

**CONSOLIDATED LABOR ASSOCIATION OF THE PHILIPPINES,
MANUEL E. SADDE, JUANITA SAN PEDRO, FELISA BUNA, GREGORIA
GARCIA, ENCARNACION ARFILER, CRISTINA ARCEGA, BENITA
CARPIO AND ERLI...***G.R. No. 12530. May 30, 1958*

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12530/>**CONCEPCION, J.:**

This is a petition for certiorari and prohibition to restrain respondent Honorable Hermogenes Caluag, Judge of First Instance of Quezon City, from hearing Civil Case No. Q-2482 thereof, entitled "La Campana Food Products Inc. vs. Consolidated Labor Association of the Philippines, et al.," to set aside a writ of preliminary injunction therein issued by said respondent, and to enjoin the latter, during the pendency of this case, from further proceeding with, and taking cognizance of said case No. Q-2482, and from enforcing the aforementioned writ of preliminary injunction. Upon the filing of the requisite bond, we issued the writ of preliminary injunction prayed for.

Petitioner Consolidated Labor Association of the Philippines—hereafter referred to as the Association—is a duly registered labor organization, of which a number of employees—the majority, according to the petition—of respondent La Campana Food Products, Inc. and of the order respondents herein—namely, By Go and Ricardo, Juanita, Maria, Jose and Pacita, all surnamed Tantongco—operating under the business of firm name La Campana Starch Packing, are members. The other petitioner, namely, Manuel B. Sadde, Juanita San Pedro, Felisa Buna, Gregorio Garcia, Encarnacion Arfiler, Cristina Arcega, Benita Carpio and Erlinda Segovia are officers of said Association, and some of them are employees of said respondents, who are hereafter referred to as employers. It appears that, in line with its claim that it is entitled to deal with the employers as the exclusive collective bargaining agency of its employees, the Association had, prior to July 13, 1957, instituted, in the Court of Industrial Relations, certification election case No. 17-MC. On said date, the employers dismissed the following employees thereof, who are officers and active members of said Association:

Felisa Buna Patrocinia Almonte

Presentacion de Guzman Rosario Tiangan

Silvia Demillo Remedios Agacer

Pilar Gencito Glicerica Solano

Luningning Demillo Lilia Buna

Ofelia Chua Romualda Demiasa

Soon thereafter, or on July 5, 1957, the members of the Association who were working for the employers made, upon the latter, certain demands, and then went on strike and began picketing the factory of said employers. On

July 9, 1957, the Association commence, in the Court of Industrial Relations, case No. 1072-V thereof, against said employers. In the petition therein filed, it was alleged, among other things,

"3. That about one hundred members of the petitioner are employed by the respondents;

"4. That on July 5, 1957, because of unfair labor practices and violations of the Eight Hour Labor Law, Commonwealth Act No. 444, and the Minimum Wage Law Republic Act No. 602, the members of the petitioner union went on a strike against the respondent companies' establishment;

"5. That the principal demands in this dispute are the following:

(a) Reinstatement of employees dismissed for union activities;

(b) Strict observation of the hours of work under the Eight Hour Labor Law;

(c) Payment of back overtime wages of employees involved in the dispute from 1952 up to the present time;

(d) Strict observance of the Minimum Wage Law, in that minimum wages must be paid for every eight hours work without any further condition such as the imposition of certain 'quotas' or allotment of work.

"6. That the strike exist up to the present and will continue to disturb the industrial peace unless this Honorable Court assumes jurisdiction over this dispute."

It was prayed, therefore, that "the proper remedy be granted" to said Association. The next day, July 10, 1957, at 3:46 p.m., an acting prosecutor of the Court of Industrial Relations filed therein a formal complaint charging the employers with unfair labor practice. It was alleged in said complaint, which had been docketed as case No. 1371 ULP of said court:

"4. That the respondents knew of the existence of the complainant Union on February 18, 1957, when the complainant sent a petition to the respondent, for a harmonious relationship between the employees and employer;

"5. That when the respondents received the petition, they became unreasonably strict and hostile to the union and told the complainant members that 'the union is no good, don't form the union', and refused to answer the same, inspite of repeated demands and a conference in the Conciliation Office of the Department of Labor;

"6. That on July 3, 1957, respondents thru their representative, a certain 'Tani', dismissed the following officers and active members of the complainant Union from their respective work;

Felisa Buna Patrocinia Almonte

Presentacion de Guzman Rosario Tiangan

Silvia Demillo Remedios Agacer

Pilar Gencito Glicerica Solano

Luningning Demillo Lilia Buna

Ofelia Chua Romualda Demiasa

"7. That since their dismissal up to the present time, they have not found any substantial or equivalent employment for themselves."

The prayer in said complaint is of the following tenor:

"WHEREFORE, it is respectfully prayed that the respondents be ordered or declared:

- Guilty of the unlawful acts charged;
- To cease and desist from the unfair labor practice complained of;
- To bargain with the complainant in good faith;
- To reinstate the dismissed employees above-mentioned to their former positions with all the rights and privileges they enjoyed before, with back wages from the time they were dismissed to the time of their actual reinstatement; and
- For such other relief as the Honorable Court may deem just, proper, and equitable under the foregoing premises, and for any other affirmative action that may effectuate the policies of the Industrial Peace Act."

Several hours earlier—seemingly late, in the morning of July 10, 1957—the employers had, in turn, instituted, against petitioners herein, Civil Case No. Q-2482, of the Court of First Instance of Rizal, Quezon City Branch, presided over by respondent, Hon. Hermogenes Caluag, Judge. In their complaint therein, the employers alleged, substantially, that on July 5, 1957, petitioners herein, had presented a 20-point demand, including the recognition of the Association as the sole collective bargaining agency in the factories of said employers; that, on said date, members, of the Association went on strike and picketed said factories; that those picketing "carried out many unlawful acts of conspiracy, connivance and confabulation, force, coercion, threat and intimidation and other false promises, misrepresentations and illegal machinations, as well as slanderous, libelous and contemptuous language," more specifically described in paragraph 7 of said complaint; that, as a consequence, the employers had suffered, and would continue to suffer, damages at the rate of P2,700 a day, apart from moral damages amounting to not less than P15,000 and attorney's fees in the sum of P5,000; that the employers "have no adequate remedy at law"; and that "the public officers charged with the duties to protect plaintiffs' person, property and business are unable or unwilling to furnish adequate protection." The employers prayed, accordingly, that a writ of preliminary injunction be issued restraining the defendants therein from further committing the unlawful acts above mentioned and that, after due trial, said defendants be sentenced to pay damages and the writ of preliminary injunction be made permanent.

Upon the filing of said complaint, respondent Judge ordered that the petition therein for a writ of preliminary injunction be set for hearing at 2:30 that afternoon. When the case was called at about that time, plaintiffs and their counsel appeared. Although the defendants therein had not been served, as yet, either with summons, or with copy of the order setting for hearing the incident in question, Manuel E. Sadde—one of the defendants therein and one of the petitioners herein, as well as president of the Association—and some of its officers and members, appeared to ask for a postponement of the hearing, in order that they could notify their counsel. This petition was denied by respondent Judge, who proceeded to receive the testimony of plaintiff Ricardo Tantongco, one of the plaintiffs in that case and a respondent herein. Thereupon, respondent Judge issued an order, dated July 10, 1957, the dispositive part of which is as follows:

"It appearing that the complaint and petition for writ of injunction is sufficient in form and substance, supported by the testimony of Ricardo Tantongco, and having complied with the requirements of section 9(d) of Republic Act No. 875, and it appearing further that this Court has jurisdiction to take cognizance of this case, the defendants, agents and/or representatives are hereby enjoined from committing the unlawful acts complained of, namely, preventing the company officials, personnel, customers, agents and vehicles from entering into and/or going out from the factory premises, placing obstructions on the door and gates leading to the factory's compound; they are further enjoined from committing any act which may tend to provoke violence and disturbance; and further, the defendants are enjoined or ordered to keep a distance of five (5)

meters from the entrance (main) and other doors leading to the company compound.

This order shall become effective upon the posting of a bond by the plaintiffs in the amount of P5.000 to answer for any loss or damage caused by the issuance of this writ of injunction.

"Let a copy of this order be immediately served on the defendants and strict compliance herein is enjoined."

Forthwith, the case at bar was instituted in this Court. Petitioners herein maintain that, in issuing said writ of preliminary injunction, respondent Judge had acted without jurisdiction, in excess of jurisdiction, with grave abuse of discretion, and in clear violation of the provisions of Republic Act No. 875.

In their answer, respondents herein allege, among other things, that the strike called by petitioner union is illegal, for lack of previous notice thereof, that in picketing respondents' factories, petitioners herein had performed the illegal acts described in the complaint in Civil Case No. Q-2482 of the Court of First Instance of Rizal; and that the writ of preliminary injunction complained of had been issued in accordance with law.

It is not contested that there was a labor dispute between respondents herein, as employers, on the one hand, and its employees, who are members of the Association, on the other hand, and that the strike and the picketing that led to the institution of said Civil Case No. Q-2482, were incidents of said labor dispute. Neither is it disputed that several officers and active members of said Association, who were working for said employers, were dismissed by the latter on July 3, 1957; that on July 9, 1957, said Association instituted Case No. 1072-V of the Court of Industrial Relations against the employers, upon the ground that the latter were guilty of unfair labor practices, and of violations of the Eight-Hour Labor Law (C.A. No. 444), and the Minimum Wage Law (R. A. No. 602) ; and that on July 10, 1957, a formal complaint for unfair labor practice was filed by a prosecutor of the Court of Industrial Relations against the employers. It is clear therefore, that, before the commencement of said Civil Case No. Q-2482 of the Court of First Instance of Rizal, the Court of Industrial Relations had already acquired jurisdiction over certain charges preferred by petitioners herein against the employers, including a charge for unfair labor practice, which a prosecutor of the Court of Industrial Relations found to be meritorious.

Pursuant to section 5 (a) of Republic Act No. 875, the Court of Industrial Relations

"shall have jurisdiction over the prevention of unfair labor practices and is empowered to prevent any person from engaging in any unfair labor practice. This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that has been or may be established by an agreement, code, law or otherwise". (Italics ours.)

Construing this provision, in relation to section 9 of the same Act, regulating the issuance of injunctions in labor disputes, we have repeatedly held that courts of first instance may not enjoin the picketing staged in connection with such disputes, and that the jurisdiction to entertain a petition to enjoin said picketing and to issue the corresponding writ of injunction is vested exclusively in the Court of Industrial Relations, if charges of unfair labor practice, in relation to said labor disputes, are pending before the latter court prior to the filing of said petition.

Thus, in *National Garments and Textiles Workers' Union PAFLU (Premier Shirts and Pants Factory Chapter) vs. Hon. Hermogenes Caluag, et al.*, L-9104 (September 10, 1956) we said:

"* * * But; as the record discloses, this labor dispute is already involved in the two unfair labor cases that were then pending between the same parties before the Court of Industrial Relations which were instituted much ahead in time than the instant case. The Court of Industrial Relations, therefore, had already acquired jurisdiction over this labor dispute when the instant case was instituted, which jurisdiction, concerning as it does an unfair labor practice, is exclusive of that court (Section 5[a], Republic Act 875)."

The language used in *Lakas ng Pagkakaisa sa Peter Paul, et al. vs. Hon. Gustavo Victoriano*, L-9290 (January 14, 1958) was:

"It appearing that in addition to the labor dispute involved herein there were other labor cases pending between the same parties before the Court of Industrial Relations which had been instituted prior to the filing of the present case, among them Case No. 548-ULP which involved an unfair labor practice, was declared that the court a quo has no jurisdiction to try the instant case for the same is already involved in those case which had been submitted to the industrial court for adjudication. This step is necessary in order to avoid multiplicity of actions. If the purpose of the action is to obtain some injunctive relief against certain acts of violence of the laborers, the same can be obtained from the industrial court which is given ample power to act thereon by the Magna Carta. Verily, the court a quo acted without jurisdiction in the case." (*Italics ours.*)

We even declared, that when "the acts against which the injunction in question was obtained constitute unfair labor practices," the application for injunction would be "exclusively cognizable by the Court of Industrial Relations and beyond the jurisdiction of the * * * Court of First Instance," even if no complaint for unfair labor practice had been filed, as yet, with the Court of Industrial Relations (*Reyes, et al. vs. Tan, et al.*, 99 Phil., 880; 52 Off. Gaz., [14], 6187).

None of the parties herein has advanced any reason to justify a departure from this view, which, we feel, is demanded by the letter and spirit of Republic Act No. 875, specially sections 5 and 9 thereof. Neither have we overlooked the argument to the effect that a party might, with a view to depriving a Court of First Instance of its legitimate jurisdiction, file, with the Court of Industrial Relations, groundless charges of unfair labor practice against the other party. Suffice it to say that, when such charges are preferred, the same shall be investigated by the Court of Industrial Relations or by a member or agent thereof, who will refuse to file the corresponding complaint and will dismiss the charges, if the same are found to be untenable. As Mr. Justice Montemayor has lucidly put it:

"From the above quoted legal provision, it is, to us, clear that the Court (CIR) must first investigate the charges filed and that said investigation may be conducted either by the Court itself or a member thereof or any agent, like the acting prosecutor or a commissioner. Such investigation, is mandatory, because the law uses the word 'must'. Now, whether or not a regular complaint is to be filed by him depends upon the result of said investigation. It is when a regular complaint based on the said investigation is filed that the CIR intervenes by requiring respondent to answer the complaint and then both parties are heard to receive the evidence to be adduced by them. The investigation is really necessary not only for the protection of the respondent but also for the benefit of the CIR itself so that the respondent may not be required to defend itself against frivolous and unfounded charges, and the valuable time of the CIR dissipated and unnecessarily spent in hearing charges without any basis." (*National Union of Printing Workers vs. The Asia Printing and/or Lu Ming, et al.*, 52 Off. Gaz. [13], 5858; 99 Phil., 589.)

In the case at bar, a prosecutor of the Court of Industrial Relations found that the charges against the employers were true and filed a formal complaint against said employers. What is more, the record before us indicates that said finding was not groundless, arbitrary or capricious, for on August 15, 1957, respondents agreed to the return of all members of petitioner union and not to "abet the formation of a company union."

Wherefore, the order complained of is hereby annulled and set aside, and the writ of preliminary injunction issued by this Court made permanent, with costs against respondents herein, excluding respondent Judge. It is so ordered.

Paras, C.J., Bengzon, Bautista Angelo, Labrador, Reyes J.B.L., Endencia, and Felix, JJ., concur.

Reyes, A., J., concurs in the result.

DISSENTING**MONTEMAYOR, J.,**

For the reasons stated in my concurring and dissenting opinion in the case of Philippine Association of Free Labor Union, et al. vs. Hon. Bienvenido Tan, et al., 99 Phil., 854; 52 Off. Gaz., [13] 5836, I dissent, and reiterate my views therein expressed that the ordinary courts of the Philippines, including the Courts of First Instance, are authorized to issue writs of injunction to restrain the commission of violence, intimidation, coercion, malicious mischief, etc. even in cases involving labor disputes and unfair labor practices, as long as the conditions imposed by Section 9 of the Industrial Peace Act, are complied with in the issuance of the writ.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.