

SEVERO M. PUCAN, ROBERT A. JEREZ, JR. AND ALFREDO C. ANTONIO, JR., PETITIONERS, VS. HON. EDUARDO R. BENGZON, IN HIS CAPACITY AS PRESIDING JUDGE OF REGIONAL TRIAL COURT, NATIONAL...

G.R. No. 74236. November 27, 1987

Ponente: FERNAN, J.

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FERNAN, J.:

Assailed in this petition for certiorari is the jurisdiction of a Regional Trial Court over an action for damages and prohibition arising from alleged questionable acts of officials of the Ministry of Labor and Employment in the execution of a decision of the Minister of Labor.

The record shows that on April 1, 1981, the then Minister of Labor and Employment, Blas F. Ople, issued a resolution in a case entitled "Drivers, Conductors and Mechanics of Saulog Transit, represented by their leader, Robert Arevalo, complainants vs. Saulog Transit, Inc., respondents". Upon motion for reconsideration filed by Saulog Transit, Inc., Minister Ople rendered a decision on January 20, 1982 modifying his previous resolution. Its dispositive portion reads:

"IN VIEW OF THE FOREGOING, the Resolution dated 1 April 1981 is hereby modified and the following are hereby ordered:

1. For the respondent to pay the 13th month pay of the mechanics and other employees who are not paid on purely commission basis if they have served for at least one [1] month within the calendar year and their monthly salary does not exceed P1,000.00;
2. For the respondent to pay the drivers and conductors paid on purely commission basis the allowances under P.D. 525, 1123, 1678 and 1713, if their total monthly earnings do not exceed the salary ceiling set by the respective decrees and whose right thereto has not yet prescribed. Respondent, however, shall pay all the mechanics and other employees who are not paid on purely commission basis all the allowances under all the decrees;
3. For the drivers and conductors to share with the respondent the responsibility of cleaning/washing the bus;
4. For management to faithfully comply with the rates of wages as agreed upon and provided for in the Supplemental Collective Bargaining Agreement executed on 15 January 1979, the pertinent portions of which were quoted earlier in this decision; and
5. All strikers who refused to comply with the return-to-work orders of 29 January 1981 and 19 February 1981 are hereby deemed to have abandoned their work and those who reported for work but were refused admission by management be immediately admitted back to work.

SO DECIDED."[1]

On appeal, the Office of the President affirmed the decision of Minister Ople. Elevated to this Court on petition for certiorari, the questioned decisions of both Minister Ople and Presidential Assistant for Legal Affairs Manuel M. Lazaro, were likewise affirmed.[2]

On December 18, 1984, Director Severo M. Pucan of the Ministry of Labor and Employment, National Capital Region, issued an alias writ of execution directing the sheriff of the Ministry to require Saulog Transit, Inc. to pay the complaining drivers and conductors the amount of P3,702,672.00 representing their emergency cost of living allowance [ECOLA] under Presidential Decree Nos. 525, 1123, 1678 and 1713.

According to private respondent herein, pursuant to said writ, Acting Deputy Sheriff Alfredo C. Antonio, Jr., tried to garnish and levy Saulog Transit, Inc.'s office equipment and properties to satisfy the judgment. Sheriff Antonio desisted from carrying out the directive of the writ after Saulog Transit, Inc.'s person-nel manager had asked him to specify who were the complainants and how much each of them were en-titled to received under the judgment considering that it had already been satisfied with respect to some complainants.

Thereafter, Saulog Transit, Inc. filed an urgent motion to quash or recall the writ of execution on the grounds that the decision sought to be enforced being conditional, the persons seek-ing its enforcement must show that they had satisfactorily met the terms and conditions set there-in; that the writ was issued without notice and hear-ing; that the judgment debt sought to be enforced had been paid; and that the decision being vague and indefinite, it is incapable of execution and therefore, no valid writ could be issued to execute it.

After the complaining employees had filed their opposition thereto and Saulog Transit, Inc. had traversed it through a reply, the hearing officer, Robert A. Jerez, Jr., set the motion to quash for hearing. However, said hearing was not conducted because the complaining employees did not present evidence as to who among them were still entitled to be paid, and the hearing room was turned into a virtual market place by the presence of around fifty persons insisting that the writ be immediately enforced.

In his order of February 12, 1985, Director Pucan stated that Saulog Transit, Inc. was not afforded procedural due process with respect to the computation of the monetary award. Hence, he directed Saulog Transit, Inc. to produce documentary evidence to contest the complainants-awardees' claims.

Alleging that it had not been furnished with a copy of the computations of the "judgment award", Saulog Transit, Inc. filed a motion for clarification with a prayer that it be granted a period of thirty days from receipt of said computation within which to submit the required documentary evidence.

Without acting on said motion, Director Pucan issued another writ of execution on March 1, 1985.[3] On the strength of said writ, Sheriff Antonio served upon Saulog Transit, Inc. notices of garnishment of its deposits in the Bank of Philippine Islands in Quirino Avenue, Parañaque, Metro Manila and in the Philippine Banking Corporation in Pasay City. He also publicly announced to the drivers and conductors barricading the pre-mises of the MOLE Building in Intramuros, Manila that he would take possession of the buses of Saulog Transit, Inc. the following week.

Three days later, Saulog Transit, Inc. filed in the Regional Trial Court of Manila, a petition for damages and prohibition with prayer for the issuance of a writ of preliminary prohibitory in-junction against Director Pucan, Robert A. Jerez, Jr., Deputy Sheriff Antonio and Robert Arevalo. It attributed abuse of discretion tantamount to lack of jurisdiction to the respondent public officials for enforcing the allegedly void writ of exe-cution. It prayed for the award of actual, moral and exemplary damages "as may be proved" during the trial plus attorney's fees of P50,000.[4]

Finding an "immediate need" to restrain the respondents from implementing the alias writ of execution, the lower

court set a date for hearing whereby the respondents would appear and show cause why the injunction prayed for should not be granted. It ordered the respondents to answer the petition and, in the meantime, directed Sheriff Antonio and all persons acting in his behalf to "refrain and desist from implementing the alias writ of execution issued on March 1, 1985".[5]

After the hearing and upon posting by Saulog Transit, Inc. of a bond of P500,000, the lower court issued a writ of preliminary injunction.[6]

Thereafter, the respondent public officials filed a motion to dismiss the petition on three grounds. First, the lower court has no juris-diction over the nature of the action or suit. Under Section 21 of Batas Pambansa Blg. 129 in conjunction with Section 4, Rule 65 of the Rules of Court, re-gional trial courts may issue a writ of prohibition only if said writ is directed to an inferior court. Since respondents whose acts were being questioned are not inferior courts, the regional trial court cannot take cognizance of the petition. Moreover, under Section 9 of Batas Pambansa Blg. 129, not even the Intermediate Appellate Court has jurisdiction over decisions and orders issued pursuant to the provisions of the Labor Code. In actual practice, labor cases are reviewed by this Court.

Second, the petition states no cause of action. If the Ministry officials' acts were improper or illegal, Saulog Transit, Inc.'s recourse should have been to question said acts before the Minister of Labor who issued the decision being enforced. Hence, Saulog Transit, Inc. has no cause of action as it has not exhausted all administrative remedies.

Third, the proceeding is barred by Section 255 of the Labor Code which states:

"ART. 255. Injunctions prohibited. - No temporary or permanent injunction or restraining order in any case involving or growing out of labor disputes shall be issued by any court or other entity."

On November 11, 1985, the lower court denied the motion to dismiss the petition.[7] Hence, the respondent public officials a quo filed the instant petition for certiorari and prohibition with pre-liminary injunction and/or restraining order raising the same grounds averred in their motion to dismiss the petition for damages and prohibition below.

The petition is impressed with merit.

A perusal of the petition for damages and prohibition filed by Saulog Transit, Inc. in the lower court reveals that basically, what was being ques-tioned was the legality or propriety of the alias writ of execution dated March 1, 1985, as well as the acts performed by the Ministry officials in implementing the same. In other words, the petition was actually in the nature of a motion to quash the writ; and with respect to the acts of the Ministry officials, a case growing out of a labor dispute, as the acts complained of, were perpetrated during the execution of a decision of the then Minister of Labor and Employment. However characterized, juris-diction over the petition pertains to the Labor Ministry, now Department and not the regular courts. This conclusion is evident, not only from the provisions of Article 224 [b] of the Labor Code, but also of Article 218, as amended by Batas Pambansa Blg. 227 in connection with Article 255 of the same Code.

As a petition to quash the writ, Saulog Transit, Inc. should have been guided by the proce-dure it followed in filing its earlier motion to quash the writ of execution dated December 18, 1984. Whatever irregularities that may have attended the issuance of the alias writ of execution of March 1, 1985 should have been referred to the same administrative official or tribunal which rendered the decision being executed, pursuant to Article 244 [b] of the Labor Code, which provides that "the Secre-tary of Labor, the Commission and the Director of Labor Relations may appoint sheriffs and take any measure under existing laws, decrees and general orders as may be necessary to ensure compliance with their decisions, orders or awards x x x" [Underscoring supplied]. Indeed, Saulog Transit,

Inc. should have realized that despite the finality of the decision of the Minister of Labor, he retained control over its execution and implementation, so that resort to the regular courts, particularly one of co-equal rank, would be an untenable recourse.

Apparently, Saulog Transit, Inc. was misled by its own prayer for actual, moral and exemplary damages. It believed that such additional cause of action could clothe the petition with the mantle of a regular action cognizable by the regular courts. It was, of course, mistaken for the fact remains that the acts complained of are mere incidents of a labor dispute. Such prayer therefore did not alter the complexion of the case as one arising from a labor dispute, but was subsumed by the nature of the main case, over which the regular courts had no jurisdiction, much less the power to issue a temporary or permanent injunction or restraining order. Thus, Article 255 of the Labor Code categorically provides:

"Art. 255. Injunction prohibited. - No temporary or permanent injunction or restraining order in any case involving or growing out of labor disputes shall be issued by any court or other entity, except as otherwise provided in Articles 218 and 264 of this Code."

On the other hand, Article 218 of the same Code as amended, reads:

"Art. 218. Powers of the Commission. - The Commission shall have the power and authority:

x x x x x x x x

[e] To enjoin or restrain any actual or threatened commission of any or all prohibited or unlawful acts in any labor dispute, which if not restrained forthwith, may cause grave or irreparable damage to any party or render ineffectual any decision in favor of such party x x x" [Underscoring supplied].

The broad powers granted to the Labor Department and/or the National Labor Relations Commission by Articles 224 and 218 can only be interpreted as vesting in said agencies jurisdiction over incidents arising from, in connection with or relating to labor disputes, as the controversy under consideration, to the exclusion of the regular courts.

In the instant case, before assuming jurisdiction over the petition for damages and prohibition, the lower court should have considered the following criterion: "whether the acts complained of arose out of, or are connected or interwoven with the cases which fall within the exclusive jurisdiction" of the labor arbiter or the National Labor Relations Commission.[8] Had this been done, the instant petition would not have prospered.

The execution of the decision of the Minister, now Secretary of Labor and Employment has been unduly delayed. To refer the petition of Saulog Transit, Inc. to the Labor Department for adjudication would work more hardship to the employees of private respondent. It is therefore imperative that said procedure be dispensed with, without prejudice, however, to the right of Saulog Transit, Inc. to file the proper administrative, civil or criminal charges against the officials involved if so warranted, before the proper forum. Meanwhile, the amount of emergency cost of living allowance or whatever monetary awards are due the employees under the decision should be recomputed immediately by the Department of Labor & Employment with notice to the parties and/or their representatives. The proceeding shall be conducted in such manner as to entitle all parties to due process of law. The Department officials concerned shall see to the proper implementation of the writ of execution that, as a matter of course, shall be issued after such recomputation.

WHEREFORE, the petition for certiorari and prohibition is hereby granted and the lower court is permanently enjoined from acting on the petition for damages and prohibition in Civil Case No. 85-29542.

The Department of Labor and Employment is hereby directed to immediately recompute the monetary awards

granted to the employees of Saulog Transit, Inc. in the decision of its former Minister, as affirmed by the Office of the President and this Court, and to execute said decision in accordance with law.

This decision is without prejudice to the right of Saulog Transit, Inc. to file such administrative, civil or criminal charges as may be warranted under the circumstances against the alleged erring officials of the Minister of Labor and Employment before the proper forum.

Costs against private respondent Saulog Transit, Inc.

SO ORDERED.

Gutierrez, Jr., Feliciano, Bidin, and Cortes, JJ., concur.

[1] Rollo, p. 30

[2] Saulog Transit, Inc. vs. Lazaro, G.R. No. 63284, April 4, 1984, 128 SCRA 591, Gutierrez, Jr., J., ponente

[3] Rollo, p. 95

[4] Civil Case No. 85-29542

[5] Rollo, pp. 47-48

[6] Rollo, pp. 81-82

[7] Rollo, p. 55

[8] Kaisahan ng mga Manggagawa sa La Campana vs. Sarmiento, L-47853, November 16, 1984, 133 SCRA 220, 233

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