

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT  
SECOND DIVISION**

**ASSOCIATED LABOR UNIONS (ALU-  
TUCP), (For And In Behalf Of Its Direct  
Members, Namely, WARREN MAPUTI,  
RODRIGO CATIPAY, GILBERTO  
REDOBLADO, ROBERTO RONOLO and  
134 Others),**

*Petitioners,*

*-versus-*

**G.R. No. L-75736  
September 29, 1988**

**HONORABLE ANTONIO V.  
BORROMEO AND BELYCA  
CORPORATION, Represented By  
BELLO M. CASANOVA, SR., President &  
General Manager,**

*Respondents.*

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**DECISION**

**SARMIENTO, J.:**

The Court issues the Writs Prayed for in this Petition for *Certiorari* and Prohibition filed by the Petitioner, the Associated Labor Unions.

It appears that on June 24, 1986, as a consequence of a controversy arising from charges of unfair labor practices against the respondent, Belyca Corporation, a firm engaged in livestock farming, the petitioner filed a notice of strike with the then Ministry of Labor and Employment, Region X, at Cagayan de Oro City. On July 2, 1986, it filed a complaint for various offenses against the private respondent ranging from unfair labor practice to non-payment of the minimum wages. On July 24, 1986, it struck.

On the same date, the private respondent commenced suit for injunction with the respondent Regional Trial Court. It alleged that the petitioner had obstructed free ingress to the firm's premises, "preventing workers of Belyca farms from entering the business establishments preventing said workers from giving feeds and/or food to the hogs and fowls which would kill all of said hogs and fowls if not attended to this very day."<sup>[1]</sup> (The private respondent maintains "about 7,500 hogs and with 8,000 fowls with a total value of about P10,000,000.00.")<sup>[2]</sup> On the same day, the respondent judge issued a temporary restraining order (TRO) "commanding herein defendants [the striking workers], their agents and/or representatives to allow plaintiff [the private respondent] or workers or authorized representatives free passage to and from Belyca Farms, located at Kalasungay, Malaybalay, Bukidnon to feed plaintiff's seven thousand five hundred (7,500) hogs and eight thousand (8,000) fowls."<sup>[3]</sup>

On August 4, 1986, the petitioner filed a motion for reconsideration (to lift TRO) as well as for the dismissal of the case on the ground of lack of jurisdiction. On August 14, 1986, the respondent judge denied the motion.

Also on August 14, 1986, Belyca Corporation filed an urgent motion "for extension of the life of the restraining order previously issued to another twenty days." The petitioner opposed the motion. On August 19, 1986, however, the respondent judge granted it stating:

WHEREFORE, for the sake of justice and fairness, the temporary mandatory order dated July 24, 1986 which expired on August 13, 1986 is hereby extended to another period of twenty (20) days to be counted from August 13, 1986. It will

expire on October 2, 1986 which is the date of the hearing of the main petition.

Done this 19<sup>th</sup> day of August, 1986 at Malaybalay, Bukidnon.

[Please note the erroneous reckoning of the expiration date of the TRO which should be September 2, 1986, after the twenty-day extension (from August 13), and not October 2, 1986 as stated in the Order of August 19, 1986 the decretal portion of which is quoted above. It is self-evident that twenty (20) days from August 13, 1986 would be September 2, 1986 and not October 2, 1986.]

The petitioner then came to this Court.

As the Court has indicated at the outset, the petition is granted.

The courts of law have no jurisdiction to act on labor cases or various incidents arising therefrom. That is basic and elementary. Jurisdiction to try and adjudicate such cases pertains exclusively to the proper labor officials of the Department of Labor, thus:

ART. 217. Jurisdiction of Labor Arbiters and the Commission.

(a) The Labor Arbiters shall have the original and exclusive jurisdiction to hear and decide within thirty (30) working days after submission of the case by the parties for decision, the following cases involving all workers, whether agricultural or non-agricultural:

1. Unfair labor practice cases;
2. Those that workers may file involving wages, hours of work and other terms and conditions of employment;
3. All money claims of workers, including those based on non-payment or underpayment of wages, overtime compensation, separation pay and other benefits provided by law or appropriate agreement, except

claims for employees' compensation, social security, medicare and maternity benefits.

4. Cases involving household services; and
5. Cases arising from any violation of Article 265 of this Code, including questions involving the legality of strikes and lockouts.

(b) The Commission shall have exclusive appellate jurisdiction over all cases decided by Labor Arbiters.<sup>[4]</sup>

x x x

ART. 128. x x x

(b) The Minister of Labor or his duly authorized representatives shall have the power to order and administer, after due notice and hearing, compliance with the labor standards provisions of this Code based on the findings of labor regulation officers or industrial safety engineers made in the course of inspection, and to issue writs of execution to the appropriate authority for the enforcement of their order, except in cases where the employer contests the findings of the labor regulations officer and raise issues which cannot be resolved without considering evidentiary matters that are not verifiable in the normal course of inspection.<sup>[5]</sup>

It was only very recently that the Court promulgated *Silva Pipe Workers Union-NATU vs. Filipino Pipe & Foundry Corporation*,<sup>[6]</sup> where it was held:

The contention of the Company that the CFI had jurisdiction over the civil case inasmuch as it was brought principally to prevent the further commission of unlawful acts, is not well-taken. The ruling laid down in *National Garments and Textile Workers' Union-PAFLU, etc., vs. Hon. Hermogenes Caluag, et al.*, L-9104, 99 Phil. 1067 (1956), is in point:

It appearing that the issue involved in the main case is interwoven with the unfair labor case pending before the CIR as to which its jurisdiction is exclusive, it is evident that it does not come under the jurisdiction of the trial court even if it involves acts of violence, intimidation and coercion as averred in the complaint. These acts come within the purview of Section 9 (d) of RA 875 which may be enjoined by CIR.

In a long line of decided cases, this Court has also invariably held that the Court of Industrial Relations has exclusive jurisdiction over labor disputes involving unfair labor practice, with the exclusive power to issue a temporary restraining order to enjoin acts in connection therewith. Thus:

Cases involving unfair labor practices fall within the exclusive jurisdiction of the CIR, and in the exercise of its jurisdiction, said court has the exclusive power to issue a temporary restraining order to enjoin any acts committed in connection with said labor dispute. (PAFLU, et al., vs. Tan, 99 Phil. 854; Phil. Communications, Electronic and Electricity Workers Federation vs. Nolasco, L-24984, July 29, 1968; National Garment and Textile Workers' Union vs. Hon. H. Caluag, No. L-9104, 99 Phil. 1067, and Erlanger and Galinger, Inc. vs. Erlanger and Galinger Employees Association-NATU, G.R. No. L-11907, 104 Phil. 17 [1958]).

The reason for such exclusive jurisdiction is that since picketing and strikes may be mere incidents or consequences of an unfair labor practice, it is but proper that a Writ of Injunction prayed for in connection with that labor dispute originate from the Court having jurisdiction over the main case inasmuch as it is that Court that has cognizance of all relevant facts (Erlanger & Galinger, Inc. vs. Erlanger & Galinger Employees Association-NATU, 104 Phil. 21 [1958]).

It is clear then that the Court a quo acted without jurisdiction in the case before it.<sup>[7]</sup>

That the case in question involves a labor dispute is patent from the records. In rendering his ruling, the respondent judge himself was

aware that the dispute was the result of an impasse between employer and employees, an impasse cognizable alone by the National Labor Relations:

This Court agrees in toto with the defendants that it has no jurisdiction to decide on the question of legality or illegality of strikes and lockouts, inasmuch as the power to decide on said legal question properly belongs to the National Labor Relations Commission, Ministry of Labor. There is no shadow of a doubt that defendants are workers or employees of plaintiff Belyca Corporation and likewise it is undisputed that their demands for increase of wages, reinstatement and other demands fall within the exclusive original jurisdiction of the National Labor Relations Commission or Labor Arbiters of the Ministry of Labor.<sup>[8]</sup>

The respondent judge can not enjoin acts carried out as a consequence of the strike without unavoidably ruling on the legality of the strike itself. (“The strike can continue. It does not mean that this Court has ruled on the legality or illegality of the said strike.”)<sup>[9]</sup> To say indeed that the workers had obstructed free passage to the strike-bound firm, is, by necessity, to say that the strike was illegal, notwithstanding the judge’s own words of caution (that he was not ruling on the legality or illegality of the strike). For under the Labor Code:

(E) No person engaged in picketing shall commit any act of violence, coercion, or intimidation or obstruct the free ingress to or egress from the employer’s premises for lawful purposes, or obstruct public thoroughfares.<sup>[10]</sup>

This is clear from his very order:

This provision of law is cited in order to guide the defendants that their demands from their employer should be made in lawful, friendly and diplomatic manner and they should never resort to force, violence and intimidation or they should not apply the law of jungle, and should instead apply the law of the land. Defendants are hereby advised to ventilate their demands for increase of wages, reinstatement and the like, in a lawful and diplomatic manner in the

proper forum which is the National Labor Relations Commission, Ministry of Labor. The defendants are likewise advised to have a diplomatic conference with the management of plaintiff-corporation in order that their demands can be ventilated and heard in a lawful, friendly and diplomatic manner. The philosophy of this step is to avoid trouble, disorder, chaos and bloodshed which are unwarranted and unnecessary among educated and civilized people like the defendants and officers of plaintiff-corporation.<sup>[11]</sup>

What is even clearer is the fact that in labor cases, injunction itself stands as an exceptional remedy. It does not lie save in those cases as the Labor Code provides. Thus:

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.<sup>[12]</sup>

The provisions referred to are as follows:

(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. Provided, That no temporary injunction against the commission of acts prohibited under Article 265 of this Code shall be issued by the Commission, except after due notice and hearing and in accordance with its rules: Provided, further, That any ex parte restraining order issued by the Commission, or its Chairman or Vice Chairman when the Commission is not in session and as may be prescribed by its rules, shall be valid for a period not exceeding twenty (20) days: Provided, finally, That the receipt of evidence for the application of a writ of injunction may be delegated by the Commission to any of its Labor Arbiters who shall, in cases where the parties are not residents of Metro Manila, conduct such hearings in such places as he may determine to be accessible to the parties and its witnesses and shall submit thereafter his recommendation to the Commission.<sup>[13]</sup>

(g) When in his opinion there exists a labor dispute causing or likely to cause strikes or lockouts adversely affecting the national interest, such as may occur in but not limited to public utilities, companies engaged in the generation or distribution of energy, banks, hospitals, and export-oriented industries, including those within export processing zones, the Minister of Labor and Employment shall assume jurisdiction over the dispute and decide it or certify the same to the Commission for compulsory arbitration. Such assumption or certification shall have the effect of automatically enjoining the intended or impending strike or lockout as specified in the assumption or certification order. If one has already taken place at the time of assumption or certification, all striking or locked out employees shall immediately return to work and the employer shall immediately resume operations and readmit all workers under the same terms and conditions prevailing before the strike or lockout. The Minister may seek the assistance of law enforcement agencies to ensure compliance with this provision as well as with such orders as he may issue to enforce the same.

The foregoing notwithstanding, the President of the Philippines shall not be precluded from determining the industries where in his opinion labor disputes may adversely affect the national interest, and from intervening at any time and assuming jurisdiction over any labor dispute adversely affecting the national interest in order to settle or terminate the same.<sup>[14]</sup>

The fact that the poultry and piggery maintained by the private respondent required close care and attention does not warrant the respondent judge's assumption of jurisdiction. It did not confer on him the competence he did not have. Jurisdiction is vested by law and not by the demands of emergency.<sup>[15]</sup>

This is not, of course, to say that the strike in question was, ergo, legal. As we said, concerted acts of labor are the domain of the labor officials, not the judiciary. Assuming, then, that the private respondent had cause for complaint — and that the strike was illegal

or had become illegal as a result of the strikers' resort to illegal acts — the courts are not the proper forum for it.

The gross haste, furthermore, with which the challenged TRO was issued (it was issued on the same day the complaint was filed) — and based on the bare word alone of Belyca (that the strikers had behaved unlawfully in the course of the strike) — has not eluded this Court. This is a grave abuse of discretion. Plainly, it denied the workers due process of law.

It is likewise a serious abuse of discretion on the part of the respondent judge to extend such a TRO. Under the Rules of Court as amended,<sup>[16]</sup> a TRO has a non-extendible lifetime of twenty days (that is, assuming that the TRO itself was valid) upon the expiration of which, it dies a natural death. (In this case, the respondent judge extended the life of the TRO to fifty (50) days — from August 13, 1986 to October 2, 1986 — as stated in the order itself.) If a writ of preliminary injunction is granted, the writ then takes its place. But it cannot substitute for the writ (if one is not granted within the twenty-day period) by the simple expedient of “extending” its life. The issuance of “perpetual” TROs was precisely the motivating factor behind the amendment of the Rules. In *Dionisio vs. Court of First Instance of South Cotabato, Branch II*,<sup>[17]</sup> we thus said:

The above-quoted amendatory provision (BP 224) was adopted as a reaction against the indiscriminate issuance of ex parte preliminary injunctions which, not infrequently, converted the writ from an instrument in furtherance of justice to a shield for injustice. Thereunder, in no case may a preliminary injunction be issued without notice. The rule is absolute. Nevertheless, if it appears that great or irreparable injury would result to the applicant before his application for preliminary injunction could be heard on notice, the judge could issue a temporary restraining order with a limited life of 20 days from date of issue. If before the expiration of the 20-day period, the application for preliminary injunction is denied, the temporary restraining order would thereby be deemed automatically vacated. But if no action is taken by the judge on the application for preliminary injunction within the said 20 days, the temporary restraining order would automatically expire on the

20th day by the sheer force of law, no judicial declaration to that effect being necessary. Thus, by the terms of Batas Pambansa Blg. 224, a temporary restraining order can no longer exist indefinitely; it has become truly temporary.<sup>[18]</sup>

Neither can we countenance the respondent judge's resort to military assistance in order to implement his order. It diminishes in no small measure the rights of the workingman enshrined in the Constitution.<sup>[19]</sup>

To permit, furthermore, the issuance of a TRO founded on management's concern for animals (or other properties of the firm) is to open posterns behind the ban (or regulation) of injunction under the Labor Code, and to frustrate the right to strike itself, since a strike is designed precisely to stop the wheels of the factory. In any event, the Code has left the discretion to the Secretary of Labor to determine which strikes are subject to injunction and State intervention.<sup>[20]</sup> The courts, to reiterate, have no business interposing their intruding finger.

What has become increasingly apparent is the fact that the respondent judge had allowed himself to be the private respondent's instrument, witting or unwitting, in its (the private respondent's) effort to counter the impact of the strike. This is evident from the orders now complained of *Res ipsa loquitur*.<sup>[21]</sup> But let, likewise, the counsels for the respondent firm be reprimanded for what would appear as an attempt on their part to manipulate the courts and the court processes.

**WHEREFORE**, the petition is **GRANTED**. The orders, dated July 24, 1986, August 14, 1986, and August 19, 1986 are hereby declared **NULL AND VOID**. Costs against the private respondent.

**SO ORDERED.**

**Melencio-Herrera, Paras, Padilla and Regalado, JJ., concur.**

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[1] Rollo, 26.

[2] Id.

- [3] Id., 41.
- [4] Batas Blg. 227, sec. 2, amending Pres. Decree No. 442, art. 217.
- [5] Pres. Decree No. 442, supra, art. 128, par. (b), as amended by Exec. Order No. 111 (December 24, 1986).
- [6] G.R. No. 33910, August 19, 1988, per Melencio-Herrera, J.
- [7] Supra, 4-5.
- [8] Rollo, id., 18.
- [9] Id., 18-19.
- [10] Batas Blg. 227, supra, sec. 6.
- [11] Id., 19.
- [12] Supra, sec. 4.
- [13] Supra, sec. 3.
- [14] Supra, sec. 5.
- [15] See Zaldivar vs. Gonzalez, G.R. Nos. 79690-707; 80578, May 19, 1988.
- [16] RULES OF COURT, Rule 58, sec. 5, as amended by Batas Blg. 224.
- [17] No. L-61048, August 17, 1983, 124 SCRA 222.
- [18] Supra, at 226.
- [19] Rollo, id., 17-A.
- [20] Pres. Decree No. 442, art. 264, par. (g), as amended by Batas Blg. 227, sec. 5, supra.
- [21] See People vs. Valenzuela, Nos. L-63950-60, April 19, 1985, 135 SCRA 712.