

PHILIPPINE LAND-AIR-SEA LABOR UNION (PLASLU), EMILIO LUMONTAD, CONSOLADA M. LUMONTAD, EMILIO M. LUMONTAD, JR. AND RODRIGO JAMERO, PETITIONERS, VS. HON. MONTANO A. ORTIZ, JUDGE O...

G. R. No. 11185. April 23, 1958

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

This is an original action for certiorari and prohibition with preliminary injunction, seeking to annul the decision of the respondent Judge, dated May 30, 1956, denying petitioner's motions to dismiss, in Civil Case Nos. 26 and 436 in the Court of First Instance of Agusan, and his order dated August 18, 1956, denying petitioners' motion for reconsideration.

Petitioner Philippine Land-Air-Sea Labor Union (PLASLU) is a labor organization and the other petitioners are the elected officers thereof, while respondent Saturnino Betangcor is a member of the Union PLASLU. On October 6, 1955, respondent Betangcor filed in the Court of First Instance of Agusan Civil Case No. 26 for mandamus against the petitioners, as officers of the PLASLU, to compel them to issue receipts for all his payments, to the Union, in the form of "voluntary contributions as well as other assessments," and to "render an accounting of the Union funds as well as to make all records of the financial activities of the Union available for inspection to the members thereof"; and Civil Case No. 436, to annul the election of the petitioners as officers of the PLASLU, on the ground that he, Betangcor, and the other members of the Union NASIPIT CHAPTER, were not allowed to participate in said election in violation of the Union's constitution and by-laws.

Acting upon motions to dismiss filed by the petitioners, on the ground that the Court of First Instance of Agusan had no jurisdiction, respondent Judge rendered the decision now sought to be annulled, holding that this court had jurisdiction over the two cases, and claiming that the two cases did not involve any labor dispute, but only an intramural dispute between a member and the officers of a labor union; that neither did they involve any unfair labor practice; consequently, the Court of Industrial Relations had no jurisdiction, this aside from the fact that only one member of a labor union filed the two cases, whereas Section 17 of Republic Act No. 875 required a minimum of ten per cent of the members to report any alleged violation of internal labor organization procedures.

This same question has already been submitted to and decided by this Court, for which reason, we do not deem it necessary to discuss it at length. In the case of *Kapisanan ng mga Manggagawa sa Manila Railroad, et al., vs. Paulino Bugay* and the Court of Industrial Relations, 101 Phil., 18; 54 Off. Gaz., [38], 8622, which involved the illegal expulsion of a member of his labor union, we held that under Section 17 of Republic Act No. 875, questions involving the rights and conditions of membership in a labor organization fall within the jurisdiction of the Court of Industrial Relations. Under said section, a union member, among other things, shall be given a receipt by the union officer for any collection of any fees, dues, or other contributions, and the books of accounts and other records of the financial activities of a labor organization shall be open to inspection by any officer or

member thereof. Said section also provides that members of a labor union shall have the right to elect the officers by secret ballot. Inasmuch as the issues included in the two civil cases in question involve the right of a member in a labor organization as above mentioned, said cases naturally come within the exclusive jurisdiction of the Court of Industrial Relations, not in the ordinary courts, such as the Court of First Instance. It is true that Section 17 of Republic Act No. 875 requires a minimum of ten per cent of the members to make a report or complaint with the Court of Industrial Relations, of an alleged violation of the procedures in their organization, but in the aforecited case decided by this Court, *supra*, we also held:

"Of course, the first paragraph of section 17 provides that a minimum of ten per cent (10%) of the members of a labor organization may report to the CIR an alleged violation of these procedures in the labor organization. But there is reason to believe that said minimum of 10% refers only to violations which involve a group or a sizeable number of the members in which the latter are interested, or which necessarily affect them; such as paragraph (b) about detailed reports from the officers of the union of all financial transactions; or paragraph (c) about the right to elect officers at intervals of not more than two years and to determine and vote upon questions involving major policies affecting the entire membership of the organization; or paragraph (h) about the application of the funds of the organization only for those purposes expressly stated in the constitution or by-laws, etc. However, when a violation like the supposed illegal expulsion of a member affect only the member so expelled, or under paragraph (a) an excessive fine is imposed only upon one member; or under paragraph (c) one member is deprived of his right to vote by secret ballot in the election of officers of the union; or under paragraphs (f) and (g) an officer collects from a member any fees or dues or contributions without authority pursuant to the constitution, and by-laws, or refuses to issue a receipt to a member from, whom any fees, dues or other contributions are collected, etc., then it is not necessary that 10% of such members of the union make the report or complaint to the CIR, but only the member immediately affected may do so."

In the civil cases filed by respondent Betangcor, it is claimed that the officers of the Union failed or refused to issue him receipts for payments of contributions and other assessments paid by him, was not allowed to participate in the election of officers of the Union, and evidently was not permitted to inspect the books of accounts and other records of the financial activities of the Union, all of which come within the exceptions pointed out by us in the above quotation. Moreover, even if the non-participation in the election of officers and the inspection of the books and records of the Union were made in general, and only in particular to respondent Betangcor, and therefore, did not fall within the exceptions, it should not be too difficult for him to, persuade ten per cent of his fellow union members to join him in filing the corresponding complaint or complaints with the Court of Industrial Relations, in order to enforce their rights as union members.

One reason, in our opinion, why cases involving the rights and conditions of membership in a labor union or organization are placed within the exclusive jurisdiction of the Court of Industrial Relations is that said court is in a better position and is more qualified than ordinary courts to determine said cases, dealing as it does with problems of management and labor, the latter represented by labor unions, the activities of such labor organizations and their members, certification elections to determine the labor unions as a bargaining agency to deal and negotiate with the management, etc.

In view of the foregoing, finding that the Court of First Instance of Agusan had no jurisdiction over Civil Cases Nos. 26 and 436, the order or decision of respondent judge denying the motions for dismissal is hereby set aside; and granting the present petition for certiorari and prohibition, the writ of preliminary injunction heretofore issued enjoining respondent Judge "from proceeding with the hearing of Civil Cases Nos. 26 and 436 of the Court of First Instance of Agusan" is hereby made permanent. Respondent Saturnino Betangcor will pay the costs.

Paras, C. J., Bengzon, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix,

JJ., concur.

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