

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
SECOND DIVISION**

**TRADE UNIONS OF THE PHILIPPINES
& ALLIED SERVICES LOCAL CHAPTER
NO. 1158 (SUPER GARMENTS
MANUFACTURING CORPORATION
WORKERS UNION),**

Petitioner,

-versus-

**G.R. No. 71959
November 28, 1985**

**HON. JOSE L. COSCOLLUELA, JR.,
PRESIDING JUDGE OF BRANCH
CXLVI REGIONAL TRIAL COURT OF
MAKATI AND RUSTAN COMMERCIAL
CORPORATION,**

Respondents.

X-----X

RESOLUTION

ABAD SANTOS, J.:

The Petition seeks to enjoin the public respondent from further proceeding in Civil Case No. 10905 of the Regional Trial Court of Makati, Metro Manila. Upon the filing of the petition this Court issued a temporary restraining order and required the private respondent to comment.

Petitioner union filed a notice of strike with the Ministry of Labor and Employment against Super Garments Manufacturing Corporation on May 12, 1985. The strike commenced on June 8, 1985 and is said to be still on.

Super Garments and Rustan Commercial Corporation have separate compartments in the same building at Malugay and Mayapis streets. It is called the Yupangco building.

It is alleged by the petitioner union that goods of Super Garments were spirited out of its strike-bound premises thru Rustan's warehouse. Whereupon, the union picketed not only Super Garments but also Rustan. As a result Rustan filed Civil Case No. 10905 before the respondent judge for injunction and damages thru the PECABAR law office and petition No. 971 with the National Labor Relations Commission also to enjoin the union from picketing its premises. The petition was filed by another counsel, Atty. Armando V. Ampil.

In Civil Case No. 10906, the respondent judge issued an order on June 21, 1985 setting "the hearing of the application for a writ of preliminary injunction on June 27, 1985 at 2:00 o'clock in the afternoon." On July 15, 1985, the respondent judge issued the writ after finding no employer-employee relationship between the parties. This order prompted the petitioner union to come to this Court for the purpose aforesaid.

In the meantime, petitioner union on July 12, 1985, filed a complaint for unfair labor practice against both Super Garments and Rustan alleging that the former is but the manufacturing arm of the latter.

Petitioner union claims that respondent judge has no jurisdiction to issue an injunction because the case is a labor dispute, that the prerogative belongs to the Minister of Labor and Employment. Upon the other hand, private respondent Rustan says that the respondent judge has jurisdiction because there is no labor dispute between it and the union even as it went to the National Labor Relations Commission to seek identical relief.

At this stage there appears to be no labor dispute between the petitioner and the private respondent for which reason the latter was justified in seeking relief in respondent judge's court. The unfair labor complaint filed by petitioner union on July 12, 1985 does not prove a labor relationship. By the same token it was improper for the private respondent to have filed Case No. 971 with the National Labor Relations Commission.

In the light of the foregoing, the Petition is **DISMISSED** for lack of merit and the temporary restraining order issued on September 23, 1985 is hereby **LIFTED**. However, private respondent Rustan Commercial Corporation is directed to withdraw its case before the National Labor Relations Commission. No costs.

SO ORDERED.

Concepcion, Jr., (Chairman), Escolin, Cuevas and Alampay, JJ., concur.