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SECOND DIVISION

[G.R. No. L-36385. July 25, 1979]

ARCADIO R. TOLENTINO, *petitioner, vs.* **HON. AMADO INCIONG, as Chairman of the National Labor Relations Commission and DOMINGO CINCO,** *respondents.*

SYLLABUS

REMEDIAL LAW; SPECIAL CIVIL ACTIONS; CONTEMPT; DOES NOT EXTEND TO A JUDGE OF THE COURT OF FIRST INSTANCE ALTHOUGH THE LATTER HAS ACTED WITHOUT JURISDICTION.— The undeniable concern of respondent Inciong that the objectives of Presidential Decree No. 21 be attained thus afforded no warrant for exercising a power not conferred by such decree. He ought to have known that the competence "to hold any person in contempt for refusal to comply" certainly cannot extend to a judge of the court of first instance. Correctly construed, it cannot cover the case likewise of a party to a controversy who took the necessary steps to avail himself of a judicial remedy. It must ever be borne in mind by an administrative official that courts exist precisely to assure that there be compliance with the law. That is the very essence of a judicial power. So the rule of law requires. It is true that courts, like any other governmental agencies, must observe the limits of its jurisdiction. In this particular case, it is admitted that the then Judge Jaime de los Angeles, after hearing the arguments on the propriety of issuing the writ of preliminary injunction prayed for, reserved his resolution in view of the intricacies of the legal questions raised. The proper step for an administrative official then is to seek a dismissal of the case before the court precisely on the ground that the matter did not fall within the domain of the powers conferred on it. Instead, respondent Inciong took the precipitate step of citing him for contempt. That was an affront to reason as well as a disregard of well-settled rules.

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APPEARANCES OF COUNSEL

Pedro N. Belmi for petitioner.

Porfirio E. Villanueva & Julio F. Andres, Jr. for the public respondent.

Domingo Cinco for himself as private respondent.

DECISION

FERNANDO, *C.J.*:

The facts of this suit for prohibition with preliminary injunction speak for themselves. They demonstrate beyond doubt that the remedy prayed for must be granted. This litigation started with private respondent Domingo Cinco filing a verified complaint on December 12, 1972 with the then National Labor Relations Commission, charging petitioner Arcadio R. Tolentino with violating the constitution of the Batangas Labor Union by refusing, as its president, to call for the election of officers in the month of November, 1972, and praying that such election be conducted immediately.[1] Upon receipt of such verified complaint on January 9, 1973, petitioner on the same date sent an urgent telegram to the respondent National Labor Relations Commission for the cancellation of the hearing of such complaint set for January 12, 1973 as he had to appear on that very day before the then Court of Industrial Relations, a formal motion to such effect being filed on January 11, 1973.[2] Petitioner was not informed of the action taken on such motion; instead, he was notified that on January 30, 1973, respondent National Labor Relations Commission issued an order directing the Batangas Labor Union "to hold its election of officers within twenty (20) days from receipt" thereof "in accordance with its constitution and by-laws under the supervision of the Registrar of Labor Relations who shall thereafter report the result to the said respondent National Labor Relations Commission."[3] Petitioner received

[1] Petition, par. 2.

[2] *Ibid.*, par. 3.

[3] *Ibid.*, par. 4 and Annex B.

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on February 5, 1973 a copy of such order and on February 8, 1973, filed a motion for reconsideration, alleging that as the Batangas Labor Union, which has a separate and distinct personality from the herein petitioner was not a party in the case before respondent Commission, the due process guarantee was not observed in the issuance thereof and that the subject matter of such complaint is not one of those enumerated under the Rules of the respondent National Labor Relations Commission.[4] As such motion for reconsideration was not acted upon despite repeated requests, petitioner filed a notice of appeal on February 20, 1973 with the Secretary of Labor, praying at the same time that the pre-election conference set on February 22, 1973 and the election scheduled for March 3, 1973 be suspended in the meanwhile.[5] Respondent National Labor Relations Commission, thru its then Chairman, Amado G. Inciong, informed the herein petitioner that the elections of officers of the Batangas Labor Union would proceed as scheduled on March 3, 1973, and, as a matter of fact, notices of the said elections for March 3, 1979 were posted in different places within the premises of the Central Azucarera Don Pedro Lumbangan, Nasugbu, Batangas, the place of employment.[6]

Subsequently, on February 26, 1973, the Batangas Labor Union filed a petition with the Court of First Instance of Batangas, Branch No. VII, Balayan, Batangas, docketed as Civil Case No. 942 for prohibition with a writ of preliminary injunction, against the respondent Domingo Cinco and the National Labor Relations Commission and the Secretary of Labor, seeking to annul the order of January 30, 1973 and to prohibit the respondent National Labor Relations Commission and the Secretary of Labor from enforcing it.[7] The court of first instance then presided by Judge Jaime delos Angeles, now retired, did not grant the writ

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[4] *Ibid.*, par. 5.

[5] *Ibid.*, pars. 6 and 7.

[6] *Ibid.*, par. 8.

[7] *Ibid.*, par. 9.

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of preliminary injunction *ex parte* as prayed for in the petition but instead set the application thereof for hearing on March 1, 1973 with due notice to all the parties, with neither the Commission nor the then Secretary of Labor appearing through counsel, although petitioner did.[8] After such hearing, Judge Jaime delos Angeles reserved his resolution on the matter at issue in view of the intricate legal questions raised therein.[9] On the same date, shortly before noon and within the court premises, petitioner was served with a copy of a subpoena dated February 28, 1973 issued by respondent Amado Inciong, Chairman of the then National Labor Relations Commission, requiring him to appear at the National Labor Relations Commission, Department of Labor, 3rd Floor, Phoenix Building, Intramuros, Manila, on March 2, 1973, at 2:00 o'clock in the afternoon to explain why he should not be held in contempt for trying to use old society tactics to prevent a union election duly ordered by the Commission under Presidential Decree 21 and, with Judge Jaime delos Angeles, at the same time and date, more or less, being served with a copy of the subpoena also requiring him to appear likewise before the respondent National Labor Relations Commission, to explain why he should not be held in contempt for trying to use old society tactics to prevent a union election duly ordered by the Commission under the aforesaid Presidential Decree 21.[10]

The case was filed on March 2, 1973 and on March 6, 1973, this Court issued this resolution: "Considering the allegations contained, the issues raised and the arguments adduced in the petition for prohibition with preliminary injunction, the Court Resolved: (a) to require the respondents to file an [answer] thereto within ten (10) days from notice hereof, and not to move to dismiss the petition; and (b) to have a [temporary restraining order issued], effective immediately until further orders from this Court."[11] There was a letter from respondent

[8] *Ibid.*, par. 10.

[9] *Ibid.*, par. 11.

[10] *Ibid.*, par. 12 and Annex D.

[11] Resolution of this Court dated March 6, 1973.

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Inciong dated March 14, 1973, received in the Supreme Court on March 15 which, to say the least, is impressed with unorthodoxy. It reads in full as follows: "This refers to your summons in connection with G. R. No. L-36385 requiring me to file an answer to the petition for prohibition of the preliminary injunction within ten (10) days from notice. First of all, the issue is not [*sic*] academic since we do not intend to continue with the contempt proceedings against petitioner Arcadio Tolentino. The union election has been held in accordance with our order and the winner duly proclaimed. Second, the Supreme Court has no jurisdiction over us. Enclosed is a copy of Presidential Decree 21 for your information and guidance. Third, under the New Society, we are evolving a de-legalized labor management system in this country, and we expect the fullest cooperation of the Supreme Court in this endeavor."[12] Accordingly, the Supreme Court, on March 22, 1973, took him to task in this resolution: "Considering the letter of Chairman Amado G. Inciong of the National Labor Relations Commission, filed with reference to the resolution of March 6, 1973, requiring the respondents to answer the petition herein, stating in chief that the issue evolved in this case is now academic and that the Court has no jurisdiction over the Commission in view of the Presidential Decree No. 21, the Court Resolved: (a) to [expunge] said letter from the records of this case; and (b) to require said respondent to [comply] with this Court's resolution of March 6, 1973, within five (5) days from notice hereof. Let the Secretary of Labor be [furnished] with a copy of the letter of Chairman Amado Inciong and the resolution of March 6, 1973."[13] An answer was filed on April 2, 1973, counsel for respondent Inciong reiterating that the case had become moot and academic as he had no intention of enforcing the contempt citation and alleging that the power to punish for contempt was provided for under Sections 7 and 10 of Presidential Decree

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[12] Letter from respondent Amado G. Inciong dated March 14, 1973.

[13] Resolution of this Court dated March 22, 1973.

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No. 21.[14] Both petitioner and respondents were required to submit their respective memoranda, but as neither did so, the case was deemed submitted for decision.

As set forth at the outset, prohibition lies.

1. Ordinarily, the plea that a case had become moot and academic would be granted. Had respondent Inciong made clear that he would quash the contempt citation, then this litigation could have been terminated. Instead, what was set forth by him in the letter had to be expunged, not so much because of its offensive tone but much more so by its lack of appreciation for what the law ordains. There was no retreat from his indefensible position. All that was alleged was that he would not enforce the contempt citation. The answer filed by him was of the same tenor. It is understandable then why this Court in the resolution above-cited, as well as in the resolution requiring that memoranda be submitted by the parties, was of the belief that the legal issues presented should be decided.

2. We start with a fundamental postulate. As set forth in *Villegas v. Subido*:[15] "Nothing is better settled in the law than that a public official exercises power, not rights. The government itself is merely an agency through which the will of the State is expressed and enforced. Its officers therefore are likewise agents entrusted with the responsibility of discharging its functions. As such there is no presumption that they are empowered to act. There must be a delegation of such authority, either express or implied. In the absence of a valid grant, they

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[14] Section 7 of Presidential Decree No. 21 (1972) reads as follows: "The Commission or any member thereof shall have the power to administer oath, issue subpoena and subpoena *duces tecum*, and to hold any person in contempt for refusal to comply." As to Section 10, this is what the provision states: "The President of the Philippines, on recommendation of the Commission and the Secretary of Labor, may order the arrest and detention of any person held in contempt by the Commission for non-compliance and defiance of any subpoena, order or decision duly issued by the Commission in accordance with this Decree and its implementing rules and regulations and for any violation of the provisions of this Decree."

[15] L-26534, November 28, 1969, 30 SCRA 498.

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are devoid of power. What they do suffers from a fatal infirmity. That principle cannot be sufficiently stressed. * * * Neither the high dignity of the office nor the righteousness of the motive then is an acceptable substitute. Otherwise the rule of law becomes a myth. Such an eventuality, we must take all pains to avoid."[16] The undeniable concern of respondent Inciong that the objectives of Presidential Decree No. 21 be attained thus afforded no warrant for exercising a power not conferred by such decree. He ought to have known that the competence, "to hold any person in contempt for refusal to comply"[17] certainly cannot extend to a judge of the court of first instance. Correctly construed, it cannot cover the case likewise of a party to a controversy who took the necessary steps to avail himself of a judicial remedy. It must ever be borne in mind by an administrative official that courts exist precisely to assure that there be compliance with the law. That is the very essence of a judicial power. So the rule of law requires. It is true that courts, like any other governmental agencies, must observe the limits of its jurisdiction. In this particular case, it is admitted that the then Judge Jaime de los Angeles, after hearing the arguments on the propriety of issuing the writ of preliminary injunction prayed for, reserved his resolution in view of the intricacies of the legal questions raised.[18] The proper step for an administrative official then is to seek a dismissal of the case before the court precisely on the ground that the matter did not fall within the domain of the powers conferred on it. Instead, respondent Inciong took the precipitate step of citing him for contempt. That was an affront to reason as well as a disregard of well-settled rules. Neither was there any contumacious act committed by petitioner in seeking judicial remedy. It would be a reproach to any legal system if an individual is denied access to the courts under these circumstances. The resort of respondent Inciong to what has been derisively referred to as epithetical

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[16] *Ibid.*, 510-511.

[17] Presidential Decree No. 21, Section 7.

[18] Petition, pars. 10-11.

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jurisprudence, seeking shelter in the opprobrious term "old society tactics," is an implied admission of his actuation being devoid of support in law. As was so well stated by Chief Justice Hughes: "It must be conceded that departmental zeal may not be permitted to outrun the authority conferred by statute."[19]

WHEREFORE, the writ of prohibition is granted and the assailed order of February 28, 1973, citing the then Judge Jaime de los Angeles, as well as petitioner Arcadio R. Tolentino for contempt, declared void and of no force or effect, both orders having been issued beyond the power of respondent Amado Inciong to issue. The temporary restraining order issued by this Court on March 6, 1973 is hereby made permanent.

Barredo, Antonio, Aquino, and *Concepcion. Jr., JJ.*, concur.

Santos and *Abad Santos, JJ.*, are on official leave.

SECOND DIVISION

[G.R. No. L-37839. July 25, 1979]

THE PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **DELFIN VEGAYAN, JOSE BESORIO & MANUEL BUENA,** *defendants,* **JOSE BESORIO and MANUEL BUENA,** *defendants-appellants.*

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; ABSENCE OF CIRCUMSTANCES THAT DISCREDIT; CASE AT BAR.— This alleged contradiction is more apparent than

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[19] *United States v. Macintosh*, 283 US 605, 629 (1931).