

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**KAISAHAN NG MGA MANGGAGAWA
SA LA CAMPANA,**

Petitioner,

-versus-

**G.R. No. L-30798
November 26, 1970**

**THE HON. WALFRIDO DE LOS
ANGELES as Presiding Judge of Branch
V, Court of First Instance of Rizal,
Quezon City Branch, and LA CAMPANA
FOOD PRODUCTS, INC.,**

Respondents.

X-----X

DECISION

CASTRO, J.:

This is an original Petition for *Certiorari*, Prohibition and Injunction with Preliminary Injunction to oust the Court of First Instance of Quezon City of jurisdiction to try, hear and decide civil case Q-12580, which is an action for annulment of sale with preliminary injunction filed by the respondent La Campana Food Products, Inc.

The present litigation evolved out of a labor dispute that arose way back in 1951 between the petitioner Kaisahan Ng Mga Manggagawa

Sa La Campana (hereinafter referred to as the Kaisahan), on the one hand, and the La Campana Coffee Factory, Inc. and a certain Tan Tong, who was then doing business under the name of La Campana Gaugau Packing, on the other. In that dispute, the jurisdiction of the Court of Industrial Relations (CIR) to take cognizance of the case against the coffee corporation was posed in issue before us on the ground that the 30-complainants rule prescribed by Commonwealth Act 103 was not complied with, there being then only 14 persons employed in the coffee factory, only 5 of whom were members of the Kaisahan and that, moreover, the permit of the union was suspended by the Secretary of the Department of Labor.^[1]

Holding that the CIR had jurisdiction to entertain the case, we said, with reference to the first point raised, that:

“This contention loses force when it is noted that, as found by the industrial court — and this finding is conclusive upon us — La Campana Gaugau Packing [which was the business name and style used by Tan Tong as proprietor of this particular investment] and La Campana Coffee Factory, Inc., are operating under one single management, that is, as one business though with two trade names. True, the coffee factory is a corporation and, by legal fiction, an entity existing separate and apart from the persons composing it, that is, Tan Tong and his family. But it is settled that this fiction of law, which has been introduced as a matter of convenience and to subserve the ends of justice cannot be invoked to further an end subversive of that purpose.”

We then remanded the case for trial by the CIR, where subsequently other allied cases involving the same litigants arose and were jointly heard.^[2]

On May 16, 1956, however, while those cases were pending adjudication, Ramon Tantungco (or Tan Tong) died, for which reason, the Kaisahan moved for the inclusion of Ricardo Tantungco, who was appointed administrator of the estate of the deceased, as party defendant. After the CIR granted this motion, Ricardo Tantungco asked the said court to dismiss the case then pending against the La Campana Gaugau Packing and the La Campana Coffee

Factory, Inc., on the ground that they were mere money claims that should be filed with the probate court having jurisdiction over the estate of Ramon Tandongco.

Meanwhile, on November 12, 1956, the CIR rendered a partial decision in the main case between the parties, the dispositive portion of which reads as follows:

“IN VIEW OF THE FOREGOING, the Court finds the management of the respondent La Campana Starch & Coffee Factory [the name by which the Kaisahan chose to refer to the coffee corporation and the gaugau packing factory] guilty of unfair labor practice under Section 5 of Commonwealth Act No. 312, and for having dismissed the said workers and admitted new ones, without first securing authority from this Court.”

This decision was followed, on February 18, 1957, by another order, relative to the other allied cases, directing the management of the La Campana Gaugau Packing and the La Campana Coffee Factory, Inc. (or, as referred to by the Kaisahan, the La Campana Starch and Coffee Factory) as well as the administrator of Ramon Tandongco’s estate to reinstate the laborers therein mentioned, with back wages.

This order of February 18, 1957 and the previous order of the CIR impleading Ricardo Tandongco (as administrator of the estate of Ramon Tandongco) as party-defendant. were appealed to this Court by certiorari in G.R. L-12355, but this appeal was summarily dismissed by minute resolution of June 12, 1957.

On August 10, 1957, due to the termination of the intestate proceedings re the estate of Ramon Tandongco, Ricardo Tandongco, acting as representative of the legal heirs of the deceased, wrote a letter to the employees of the La Campana Starch Packing with address at 74-76 Luskot Street, Quezon City, notifying them that the “LA CAMPANA STARCH PACKING, which is the business name used in connection with all the business of the deceased Don Ramon Tandongco, is now to be closed on Saturday, September 14, 1957, on the ground that the Intestate Estate Proceedings of the deceased Don Ramon Tandongco, under Special Proceedings No. Q-1879 of the Court of First Instance of Quezon City is already closed.”^[3]

On August 13, 1957, the Kaisahan petitioned the CIR for the execution of its decision of February 18, 1957. Ricardo Tantonco, however, refused to comply with the writ subsequently issued which directed him and/or the management of the coffee corporation and the starch packing factory to reinstate the workers affected in the case and deposit with the CIR the latter's back wages which then amounted to P65,534.01, contending that he was no longer the administrator of the estate of Ramon Tantonco. For his refusal, the Kaisahan sought to have Ricardo Tantonco declared in contempt of court. The latter thereupon filed a petition for certiorari and prohibition with this Court for the purpose of enjoining the CIR from proceeding with the hearing of the contempt proceedings against him. We, however, denied his petition on September 22, 1959, in the following terms:

“In conclusion, we find and hold that the La Campana Starch and Food Products Company which stands for the La Campana Starch and Coffee Factory are entities distinct from the personality of Ramon Tantonco; that after the death of Ramon these two entities continued to exist and to operate under the management of petitioner [referring to Ricardo Tantonco] and that consequently he is the proper person and official to which the orders of the CIR are addressed and who is duty bound to comply with the same.”^[4]

Then, on February 11, 1960, the Kaisahan filed an ex parte motion for the issuance of a writ of execution as prayed for in its motion of August 13, 1957. In this motion, the Kaisahan also sought to have the name of “La Campana Food Products, Inc.” included in the writ, alleging that “the name of the respondent company [obviously referring to the La Campana Starch and Coffee Factory] has been changed to La Campana Food Products, Inc.” Ricardo Tantonco and the La Campana Food Products, Inc. came to know of this motion of the Kaisahan, however, and accordingly filed a joint opposition thereto, the former reiterating that he was no longer the administrator of the estate of Ramon Tantonco, and the latter, on the ground that it is a “corporation duly organized under and by virtue of the laws of the Philippines sometime on January 31, 1953 and had acquired a juridical personality distinct and separate from

other entities, particularly the La Campana Starch and Coffee Factory.”

Acting on the motion of the Kaisahan, the Acting Clerk of the CIR issued, on March 8, 1960, the writ of execution prayed for. Pursuant thereto, the Sheriff of Quezon City, on March 10, 1960, levied upon eleven trucks which were claimed by La Campana Food Products, Inc. as its properties. Before the Sheriff could effectuate the execution of the judgment, however, Ricardo Tantongco and the La Campana Food Products, Inc., filed a petition for prohibition with preliminary injunction with the CFI of Quezon City to enjoin the said execution, on the basis of which, on March 11, 1960, the CFI issued a temporary restraining order. On December 13, 1960, by virtue of this restraining order, the Sheriff of Quezon City returned the writ unsatisfied.

In the meantime, on November 10, 1960, the Kaisahan filed with this Court a petition to declare the Court of First Instance of Quezon City without jurisdiction to issue a writ of preliminary injunction and prohibition against the CIR. On July 20, 1961, we held in this case that as the CIR is equal in rank to the CFI, the latter cannot issue this kind of writs against the former.^[5]

Before our decision in the above-mentioned case was rendered, however, the Kaisahan filed another motion for an alias writ of execution with the CIR for the enforcement of its orders of February 18, 1957 and September 30, 1957 which motion was granted by May 13, 1961. Pursuant thereto, the Sheriff of Quezon City, on July 28, 1961, levied upon six motor vehicles which were, again, claimed by the La Campana Food Products, Inc. to be its properties. The Sheriff scheduled the sale of these vehicles on August 5, 1961, ignoring the protest of the La Campana Food Products, Inc.

On August 1, 1961, Ricardo Tantongco and the La Campana Food Products, Inc., to forestall the sale, filed a petition for certiorari, prohibition and injunction with this Court to declare the writ of execution issued on March 8, 1960 by the Acting Clerk of the CIR and the alias writ of execution issued on July 5, 1961 by the CIR null and void.^[6] Ricardo Tantongco argued that as under our decision in L-13119, promulgated September 22, 1959, supra, the deceased Ramon Tantongco was declared not a party respondent to the cases pending

before the CIR, filed by the Kaisahan, therefore, the aforesaid writs should not be directed against him. On the other hand, the La Campana Food Products, Inc. contended that it was never a party respondent in any of these cases and hence should not also be made to respond to the CIR's decision in said cases.

On August 3, 1961, we resolved this petition as follows:

“After a study of the allegations of the petition for certiorari, prohibition and injunction filed in case L-18671 (La Campana Food Products, Inc., et al. vs. Hon. S. Bautista, etc., et al.), with prayer for preliminary injunction, IT IS FOUND that the petition should be, as it is hereby, DISMISSED for lack of merit.”

Meanwhile, on the same date that the above decision was rendered, the Development Bank of the Philippines filed a third-party claim to the assets of the La Campana Food Products, Inc., on the basis of a mortgage loan to the said entity. On May 31, 1963 the CIR en banc, reversing an order of its Presiding Judge, ruled that the lien of the DBP, as a third-party claimant, should be respected, and that the complainants (referring to the members of the Kaisahan) should post a bond in order to effect the sale of the panel trucks which were registered in the name of the La Campana Food Products, Inc. to protect the rights of the DBP.

On October 27, 1965, the CIR, upon motion of the Kaisahan, issued an order allowing the issuance of a writ of execution against the La Campana Starch and Coffee Factory and Ricardo Tantongco, as administrator of the estate of the deceased Ramon Tantongco. Pursuant thereto, a writ of execution was issued on January 25, 1966. The Kaisahan, however, later moved for the amendment of the writ, specifically praying for the “enclosure of La Campana Starch and Coffee Factory, La Campana Gaugau Packing Co., La Campana Coffee Factory, Inc., La Campana Food Products, Inc. and/or Ricardo Tantongco as the parties against whom the reliefs and remedies delineated in the writ should be directed and implemented.” This motion was granted by the CIR on July 3, 1967, and, pursuant thereto, the Clerk of Court on August 1, 1967, issued an amended writ of execution the pertinent portion of which reads as follows:

“NOW, THEREFORE, you are hereby commanded to go to the premises of the respondents LA CAMPANA STARCH AND COFFEE FACTORY, LA CAMPANA GAUGAU PACKING COMPANY, LA CAMPANA COFFEE FACTORY, INC., LA CAMPANA FOOD PRODUCTS AND/OR RICARDO TANTONGCO at 74-76 Luskot, Quezon City and 1326 E. de los Santos Avenue, Quezon City and reinstate the petitioners NATIVIDAD MANAHAN, ELIODORA WAYAN, NATIVIDAD WAYAN, TEOFILA MALINAO, ANASTACIO CARINGAL, TRINIDAD JUNTILA, TRINIDAD ESTRADA, REMEDIOS REFUGIA, ZACARIAS MALINAO, LORETA BERNABE, BONIFACIO CALDERON, MARCELO ESTRADA, EXEQUIEL RAPIZ, GERONIMO GALLARDES, ELISEO ABARDALOSA, RAMONA UY, SALVADOR RICO, HERMOGENA GERONIMO, GENARO LIGUATAN, ANITA RUBELLOS and TIMOTEO FORONDA to their former jobs or equivalent positions. You are hereby further commanded to collect from said respondents the amount of P65,534.01 awarded in Case No 584-V(1), the amount of P61,770.77 plus P65,006.50 representing the back wages of the workers in Case No. 584-V from June 16, 1951 to February 28, 1963, and the amount of P63,588.00 representing back wages of the workers involved in Cases Nos. 584 V(1), 584-V(3), 584-V(5) and 584-V(6) from August 1, 1957 to August 31, 1962, and to turn over the said amounts to this Court for its further disposition. You must, likewise, require respondents to sign a statement showing that the above-named petitioners in these cases have in fact been reinstated.

“Furthermore, you are hereby directed to return this Writ within fifteen (15) days from compliance therewith, together with your corresponding report.”

In compliance with the above writ, the Sheriff of Quezon City levied upon several parcels of land (claimed by La Campana Food Products, Inc. to be exclusively registered in its name) and scheduled their sale at public auction on November 10, 1967.

On November 9, 1967, one day before the scheduled sale, the La Campana Food Products, Inc. filed With the CIR an urgent motion for

reconsideration of its order of July 3, 1967 on the ground that it was issued without due process of law as it was made to apply to the La Campana Food Products, Inc. which was never a party in any of the cases mentioned in the said writ. It also asked that the projected sale be restrained.

Pending study of the merits of the motion of the La Campana Food Products, Inc., the CIR stayed the prospective sale. Thereafter, on January 10, 1968, the CIR en banc denied the said motion for reconsideration, holding that the La Campana Food Products, Inc. "has been, a contemplation of law as well as by judicial pronouncement particularly in the light of the Supreme Court's resolution in G.R. No. L-18671 dated August 3, 1961 dismissing for lack of merit La Campana's petition to enjoin the sale of its assets under the writs of March 8, 1960 and July 5, 1961, a respondent in the cases at bar whose asset can legally be subjected to execution." The CIR likewise ordered the Sheriff to proceed with the sale of the levied properties.

On June 15, 1968, the company asked this Court to review this decision of the CIR in L-29031, but the petition was denied by this Court in a resolution promulgated on June 25, 1968. The company moved for a reconsideration of this resolution, but subsequently withdrew the same on November 4, 1968, mainly on the ground that "an evidence newly-discovered came into focus and which is believed and hoped to alter or change the final outcome of the instant case."

In the meantime, the La Campana Food Products, Inc., on October 29, 1968, received a Second Notice of Sheriff's Sale dated October 22, 1968 which informed the company that the real properties priorly levied upon in 1967 were to be sold at public auction on November 5, 1968.

On October 30, 1968 the company wrote the Sheriff of Quezon City a letter requesting that the sale be suspended as it had not yet received this Court's decision on its motion for reconsideration in L-29031.

On November 4, 1968, the same day that it withdrew its motion for reconsideration in L-29031, the La Campana Food Products, Inc. filed a motion with the CIR praying for a reopening or new trial of the

cases previously adjudicated. A letter concerning this action of the company was delivered to the Sheriff the following day, with the request that the sale be held in abeyance until it received the decision of the CIR on its motion. The Sheriff, however, went through with the sale just the same on the scheduled date. At the auction, the Kaisahan appeared as the only bidder, and bought the parcels of land for P255,258.88.

Consequently, the La Campana Food Products, Inc. filed a complaint with the Court of First Instance of Quezon City dated November 9, 1968 for annulment of sale with damages with preliminary injunction against the Kaisahan, the Sheriff of Quezon City and the Register of Deeds of Quezon City. On April 19, 1969, pending adjudication on the merits of this complaint, the herein respondent Judge of the Court of First Instance of Quezon City issued an order restraining the Sheriff from issuing a certificate of sale to the Kaisahan and the Register of Deeds from accepting and/or registering any document in connection with the said sale.

The Kaisahan then filed the petition at bar, assailing the jurisdiction of the CFI of Quezon City to take cognizance of the complaint of the La Campana Food Products, Inc., mainly on the ground that a civil court cannot pass upon, alter, correct and/or modify a writ or decree emanating from the Court of Industrial Relations and that the proper forum in which to quash a writ of execution is the very court which issued the writ.

The La Campana Food Products, Inc., one of the respondents herein, contends, on the other hand, that there is nothing specified in its complaint that it seeks to be reviewed and/or reversed by the Court of First Instance, much less any order, decision, mandate or any actuations of the CIR, as it is only the official actuations of the Sheriff in connection with the sale which are questioned in the said CFI.

The La Campana Food Products, Inc. maintains that the questioned sale is null and void, for the following reasons:

- (a) The properties sold were worth P10 million but were sold for the unconscionable price of only P255,258.88.

- (b) The writ did not authorize the sale as the mandate there is merely to reinstate the dismissed employees and collect their backwages and to return the same within 15 days from compliance.
- (c) Even if the sale were authorized by the writ, the Sheriff violated the procedure laid down in Rule 39 of the Rules of Court in that —
 - 1) the sale of November 5, 1968 was beyond the 60-day period effectivity of the writ as provided in Section 11 of Rule 39;
 - 2) the sale made was in violation of Section 18, Rule 39 as the requirement of posting of notices for 20 days in three public places was not complied with, because while the Second Notice of Sheriff's Sale is dated October 22, 1968, the sale actually took place on November 5, 1968, a lapse-period of only 14 days, and the notice, moreover, was posted only at one place;
 - 3) the required newspaper publication was not made because the first and only newspaper publication for the sale was on October 19 and 26 and November 2, 1967 for the sale scheduled on November 10, 1967; no such publication was made for the questioned sale of November 5, 1968; and
 - 4) the Sheriff did not comply with Section 9, Rule 39 of the Rules of Court, that is, he did not attach a certified copy of the judgment to the writ.
- (d) Lastly, there was no valid levy since the lis pendens entered in the titles of its properties is not allowable under the Torrens System and should be stricken out inasmuch as the basis of the same is an amended writ of execution enforcing a judgment for reinstatement of employees and back wages, and not against the titled real properties concerned nor involving the said property (citing Section 79, Act 496;

Section 24, Rule 14, Rules of Court; and Biglang-awa vs. Constantino, L-9965, August 20, 1960).

In the course of the consideration of the instant petition, this Court received a motion to dismiss from the Kaisahan, dated October 2, 1969, ostensibly in representation and on behalf of the aggrieved individual members thereof, on the ground that the parties, that is, the Kaisahan and the La Campana Food Products, had entered into a compromise agreement settling all existing disputes between them. In this agreement, the Kaisahan admits and concedes that (1) the La Campana Food Products, Inc. has a distinct legal personality from the La Campana Starch and Coffee Factory; (2) the award to the Kaisahan by the CIR has no legal validity against the said foods corporation; (3) the said foods corporation was never a party to the proceedings before the CIR in the aforementioned cases; (4) the writ did not authorize the sale of the real properties of the corporation and, as it has already expired, should be declared null and void; (5) the notice of levy of execution (which the respondent corporation prefers to call "lis pendens") annotated on the certificates of title of the properties registered in the name of the La Campana Food Products, Inc. is unlawful and should be cancelled; (6) the CFI of Quezon City has jurisdiction over the annulment case; and (7) the Kaisahan was in default in the court below. The Kaisahan therefore agreed to withdraw the jurisdiction issue now pending before this Court; the respondent company, on the other hand, waives all claims for damages against the union.

On October 22, 1969, the Kaisahan informed this Court through a written manifestation of its incumbent officers that it had terminated the services of Atty. Antonio B. Abad, its counsel of record, and that in view of the compromise agreement between the petitioning union and the respondent company, the Kaisahan is no longer interested in the further prosecution of this case.

On November 15, 1969 some of the laborers directly affected by the adjudications made by the CIR in the aforementioned cases filed a written manifestation with this Court through Atty. Antonio B. Abad whereby they declared that they never authorized the said incumbent officers of the Kaisahan to intervene or represent them in connection

with the said decided labor cases. They, therefore, prayed that the motion to dismiss filed by the union be denied.

On February 23, 1970, for failure of the respondents to submit a reply memorandum as required by us, we considered the present petition submitted for decision.

1. The first material question that confronts us is whether or not the Court of First Instance has jurisdiction over an action predicated upon certain irregularities in procedure allegedly committed by the Sheriff in the sale of certain properties where such sale was made pursuant to a writ of execution issued by the Court of Industrial Relations.

The powers vested by law in the Court of Industrial Relations include those powers that generally pertain to the courts of justice,^[7] and one of those, as stated more concretely by the Industrial Peace Act,^[8] is the power “To control, in the furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a case before it, in every manner appertaining thereto.” Within the framework of the facts heretofore mentioned, the Sheriff of Quezon City was undoubtedly acting solely in his capacity as a ministerial officer of the CIR. If, therefore, he commits any error in the procedure or mode of executing his ministerial duties, the power of control of the CIR over him requires that any question regarding his actuations in executing the court’s order resulting in prejudice to a party litigant should be ventilated with the same court. Were we to sanction the taking by the CFI of jurisdiction over the complaint of the respondent company, we will in effect be curtailing the effective exercise by the CIR of part of its powers vested by law. Such a situation undoubtedly cannot be brought about unilaterally by this Court without express grant of authority by Congress. The proper step, therefore, that the La Campana Food Products, Inc. should have taken, being the party directly liable to respond to the adjudications of the CIR of November 12, 1956 and February 18, 1957 — its liability thereunder having been finally determined in the decision of the said court dated January 10, 1968 and affirmed by us in G.R. L-29031, promulgated on June 25, 1968

— was to file with the CIR either a motion or a separate action to set aside the said execution sale.^[9]

2. We now come to the motion to dismiss filed by the petitioner union with this Court on October 2, 1969 in relation to its written manifestation of October 22, 1969.

In our view, the compromise agreement submitted by the petitioner union as basis for the motion to dismiss is not a proper ground for the dismissal of the present petition, nor does it bar the prevailing individual members of the Kaisahan from asking for the enforcement of the above-mentioned adjudications of the CIR. The admissions made by the Kaisahan through its incumbent officers are pure matters of law which only the courts can determine with conclusive effect. Indeed, some of the admissions contained therein have already been finally adjudicated in the previous related controversies between the parties. Thus, the admission by the Kaisahan that the La Campana Food Products, Inc. has a distinct legal personality from the La Campana Starch and Coffee Factory can no longer be compromised since as determined by us in *La Campana Coffee Factory, Inc. vs. Kaisahan Ng Mga Manggagawa Sa La Campana* (93 Phil. 161), the gaugau or starch factory which is known as the 1a Campana Gaugau Packing and managed by Tan Tong as sole proprietor is, for purposes of the claim of the Kaisahan, not a business entity separate and distinct from the La Campana Coffee Factory, Inc.; and as decided by the CIR in its resolution dated January 10, 1968 and affirmed by us in *Kaisahan Ng Mga Manggagawa Sa La Campana vs. La Campana Starch and Coffee Factory, Inc., et al.* (L-29031, June 25, 1968), the assets of the La Campana Food Products, Inc. can legally be subjected to execution under the CIR's adjudications of November 12, 1956 and February 18, 1957. Indeed, our own examination of the records of L-29031 shows that the name "La Campana Food Products, Inc." came about only by virtue of an amendment of the articles of incorporation of the La Campana Coffee Factory, Inc. filed with the Securities and Exchange Commission on March 23, 1953, by virtue of which the name of the La Campana Coffee Factory, Inc. was changed to La Campana Food Products, Inc.

The other admissions made by the Kaisahan in the said agreement, to wit, that the notice of levy of execution was unlawful and that the CFI of Quezon City has jurisdiction over the annulment case filed by the corporation, are matters which the union cannot determine for itself since whether or not the said levy of execution was unlawful depends on what the courts applying the law will have to say about that issue; and, on the other hand, as to the jurisdiction of the CFI over the annulment case, the same cannot plainly be conferred by the Kaisahan upon the said court since only Congress can determine, apart from what the Constitution provides, which court has what jurisdiction over what matters and subjects. Moreover, as we have stated earlier, the CFI of Quezon City has no jurisdiction to take cognizance of the said annulment case.

The said compromise agreement, therefore, cannot be considered binding against the Kaisahan. For the same reason, the corporation cannot also be considered bound by its pledge to waive its claim for damages, if there be any due from the union arising out of the sale of the corporation's properties.

Regarding the union's manifestation that it is no longer interested in the prosecution of the case against the La Campana Food Products, Inc., suffice it to say that, as held by us in a case decided recently,^[10] this is not a sufficient reason for dismissing the claim of the union against the employer. "The labor union as a body in reality has not so great a material interest in the controversy as would prejudice it in the event of dismissal." It is, indeed, the prevailing union members for whose benefit the unfair labor practice case was prosecuted to a successful conclusion who stand to suffer tremendous losses.

The recognition of the right of working men to join, or assist in the formation of, an association for the purpose of demanding reasonable concessions from their employer, and of their legitimate aspiration to work and live decently, did not come by an Aladdin's lamp. No greater perfidy can be conceived than that after a union has emerged victor in a bitterly-fought struggle, its officers, by the simple expedient of a stroke of the

pen, become particeps criminis in the betrayal of the union's aggrieved members.

3. As to the termination of the services of Atty. Antonio B. Abad to represent the Kaisahan in the present case and in any subsequent case in which the Kaisahan may be involved against the La Campana Food Products, Inc., it must be emphasized that the laborers in whose favor the decisions of the CIR were rendered and which are now final and executory, manifested to this Court that they never authorized the incumbent officers of the Kaisahan to intervene or represent them in connection with the said decided labor disputes. In view of the lack of interest of the Kaisahan which is acting as a representative party for and in behalf of its members, to face the La Campana Food Products, Inc. in court for the final settlement of the said decided labor cases, the proper procedure to follow in any related cases that may arise as a result of the said decisions, is for the affected laborers to be made parties thereto in accordance with Section 3, Rule 3 of the Rules of Court.

ACCORDINGLY, the respondent Court of First Instance of Quezon City, being without jurisdiction to try, hear and decide civil case Q-12580, is hereby directed forthwith to dismiss the said case; and the compromise agreement between the Kaisahan and the La Campana Food Products, Inc. is hereby declared null and void. Costs against the La Campana Food Products, Inc.

**Concepcion, C.J., Reyes, Makalintal, Zaldivar, Fernando, Teehankee, Barredo and Villamor, JJ., concur.
Dizon and Makasiar, JJ., are on official leave.**

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- [1] La Campana Coffee Factory, Inc. vs. Kaisahan Ng Mga Manggagawa sa La Campana, L-5677, May 25, 1953, 93 Phil. 161, 165.
 - [2] Ricardo Tantongco vs. Kaisahan Ng Mga Manggagawa sa La Campana, L-13119, Sept. 22, 1959, 106 Phil. 199, 202.
 - [3] Annex B of "Additional Arguments to Urgent Motion for Reconsideration of the Order of July 3, 1967, etc., Filed by the Third Party Claimant, Dated November 8, 1967" dated November 20, 1967, filed by the La Company Food Products, Inc. and forming part of the records in L-29031, June 25, 1968. A

similar notice (Annex E. Ibid.) was also sent to the City Treasurer of Quezon City. This letter captioned “La Campana Starch Packing” with address at 74-76 Luskot St., España Extension, Quezon City reads in part as follows: “This is to inform you that the business conducted under the business name and style of LA CAMPANA STARCH PACKING with factory and business address at 74-76 Luskot St., Q.C. and owned and operated by the deceased, Ramon Tantongco which was inherited by all his legal heirs, will close its business on or about September 14, 1957.”

- [4] Ricardo Tantongco vs. Kaisahan Ng Mga Manggagawa Sa La Campana, et al., L-13119, Sept. 22, 1959, 106 Phil. 199, 206.
- [5] Kaisahan Ng Mga Manggagawa Sa La Campana (KKM) vs. Hon. Hermogenes Caluag, et al., L-17692, July 20, 1961, 2 SCRA 806.
- [6] La Campana Food Products, Inc., et al. vs. Hon. Jose S. Bautista, et al., L-18671, August 3, 1961.
- [7] See Section 20, C.A. 103.
- [8] See Section 5(e), R.A. 875 in relation to Section 5, Rule 135 of the Rules of Court.
- [9] See Jalandoni vs. Ledesma, et al., 64 Phil. 1058 (1936); Hamoy vs. Batingalo, L-18119, August 30, 1962.
- [10] La Campana Food Products, Inc. vs. CIR, L-27907, May 22, 1969, 28 SCRA 314, 328.