting plaintiff's duly registered name "GOVERNMENT SERVICE INSURANCE SYSTEM AND EMPLOYEES' ASSOCIATION" sometimes contracted or shortened to "GSIS EMPLOYEES' ASSOCIATION" or "GSISEA," whether the said names are used alone or with accompanying letters, words or phrases;
2. Using and adopting plaintiff's Constitution and By- Laws;
3. Making announcements, communications and publications under plaintiff's registered name or shortened or abbreviated names;
4. Entering into transactions under and/or carrying plaintiff's registered name or shortened or abbreviated names.

"Defendants are further ordered to pay jointly and severally plaintiff by way of moral damages the sum of P20,000.00 and attorney's fees of P1,000.00, with costs against defendants."

[7] pp. 98-103, rollo.

[8] *Malayang Manggagawa sa Esso (PFPW), et al. vs. Esso Standard Eastern, Inc., et al.*, No. L-24224, July 30, 1965; 14 SCRA 801.

[9] *Citizens League of Freeworkers, et al. vs. Hon. Macapanton Abbas, etc., et al.*, G.R. No. L-21212, September 23, 1966, 18 SCRA 71.

CONCURRING OPINION

AQUINO, J.:

I concur in the reversal of the lower court's decision and the dismissal of the complaint, dated August 21, 1971, for injunction and damages (filed in the Court of First Instance of Manila, Civil Case No. 84127) on the ground of *lis pendens* (*litis pendentia*).

The issue of whether the faction of petitioner Benedicto S. Prudon can use the name "Government Service Insurance System Employees' Association-PAGE" is involved in the representation case, Case No. 3243-MC of the Court of Industrial Relations, entitled "In Re Petition for Certification Election to Determine the Exclusive Bargaining Agency Among the Rank and File Employees of the Government Service Insurance System (GSIS). Government Service Insurance System Employees' Association-PAGE vs. Antonio Ancheta, et al." That case was filed with the CIR on September 2, 1971 or before the petitioners filed their answer in Civil Case No. 84127. The record does not show whether that case was decided by the CIR before it became inoperative.

The respondents in that representation case, Antonio A. Ancheta, et al., are the persons using the name "Government Service Insurance System Employees' Association-CUGCO". The two factions of the GSISEA have their respective sets of officers elected in separate elections held on November 13, 1968 (p.8 of Petition in L-30210, *Protacio Obrique vs. Antonio A. Ancheta, et al.*). Respondent GSISEA-CUGCO intervened in the representation case pending in the CIR. Hence, the issue raised in Civil Case No. 84127 of the Court of First Instance of Manila is the *lis mota* in the CIR representation case.

Moreover, the award of moral damages to a juridical person, as ordered in the decision under review, has no factual and legal basis.

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