

REPUBLIC FLOUR MILLS WORKERS ASSOCIATION AND PAFLU PETITIONERS, VS. THE HONORABLE JUDGE ANDRES REYES AND AIA FEED MILLS, INC., RESPONDENTS.

G.R. No. 21378. November 28, 1966

Ponente: ZALDIVAR. J.

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ZALDIVAR. J.:

This is a petition for certiorari with preliminary injunction, filed by petitioners Republic Flour Mills Workers Association and PAFLU to set aside an order, dated June 10, 1963, issued by Honorable Judge Andres Reyes of the Court of First Instance of Rizal in Civil Case No. 7710 of said court, entitled AIA FEED MILLS, INC., vs. REPUBLIC FLOUR MILLS LABORERS ASSOCIATION and PAFLU, providing for a writ of preliminary injunction "ordering and commanding the defendants to desist from preventing the petitioner's employees from entering its premises." [1]

Before the lower court, herein respondent AIA FEED MILLS, INC., filed a petition for injunction alleging, among others, that on June 1, 1963 the members of the herein petitioner unions declared a strike against their employer, the Republic Flour Mills, Inc., and picket lines were formed around the premises of the company preventing the peaceful passing of other persons not connected with said employer; that herein respondent is a lessee occupying a parcel of land owned by the Republic Flour Mills Inc., it being a completely different corporation from the Republic Flour Mills, Inc. with different set of officers and employees, and there was no employer-employee relation between the striking employees and herein respondent; and that due to the picket lines formed by the striking unions the employees of herein respondent could not enter and leave its premises "thereby causing the same to stop its operation which constitute an invasion of its property rights and therefore causing irreparable and substantial damages." [2]

The herein petitioners, REPUBLIC FLOUR MILLS WORKERS ASSOCIATION and PAFLU, respondents in the court below, filed a motion to dismiss, arguing that the injunction prayed for by herein respondent is a "labor injunction" and because the petition for injunction failed to allege the jurisdictional requisites provided for in section 9 (d) of Republic Act 875 it is fatally defective and, therefore, should be dismissed.

The respondent Judge, after hearing, found that the herein respondent AIA Feed Mills Inc., is a distinct and separate entity from the Republic Flour Mills, Inc., that it has a distinct personnel of its own, that it was engaged in a different business, and that herein petitioner unions' picketing had no connection whatsoever with herein respondent. Based on said findings, the respondent Judge issued the writ of preliminary injunction which is now being questioned in the proceedings before this Court.

In the petition for certiorari before this Court, petitioners contend that the respondent AIA Feed Mills, Inc. is a subsidiary corporation of Republic Flour Mills, Inc., that it is located at the very site and compound of the latter, the entrance to, and the walls of, the compound being common to both entities; that the operations of the former and the latter were intermingled and complementary, including an interchange of employees; thus the picketing of

one necessarily is extended to both; that the petition filed before the lower court was fatally defective because it failed to allege the strict jurisdictional requirements of section 9 (d) of Republic Act 875; that the respondent Judge acted without jurisdiction or with grave abuse of discretion in entertaining and granting the petition of the respondent AIA Feed Mills Inc., in spite of the failure of said respondent to comply with the strict procedure outlined in section 9 (d) of Republic Act 875, and in granting the injunction before the hearing of the main issue; that as a result of the issuance of the injunction in question even the picketing against the Republic Flour Mills is for practical purposes enjoined.

In its answer to the petition for certiorari, respondent AIA Feed Mills, Inc., alleges that it is a business entity distinct and separate from the Republic Flour Mills, Inc., that there is no employer-employee relations between it and the striking members of the petitioner labor unions

and no labor dispute exists between it and the striking and picketing employees; that the picketing was not a peaceful one because the picketing members of petitioner unions were employing violence against the employees of herein respondent; and that the respondent Judge had jurisdiction to issue the writ of preliminary injunction in question because the injunction sought is one that is provided for in Rule 60 of the Rules of Court (now Rule 58 of the Revised Rules of Court) and not the one provided for in section 9, paragraph (d), of Republic Act 875.

This Court did not issue the preliminary injunction prayed for in the petition for certiorari. This case was submitted by the parties without oral argument and without memorandum.

After a careful study of the pleadings in the present case, We find that the grounds relied upon in the petition for certiorari have no merit.

The main question to be resolved in the present proceedings is whether or not the respondent Judge of the Court of First Instance of Rizal had jurisdiction to issue the writ of preliminary injunction in question, or whether or not it had acted with abuse of discretion in issuing said injunction.

We agree with the findings of the lower court that respondent AIA Feed Mills, Inc. is a distinct and separate entity from the Republic Flour Mills, Inc., with distinct personality of its own from the latter corporation, including the business in which it is engaged, and the picketing by the petitioner unions has no connection whatsoever with respondent AIA Feed Mills, Inc. We find that there is no labor dispute between the petitioners and respondent AIA Feed Mills, Inc., and neither is there an employer-employee relations between them. We declare, therefore, that the writ of preliminary injunction issued by the respondent Judge is not a labor injunction that is provided for in section 9 paragraph (d) of Republic Act 875. The court may issue an injunction, whether temporary or permanent, as provided in said section of Republic Act 875, only in a case involving or growing out of a labor dispute. As we have stated, we find that no labor dispute existed between the petitioner unions and the respondent AIA Feed Mills, Inc. The preliminary injunction issued by the respondent Judge was, therefore, one that was within its jurisdiction to issue pursuant to the provisions of Rule 60 of the Rules of Court (now Rule 58 of the Revised Rules of Court). In the case of *Associated Watchmen and Security Union (PTOW), et al. vs. United States Lines, et al.*, 101 Phil., 896, 901, this Court made the following pronouncement:

"... If a labor dispute exists then the provision of the Magna Carta of Labor (R.A. No. 875) should be strictly followed, as ruled by Us in various decisions (*PAFLU et al. vs. Tan, et al.*, L-9115, prom. August 31, 1956; *PAPLU et al. vs. Barot, et al.*, L-9281, prom. Sept. 28, 1956) ; and on the other hand if no labor dispute exists then the court may issue an ordinary injunction in accordance with the Rules of Court."

Moreover, the writ of preliminary injunction issued by the respondent Judge did not in any way curtail the right of petitioner unions to picket, because the writ simply and clearly ordered and commanded the petitioner unions "to desist from preventing petitioner's (herein respondent AIA Feed Mills Inc.) employees from entering its

premises." The writ did not prevent petitioner unions from picketing against their employer, the Republic Flour Mills, Inc. The record shows that the respondent Judge issued the writ of preliminary injunction after a hearing. The respondent Judge, therefore, had not acted in a manner that was in violation of the law or with grave abuse of discretion when he issued the writ of preliminary injunction in question.

Wherefore, the petition for certiorari in the present case is denied, with costs against the petitioners. It is so ordered.

Dizon, Regala, Makalintal, Bengzon, J.P., Sanchez and Ruiz Castro, JJ., concur.

Petition denied.

[1] As quoted from the writ of preliminary injunction.

[2] As quoted from the petition for injunction in the Court below.

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