

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
SECOND DIVISION**

**DOMINADOR BASAYA, JR.,
FLORENCIO ABELLA, DOMINADOR
ORDINEZA, FLORO ROSALEJOS,
PABLO PADILLA, ELVIN ELISORIO,
PATRICIO GUTIB, JOSE LEOPOLDO,
HONORATO SININA, EFREMIO
CATUBAY, RAUL DE REAL, VIRGINIO
ALEGRIA, EDUARDO BULAK,
BALTAZAR DACARA, DIOSDADO
REAL, MICHAEL DUMALAGAN,
RAMON FLORES, WILFREDO
BACATAN, PEDRO CANAZARES,
LUCIFERO PESQUERA, FLORENTINO
DURAN, CATALINO TIENGCO,
EDUARDO CABRERA, and RENATO
ANTONINO,**

Petitioners,

-versus-

**G.R. No. L-75837
December 11, 1987**

**HON. FRANCIS MILITANTE, President
Judge, Regional Trial Court, 7th
Judicial Region, Branch XII, Cebu City,
and PHILIPPINE TUNA VENTURES,
INC.,**

Respondents.

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DECISION

MELENCIO-HERRERA, J.:

In this Petition for Review on Certiorari, petitioners challenge the assumption of jurisdiction by Respondent Judge of the Regional Trial Court of Cebu City, Branch XII, over a complaint for Replevin filed by private respondent, Philippine Tuna Ventures, Inc. against petitioners, upon the allegation that it is intertwined with a labor dispute so that exclusive jurisdiction belongs to the National Labor Relations Commission (NLRC).

Respondent Philippine Tuna Ventures, Inc. (TUNA, Inc., for short), is the charterer of the fishing vessel, the F/B Caribbean (hereinafter referred to simply as the Vessel). TUNA, Inc. has been operating this Vessel in its deep-sea fishing business since 1977 together with eight (8) other fishing boats. Sometime in 1985, TUNA, Inc. transferred the operation of the Vessel to a sister corporation, the Eastship Fishing Corporation (Eastship, for brevity). Petitioners, twenty-four (24) in all, constitute the crew of the Vessel, with petitioner Dominador Basaya, Jr., as its Captain.

On 9 July 1986, TUNA, Inc. sought the remedy of Replevin (the Replevin Case) against petitioners before the Regional Trial Court presided over by Respondent Judge, praying that petitioners (defendants in that case) be ordered to deliver to it the possession of its Vessel, which petitioners were allegedly possessing in violation of its rights.

In their defense below petitioners maintained that they were in possession of the Vessel as its crew; that their possession is “an extension of the possession of the plaintiff over the Vessel” and that to deprive them of its possession by a Writ of Replevin would amount to an illegal termination of their employment.

On 10 July 1986, the Writ of Replevin was ordered issued upon TUNA, Inc.’s filing of a bond in the amount of P2M. The Sheriff served the Writ on petitioners on 12 July 1986 and they disembarked

from the Vessel in the evening of that day. However, after about an hour, they re-embarked and re-took possession.

On 29 August 1986 judgment was rendered in the Replevin Case declaring TUNA, Inc. to have a better right to the possession of the Vessel and ordering petitioners to immediately deliver possession thereof.

On 15 September 1986 petitioners resorted to this appeal by certiorari on a question of law with a prayer for a restraining order.

On 17 September 1986 we issued a Temporary Restraining Order enjoining respondents from enforcing the judgment in the Replevin Case or any Writ of Execution issued therein.

The only issue for resolution is whether or not the Trial Court had jurisdiction to hear and decide the Replevin Case.

Said Court upheld its jurisdiction and ruled, as heretofore stated, that the charterer, TUNA, Inc., has a better right to the possession of the Vessel and ordered petitioners to immediately deliver possession.

In this Petition, petitioners argue that the Trial Court erred in:

“I. Assuming a split jurisdiction over the civil rights of the respondent corporation to possess the vessel F/B Caribbean and oust the petitioners-appellants separately from the labor rights of the petitioners-appellants to be protected from their sudden arbitrary ouster from their positions in the said vessel as crew members and officers thereof.

“II. Holding that the legal responsibility of the respondent, Philippine Tuna Ventures, Inc. as the employer of the petitioners-appellants has been transferred to Eastship Fishing Corporation.

“III. Assuming jurisdiction over this case which involves the labor violation of unfair labor practice committed by the respondent Phil. Tuna Ventures, Inc. and which, therefore,

appertains to the exclusive jurisdiction of the National Labor Relations Commission.

It appears that on 26 June 1986, petitioners had presented to the management of TUNA, Inc., a set of labor demands; that on 28 June 1986 they had informed Eastship that they would not move the Vessel to any destination until their demands were met; that on 2 July 1986 TUNA, Inc., had applied for a “shut-down” or closure allegedly due to business losses; that on 8 July 1986 Eastship filed with the National Labor Relations Commission, Regional Office No. 7, Cebu City, a Petition to declare petitioners’ strike illegal; and that on 8 August 1986, petitioners instituted a Complaint for Unfair Labor Practice against TUNA, Inc. and Eastship. Incidentally, petitioners allege that they are not on strike.

Developments subsequent to the judgment in the Replevin Case also disclose that on 18 November 1986, in NLRC Injunction Case No. 1270 entitled Eastship Fishing Corporation vs. Concerned Seamen of the Philippines, the NLRC issued an Injunction Writ enjoining petitioners from blocking the free ingress and egress to the Vessel and seven (7) other fishing boats and to disembark from and vacate the Vessel without prejudice to the exercise of their right to lawful and peaceful picketing; that on 28 November 1986, the NLRC Sheriffs attempted to enforce the Injunction but petitioners refused to comply thereby compelling the NLRC on the same date to seek the assistance of the Philippine Constabulary and the Philippine Coast Guard; that it was only on 11 December 1986, after a series of refusals, that petitioners left the Vessel peacefully only to retake possession on 16 December 1986.

An ocular inspection on 10 January 1987 by Eastship disclosed that petitioners were still in possession.

Upon the facts and issue involved, we uphold the jurisdiction of the Civil Court.

Replevin is a possessory action, the gist of which is the right of possession in the plaintiff. The primary relief sought therein is the return of the property in specie wrongfully detained by another person. It is an ordinary statutory proceeding to adjudicate rights to

the title or possession of personal property (Francisco, The Revised Rules of Court, Provisional Remedies, 1985, p. 386, citing 46 Am. Jur. 7). The question of whether or not a party has the right of possession over the property involved and if so, whether or not the adverse party has wrongfully taken and detained said property as to require its return to plaintiff, is outside the pale of competence of a labor tribunal; it is beyond the field of specialization of Labor Arbiters.

The Trial Court, therefore, rightfully assumed jurisdiction over the Replevin Case and aptly held that, as charterer of the Vessel, TUNA, Inc. has the better right of possession and that petitioners' alleged right to possess the Vessel as the crew thereof is not in any way superior to the right of TUNA, Inc. as such charterer or lessee.

The labor dispute involved is not intertwined with the issue in the Replevin Case. The respective issues raised in each forum can be resolved independently of the other. In fact, on 18 November 1986, the NLRC in the case before it had issued an Injunctive Writ enjoining petitioners from blocking the free ingress and egress to the Vessel and ordering petitioners to disembark and vacate. That aspect of the controversy is properly settled under the Labor Code. So also with petitioners' right to picket. But the determination of the question of who has the better right to take possession of the Vessel and whether petitioners can deprive the Charterer, as the legal possessor of the Vessel, of that right to possess is addressed to the competence of Civil Courts.

In thus ruling, this Court is not sanctioning split jurisdiction but defining avenues of jurisdiction as laid down by pertinent laws.

The Court takes note that petitioners have defied not only the Writ of Replevin issued by the Civil Court but also the Injunction ordered by the NLRC. Petitioners must be reminded that rights are not their exclusive prerogative but are enjoyed by others as well. They must yield to the rule of law and not rely on the law of force, specially where adjudicative bodies and Courts have ruled upon the merits of their claims although adversely to them.

WHEREFORE, the judgment under review is hereby **AFFIRMED** and petitioners are hereby **ORDERED** to disembark from the F/B

Caribbean and to turn over possession of said vessel to private respondent Philippine Tuna Ventures, Inc., without prejudice to the continued prosecution of their demands for labor benefits before the labor tribunal, which will surely be protective of their just deserts. The Temporary Restraining Order issued by this Court on 17 September 1986 is hereby **LIFTED**. Treble costs against petitioners.

This judgment is immediately executory.

SO ORDERED.

**Yap, J., (Chairman), Paras, Padilla and Sarmiento, JJ.,
concur.**