

SOCIAL SECURITY EMPLOYEES ASSOCIATION (PAFLU) AND ALFREDO FAJARDO, PETITIONERS, VS. THE HON. EDILBERTO SORIANO, THE HON. JOSE LEUTERIO AND SOCIAL SECURITY COMMISSION, RESPONDENTS.

G.R. No. 20100. July 16, 1964

Ponente: LABRADOR, J.

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LABRADOR, J.:

Petition for certiorari to declare as unlawful the injunctive order issued by the Court of First Instance of Manila, Hon. Edilberto Soriano, presiding, dated June 12, 1961 and clarified on May 19, 1962 by the Hon. Jose Leuterio of said court, said order having allegedly been issued without jurisdiction and with grave abuse of discretion, and for the issuance of a writ of preliminary injunction restraining the enforcement of said injunctive order.

Petitioner Social Security Employees Association (PAFLU) is a labor union composed of employees of the Social Security Commission, while petitioner Alfredo Fajardo is its president. On May 16, 1961, the employees of the Commission declared a strike for the second time against the Social Security Commission and its executive arm, the Social Security System. While petitioners were on strike, the respondent Hon. Edilberto Soriano, Judge of the Court of First Instance of Manila, issued on June 12, 1961, an order granting a writ of preliminary injunction against the strikers, the dispositive part of which reads:

"Consonant with the foregoing, the writ of preliminary and mandatory injunction prayed for is hereby granted, and respondents are (1) enjoined from intimidating, threatening, and/or preventing non-union employees of the Social Security System as well as other employees of the System from reporting to work, as well as preventing persons transacting official business with the System from going to and leaving the premises of the Social Security System, and (2) the members of respondent Social Security Employees to work and to discharge their respective duties. (Annex "A" to Petition).

Complying with the above order, the strikers lifted their pickets and returned to work. However, as a result of several new disputes with the respondent Commission, the petitioner union again declared another strike on May 16, 1962. On May 17, 1962, respondent Commission filed with Judge Soriano a motion to declare in contempt of court the petitioners for allegedly violating injunctive order of June 12, 1961. When summoned to answer the motion for contempt, petitioners explained that in the light of Section 9 of Republic Act No. 875, the injunctive order could not have included a prohibition against petitioners-unionists from striking anew while the main case below was pending. During the hearing on the motion for contempt held May 19, 1962, the respondent Judge Jose Leuterio (who substituted Judge Soriano who went on vacation) issued an order clarifying the June 12, 1962 injunctive order to mean that it "in effect prohibited a strike for the duration of the order and until it is set aside." (Annex "B" to Petition)

On May 21, 1962, the petitioners filed an "Urgent Motion to Reconsider and/Or dissolve The Preliminary Injunction" as clarified in the order of May 19, 1962 on the ground that said order directly violates the mandate in

Section 9 of Republic Act No. 875 that there can be no injunction issued against any strike except in only one case, that is, when a labor dispute arises in an industry indispensable to the national interest and such dispute is certified by the President of the Philippines to the Court of Industrial Relations under Section 10, Republic Act No. 875. On June 26, 1962 said urgent motion to reconsider, etc. was denied by Judge Soriano.

Petitioners now claim that the clarificatory order on the injunction order is causing great and irreparable damage, and grave injustice to them, and there is no appeal, nor any other plain., speedy, and adequate remedy in the ordinary course of law from said orders except the present petition for certiorari with preliminary injunction.

Considering that the Social Security System is a government-owned corporation performing basically proprietary functions (Social Security System Employees Ass'n. vs. Soriano, et al., G.R. No. L-18061, April 30, 1963) and as such is under the operation of the Magna Charta of Labor, it is evident that the Court of First Instance of Manila is without jurisdiction to issue the orders sought to be reviewed.

Wherefore the petition and the writ prayed for are hereby granted, and the questioned orders declared void. Without costs.

Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, Regala and Makalintal, JJ., concur. .

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