

**ALFREDO VELASCO AND ADELINA VELASCO,
PETITIONERS-APPELLANTS, VS. HON. BLAS OPLE, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF LABOR AND HON. RONALDO ZAMORA,
IN HIS OFFICIAL CAPACITY...**

G.R. No. 53967. November 26, 1990

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This is an appeal from the decision of the Court of First Instance of Manila (now Regional Trial Court) granting the petition for Prohibition and Mandamus filed by Alfredo Velasco and Adelina Velasco. This was appealed by the parties to the Court of Appeals but the latter court issued a resolution dated April 9, 1980 certifying the appeal to Us since only pure questions of law are involved.

The antecedent facts of the case as stated by the Court of Appeals in its resolution are as follows:

“x x x [O]n March 28, 1973 Quirino Acebuche, Primitiva Caranyangan, Cora Donor and Catalina Ogaya private respondents, thru their common authorized representative Rolando Bartolome, filed with the National Labor Relations Commission (NLRC) complaints against the herein petitioners, owners and proprietors of the Belen’s Restaurant of Intramuros, Manila, for overtime pay and salary differentials under the Minimum Wage Law, docketed therein as NLRC Cases Nos. 1953, 2290 and 2427; that after due proceedings in the NLRC, the Commission headed by chairman Amado G. Inciong, rendered a decision on August 15, 1973 ordering the petitioners to pay the claimants the total amount of P14,087.00 (Exh. K); that upon appeal to respondent Secretary of Labor, the latter rendered a decision on December 5, 1973 reducing the awards due to the private respondents due to a mistake in computation (Exh. L); that a motion for reconsideration by the petitioners was denied by the respondent Secretary of Labor in his order dated February 14, 1974 (Exh. M); that the petitioners filed with the Bureau of Labor Relations on March 12, 1974 a notice of appeal stating that they were appealing the decision and order to the Office of the President (Exh. N); that on June 10, 1974, Assistant Executive Secretary Ronaldo Zamora addressed a letter to the Chief of the Constabulary to cause compliance by the petitioners of the decision of the Secretary of Labor within five days from the receipt of said letter, pursuant to Section 10 of P.D. No. 21 which provides for the arrest and detention of any person failing to comply with a decision or order of the NLRC (Exh. P); that the petitioners in turn wrote Assistant Executive Secretary Zamora for a reconsideration of the latter’s directive of June 10, 1974 on the main ground that their appeal from the decision of the Secretary of Labor has not yet been resolved (Exh. Q); that on July 12, 1974 Assistant Executive Secretary Zamora wrote the petitioners stating that his Office could not entertain the appeal of the petitioners ‘in view of the President’s instructions that henceforth this Office should take cognizance of appeals in labor cases from the Secretary of Labor only those involving national interest and those labor cases pending appeal in this office not involving national interest should be remanded or returned to the Secretary of Labor for appropriate action and/or execution’ (Exh. R); that on July 15, 1974, the petitioners filed with the lower court the present petition for prohibition and mandamus with a prayer for the issuance of a preliminary injunction - subsequently amended on July 29, 1974, seeking to restrain the Secretary of Labor and the Assistant Executive Secretary from implementing the decision of the Secretary of Labor, alleging that since

petitioners' appeal to the Office of the President has not yet been resolved, the decision of the Secretary of Labor has not yet become final and executory, so that the directive of the Assistant Executive Secretary to implement said decision is therefore null and void; that the lower court issued an order on October 31, 1974 directing the respondent to answer the petition and issued a writ of preliminary injunction enjoining the public respondents from implementing the decision of the Secretary of Labor dated December 5, 1973 and the order of February 14, 1974, as well as the directives of the respondent Assistant Executive Secretary dated June 10, 1974 and July 12, 1974; that after the public respondents had filed their Answer to the amended petition, the lower court, after declaring the private respondents in default for failure to file their answer, conducted a hearing therein, after which it rendered its decision on September 30, 1975, x x x." (pp. 46-47, Rollo)

The dispositive portion of the decision of the trial court reads as follows:

"The Court will therefore limit itself to making the preliminary injunction issued in this case permanent and respondent public officials, their agents, representatives and/or persons acting under them are prohibited and enjoined from implementing the decision of the Secretary of Labor dated December 5, 1973 and order of February 4, 1974, and the letters of respondent Assistant Executive Secretary dated June 10, 1974 and July 12, 1974, until such time as petitioners' appeal has been given due course or otherwise disposed of in accordance with any official change in the applicable law." (p. 45, Rollo)

Not satisfied with the decision, both parties appealed. Respondent public officials, in their appeal assigned the following errors of the trial court:

"I

THE LOWER COURT ERRED IN ISSUING INJUNCTION PROHIBITING IMPLEMENTATION OF THE DECISION OF THE SECRETARY OF LABOR DATED DECEMBER 5, 1973.

"II

THE LOWER COURT ERRED IN HOLDING THAT PETITIONERS HAVE STILL A RIGHT TO APPEAL FROM THE DECISION OF THE SECRETARY OF LABOR WHICH WAS ALLEGEDLY VIOLATED BY RESPONDENTS?APPELLANTS PUBLIC OFFICIALS WHICH SHOULD BE PROTECTED BY INJUNCTION.

"III

THE LOWER COURT ERRED IN HOLDING THAT THE 'INTEGRITY' OF THE DECISION OF THE SECRETARY OF LABOR DATED DECEMBER 5, 1973 SUFFERS FROM TAINT OF UNDUE INFLUENCE WHICH IS ADDITIONAL REASON FOR ENJOINING ITS IMPLEMENTATION." (pp. 1-2, Brief for the Respondents-Appellants)

On the other hand, petitioners in their appeal made the following assignment of error:

"THE LOWER COURT ERRED IN HOLDING IN ITS ORDER DATED NOVEMBER 17, 1975 THAT IT HAD NO JURISDICTION TO REVIEW THE CORRECTNESS OF THE DECISION OF THE SECRETARY OF LABOR AND ASSISTANT EXECUTIVE SECRETARY IN NLRC CASES NOS. 1953, 2290 and 2497." (p. 42, Brief for the Petitioners as Appellees and Appellants.)

In view of the foregoing assignment of errors by the parties, the following issues are presented to this Court for resolution: 1) whether or not the petitioners-appellants have the right of appeal to the President of the Philippines under the provision of P.D. No. 21; and 2) whether or not the Court of First Instance, (now Regional Trial Court) of Manila has the jurisdiction to issue the writ of injunction prohibiting the implementation of the decision of the Secretary of Labor.

The issue on whether petitioners can appeal to the Office of the President from the Secretary of Labor shall be decided in accordance with the law in force at that time. Article 293 of the Labor Code, as amended, provides:

“ART. 293. Application of law enacted prior to this Code. -- All actions or claims accruing prior to the effectivity of this Code shall be determined in accordance with the laws in force at the time of their accrual.

Moreover, Article 299 of the same Code states, in part:

“ART. 299. Disposition of pending cases. x x x. Cases on labor relations on appeal with the Secretary of Labor or the Office of the President of the Philippines as of the date of effectivity of this Code shall remain under their respective jurisdiction and shall be decided in accordance with the rules and regulations in force at the time of appeal.

The applicable law then governing appeals to the Office the President is Presidential Decree No. 21, promulgated on October 14, 1972. Section 5 of P.D. No. 21 provides:

“SEC. 5. The decision of the Commission shall be immediately executory unless appealed to the Secretary of Labor who shall act on all cases within five (5) days from filing. The latter’s decision is appealable to the President.” (Emphasis ours)

The aforementioned section expressly provides for the remedy of appeal to the office of the President from the decision of the Secretary of Labor without qualification. It is only when Presidential Decree No. 1367 was promulgated on May 1, 1978 that the decision of the Secretary of Labor in labor cases shall be immediately executory provided that the President of the Philippines may assume jurisdiction over cases which he considers national interest cases. Subsequently, Presidential Decree 1391 promulgated on May 29, 1978 further eliminated appeals from the NLRC to the Secretary of Labor. Hence, petitioners Alfredo and Adelina Velasco could still avail of the remedy of appeal to the President when the decision of the Secretary of Labor was rendered on December 5, 1973.

The second issue involves the jurisdiction of the trial court to enjoin or restrain the implementation and execution of the decision of the Secretary of Labor in labor cases. The rule is settled that regular courts have no jurisdiction to act on labor cases or various incidents arising therefrom. Jurisdiction to try and adjudicate such cases pertain exclusively to the proper labor officials of the Department of Labor (*Associated Labor Unions (ALU-TUCP) v. Borromeo*, G.R. 75736, September 29, 1988, 166 SCRA 99). Regular courts, being ill-prepared to apply labor laws, should not interfere in labor cases (*Goodrich Employees Association v. CFI of Rizal*, L-30211, October 5, 1976, 73 SCRA 297). Hence, the Court of First Instance had no jurisdiction in the case at bar to issue the writ of injunction to restrain the enforcement of the decision rendered by the Secretary of Labor. Where the issue is lack of authority or arbitrary or improvident exercise thereof, the decision of the Secretary of Labor may only be questioned and reviewed through a petition for certiorari with the Supreme Court, which is the proper forum for it (*Asiaworld Publishing House Inc. v. Ople*, G.R. 56398, July 23, 1987, 152 SCRA 219). Thus, We find the decision of the trial court null and void for lack of jurisdiction in enjoining the Secretary of Labor from implementing his decision.

With regard to the remedy of appeal to which the petitioners are entitled under the applicable law then, this Court deems it impractical to allow the parties to still pursue their appeal to the Office of the President at this time considering that under the present law, the Labor Code, as amended, the President may only assume jurisdiction only in cases which the latter considers to be of national interest. With respect to those labor cases which do not involve national interest, such as the case at bar, the machinery or body in the Office of the President governing such appeals apparently is no longer existing under the present law. Hence, for just and equitable considerations, this Court instead shall grant the petitioners the opportunity to file a proper petition for certiorari within a

reasonable time questioning the decision on the merits of the Secretary of Labor.

ACCORDINGLY, the assailed decision of the Court of First Instance of Manila (now Regional Trial Court) Branch XX in Civil Case No. 94698 dated September 30, 1975 is hereby REVERSED AND SET ASIDE for lack of jurisdiction. Petitioners Alfredo and Adelina Velasco shall be allowed the right to file a proper petition to this Court assailing the decision of the Secretary of Labor dated December 5, 1973 in NLRC Cases Nos. 1953, 2290 and 2427.

SO ORDERED.

Narvasa, (Chairman), Cruz, and Griño-Aquino, JJ., concur.

Gancayco, J., no part. Participated in CA resolution.

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