

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**VETERANS SECURITY FREE
WORKERS UNION (FFW),**
Petitioner,

-versus-

**G.R. No. L-26439
January 30, 1970**

**HONORABLE GAUDENCIO CLORIBEL,
as Vice-Executive Judge and Presiding
Judge of Branch VI, of the Court of First
Instance of Manila, JAMILA &
COMPANY, INC., CHIEF OF POLICE OF
MANILA, and SHERIFF OF MANILA,**
Respondents.

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DECISION

TEEHANKEE, J.:

We grant the writs of certiorari and prohibition prayed for, since the matters involved in the civil case with prayer for preliminary injunction to declare the petitioner-union's strike and picket illegal are identical to those at those in the certification and unfair labor practice cases pending before the Court of Industrial Relations and fall within its exclusive jurisdiction.

Respondent company, Jamila & Company, Inc., under the style of Veterans Philippine Scouts Security Agency, is engaged in the business of providing security guard services and has employed watchmen or security guards for the purpose. Under its contracts with its clients, respondent company provides that the guards furnished by it shall remain its employees, under its supervision, direction and control and that it assumes exclusive responsibility for any and all claims of such guards as well as of third persons against them.

Petitioner union, claiming to have unionized the overwhelming majority of respondent company's employees, sent respondent on March 14, 1966 its proposals for collective bargaining. According to the petitioner, respondent company thereafter immediately dismissed its officers, including its president, and many of its members for their union activities. Having previously filed a notice of strike, it struck on May 6, 1966 and staged a picket line at the Company's premises.

Respondent company thereupon filed on the following day, May 7, 1966, its complaint with the Court of First Instance of Manila.^[1] Claiming that the strike was illegal because no employer-employee relation ever existed between it and the members of petitioner-union, that the union in picketing was "threatening bodily harm to the person and property of the manager and officers of (respondent)", and that it was being exposed to numerous suits for breach of contract by several business establishments with contracts with it for security guard services, since the union's members had abandoned guarding the premises to join the "illegal" strike and picket line, it prayed for Judgment declaring that no "juridical relation of employer-employee" binds it to the union members, that the strike and picket is illegal and the union be perpetually enjoined from picketing its premises as well as its clients' premises, and for payment of P10,000.00 for attorneys' fees and litigation expenses.

At respondent's instance, respondent judge issued ex-parte his order of May 9, 1966, restraining petitioner-union and its members and sympathizers "from striking and picketing." The next day, he issued ex-parte his order of May 10, 1966, authorizing respondents chief of police and sheriff to execute and implement his no-strike and no-picketing order. On May 26, 1966, he further issued ex-parte another

order ordering said respondents-officials “to continue executing or implementing” his raid two previous orders.

Petitioner-union, on the other hand, filed with the Court of Industrial Relations on May 11, 1966, i.e., four days after the filing of respondent company’s civil case below, a case for mandatory certification as the exclusive bargaining representative of respondent’s employees and another case for unfair labor practice, citing respondent’s refusal to bargain in good faith and its illegal dismissal of union members.^[2] Petitioner filed in due course its Answer and an urgent motion for reconsideration of said orders, questioning their legality and the respondent Court’s jurisdiction, which respondent judge denied in his order of July 13, 1966.

After the filing on August 22, 1966 of the petition at bar, the Court, upon bond, issued a writ of preliminary injunction restraining respondent judge from further proceeding in the civil case below and the other respondents from executing or implementing the questioned orders.

1. It has long been accepted as dogma^[3] that cases involving unfair labor practice fall within the exclusive jurisdiction of the Court of Industrial Relations, by virtue of the explicit provisions of Section 5(a) of the Industrial Peace Act^[4] that said Court “shall have jurisdiction over the prevention of unfair labor practices and is empowered to prevent any person from engaging in any unfair labor practice. This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that has been or may be established by an agreement, code, law or otherwise.” The strike and picketing restrained by the questioned orders of respondent judge arose out of unfair labor practices of respondent company in allegedly refusing to bargain in good faith and dismissing for union activities the union officials and members, which are the very subject-matter of the unfair labor charge filed by the union in the Industrial Court. These were facts expressly alleged by petitioner in its Urgent Motion for Reconsideration, asking respondent judge to set aside the questioned orders and raising respondent Court’s lack of jurisdiction. The very complaint of respondent in the

case below, for all its artful wording, was sufficient on its face to apprise respondent Court that the matter presented before it involved an unfair labor practice case falling within the Industrial Court's exclusive competence and jurisdiction, for respondent, while disclaiming any employer-employee relationship with the union members, denounced them for striking against it, notwithstanding its contingent willingness to bargain, and abandoning their guard assignments, and asked respondent Court to declare the strike illegal.

2. Respondent's contention that it filed the civil case below ahead by four days of petitioner's filing of the unfair labor practice charge against it with the Industrial Court, which is a mere charge that cannot deprive respondent Court of the jurisdiction thus already acquired, has long been given short shrift.^[5] It is settled doctrine that labor disputes arising out of unfair labor practices committed by any of the parties do not present a question of concurrent jurisdiction between the Court of First Instance and the Industrial Court, but that jurisdiction over such matters is vested exclusively in the Court of Industrial Relations. As succinctly restated by Mr. Justice Sanchez in *Phil. Communications Workers vs. Nolasco*, supra, "CIR's jurisdiction stays even if no unfair labor practice case has been filed with CIR. It is enough that unfair labor practice is involved. This renders irrelevant the distinction respondents would wish to make between an unfair labor practice charge and an unfair labor practice complaint."
3. Respondent's arguments are expended with its claim that the principal question presented by it for determination by respondent Court as to whether or not an employer-employee relationship exists between it and the union members is a prejudicial question that has first to be resolved by respondent Court, and that the Industrial Court, in an order of October 3, 1966, granted its motion to suspend proceedings in the two pending cases before it, pending such determination. Exclusive jurisdiction over the question lies in the Industrial Court and the alleged lack of such employee relationship ahead of all other Courts," and that respondent

should properly raise in the two cases for mandatory certification and unfair labor practice pending before the Industrial Court. The Industrial Court suspended further proceedings, while asserting that it is “vested with jurisdiction to determine the existence of employer-employee relationship ahead of all other courts,” and that it was not waiving its jurisdiction, as a matter of “voluntary desistance to prevent any multiplicity of suits and conflict in findings by the different courts on the same matter.”^[6]

Such suspension of proceedings was based on tortuous premises, considering that petitioner, in opposing the suspension of the proceedings, had duly informed the Industrial Court, that this Court had already enjoined the respondent Court from further proceeding in the civil case and that the way was clear for it to expeditiously proceed with the cases before it and resolve them.

ACCORDINGLY, the writs of certiorari and prohibition prayed for herein are granted. The respondent Court’s questioned orders of May 9, 10, and 26, 1966 are declared null and void and the writ of preliminary injunction heretofore issued by the Court is hereby made permanent.

Costs against respondent Jamila & Co., Inc. So ordered.

Concepcion, C.J., Reyes, Dizon, Makalintal, Zaldivar, Sanchez, Castro, Fernando and Barredo, JJ., concur. Villamor, J., took no part.

[1] Civil Case No. 65327, entitled “Jamila & Co., Inc. plaintiff vs. Veterans Security Free Workers Union, defendant.”

[2] Case No. 1689 — MC and Charge No. 1136 — ULP.

[3] Associated Labor Union vs. Gomez, L-25999, Feb. 9, 1957, 19 SCRA 304 and cases cited. Federacion Obrera vs. Mojica, L-25059, Aug. 30, 1968; Phil. Communications Workers vs. Nolasco, 1-24984, July 29, 1968; Regal Mfg. Employees Ass’n. vs. Reyes, L-24388, July 29, 1968.

[4] Republic Act 875.

[5] Erlanger & Galinger, Inc. vs. Erlanger & Galinger Employees Ass’n, 104 Phi. 17 (1958) and cases cited; Federacion Obrera vs. Mojica, supra, fn. 3.

[6] Annex A, Answer to petition.

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