Supreme Court E-Library

SECOND DIVISION

[G.R. No. L-25316. February 28, 1979]

KAPISANAN NG MGA MANGGAGAWA SA MANILA RAILROAD COMPANY CREDIT UNION, INC., *petitioner-appellant, vs.* **MANILA RAILROAD COMPANY,** *respondent-appellee.*

SYLLABUS

1. CIVIL LAW; CREDIT TRANSACTIONS; PREFERENCE OF CREDITS; APPLICATION UNDER R.A. 2023. — The mandatory character of Rep. Act. 2023 is only to compel the employer to make the deduction of the employees' debt from the latter's salary and turn this over to the employee's credit union but this mandatory character does not convert the credit union's credit into a first priority credit. If the legislative intent in enacting pars. 1 and 2 of Sec. 62 of Rep. Act 2023 were to give first priority in the matter of payments to the obligations of employees in favor of their credit unions, then, the law would have so expressly declared. Thus, the express provision of the New Civil Code, Arts. 2241, 2242 and 2244 show the legislative intent on preference of credits. Where the statutory norm speaks unequivocally, there is nothing for the courts to do except to apply it. The law, leaving no doubt as to the scope of its operation, must be obeyed.

3. REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *MANDAMUS*; WHEN REMEDY IS PROPER. — *Mandamus* in the proper remedy if it could be shown that there was neglect on the part of a tribunal in the performance of an act, which specifically the law enjoins as a duty or an unlawful exclusion of a party from the use and enjoyment of a right to which he is entitled. Only specific legal rights may be enforced by mandamus if they are clear and certain. If the legal rights of the petitioner are not well defined, clear, and certain, the petition must be dismissed.

Supreme Court E-Library

4. ID.; ID.; ID.; WRIT UNAVAILABLE IN DOUBTFUL CASES. — The writ never issues in doubtful cases. It neither confers powers nor imposes duties. It is simply a command to exercise a power already possessed and to perform a duty already imposed. The latest reported case, *Province of Pangasinan v. Reparations Commission*, L-27448, Nov. 29, 1977, reiterated a well-settled doctrines: "It has also been held that it is essential to the issuance of the writ of mandamus that the plaintiff should have a clear legal right to the thing demanded, and it must be the imperative duty of the defendant to perform the act required. It never issues in doubtful cases."

5. ID.; ID.; ID.; PETITION TO BE DISMISSED IF THERE IS NO CLEAR LEGAL RIGHT. — The petition for *mandamus* does not lie as petitioner-appellant was unable to show a clear legal right. The very law on which he would base his action fails to supply any basis for this petition.

APPEARANCERS OF COUNSEL

Gregorio E. Fajardo for appellant.
Gregorio Baroque for appellee.

D E C I S I O N

FERNANDO, *J.*:

In this *mandamus* petition dismissed by the lower court, petitioner-appellant would seek a reversal of such decision relying on what it considered to be a right granted by Section 62 of the Republic Act No. 2023, more specifically the first two paragraphs thereof: "* * * (1) A member of a cooperative may, notwithstanding the provisions of existing laws, execute an agreement in favor of the cooperative authorizing his employer to deduct from the salary or wages payable to him by the employer such amount as may be specified in the agreement and to pay the amount so deducted to the co-operative in satisfaction of any debt or other demand owing from the member to the co-operative. (2) Upon the execution of such agreement the employer shall, if so required by the co-operative by a request in writing and so long as such debt or other demand or any part

Supreme Court E-Library

of it remains unpaid, make that deduction in accordance with the agreement and remit forthwith the amount so deducted to the co-operative."[1]

To show that such reliance is futile, the appealed decision, quoted in the brief for petitioner-appellant, stated the following: "Then petitioner contends that under the above provisions of Rep. Act 2023, the loans granted by credit unions to its members enjoy first priority in the payroll collection from the respondent's employees' wages and salaries. As can be clearly seen, there is nothing in the provision of Rep. Act 2023 hereinabove quoted which provides that obligations of laborers and employees payable to credit unions shall enjoy first priority in the deduction from the employees' wages and salaries. *The only effect of Rep. Act 2023 is to compel the employer to deduct from the salaries or wages payable to members of the employees' cooperative credit unions the employees' debts to the union and to pay the same to the credit union.* In other words, if Rep. Act 2023 had been enacted, the employer could not be compelled to act as the collecting agent of the employees' credit union for the employees' debt to his credit union but to contend that the debt of a member of the employees cooperative credit union as having first priority in the matter of deduction, is to write something into the law which does not appear therein. *In other words, the mandatory character of Rep. Act 2023 is only* to compel the employer to make the deduction of the employees' debt from the latter's salary and turn this over to the employees' credit union but this mandatory character does not convert the credit union's credit into a first priority credit. If the legislative intent in enacting pars. 1 and 2 of Sec. 62 of Rep. Act 2023 were to give first priority in the matter of payments to the obligations of employees in favor of their credit unions, then, the law would have so expressly declared. Thus, the express provisions of the New Civil Code, Arts. 2241, 2242 and 2244 show the legislative intent on preference of credits."[2]

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[1] Section 62 of Republic Act No. 2023 (1957).

[2] Brief for the Petitioner-Appellant, 7-8.

Supreme Court E-Library

Such an interpretation, as could be expected, found favor with the respondent-appellee, which, in its brief, succinctly pointed out "that there is nothing in said provision from which it could be implied that it gives top priority to obligations of the nature of that payable to petitioner, and that, therefore, respondent company, in issuing the documents known as Exhibit '3' and Exhibit 'P', which establish the order of priority of payment out of the salaries of the employees of respondent-appellee, did not violate the above-quoted Section 62 of Republic Act 2023. In promulgating Exhibit '3', [and] Exhibit 'P', respondent, in effect, implemented the said provision of law."[3]

This petition being one for *mandamus* and the provision of law relied upon being clear on its face, it would appear that no favorable action can be taken on this appeal. We affirm.

1. The applicable provision of Republic Act No. 2023 quoted earlier, speaks for itself. There is no ambiguity. As thus worded, it was so applied. Petitioner-appellant cannot therefore raise any valid objection. For the lower court to view it otherwise would have been to after the law. That cannot be done by the judiciary. That is a function that properly appertains to the legislative branch. As was pointed out in *Gonzaga v. Court of Appeals*:[4] "It has been repeated time and time again that where the statutory norm speaks unequivocally, there is nothing for the courts to do except to apply it. The law, leaving no doubt as to the scope of its operation, must be obeyed. Our decisions have consistently been to that effect."[5]

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[3] Brief for the Respondent-Appellee, 4-5.

[4] L-27455, June 28, 1973, 51 SCRA 381.

[5] *Ibid.*, 385. The following cases were cited: *People v. Mapa*, L-22301, Aug. 30, 1967, 20 SCRA 1164; *Pacific Oxygen & Acetylene Co. v. Central Bank*, L-21881, March 1, 1968, 22 SCRA 917; *Dequito v. Lopez*, L-27757, March 28, 1968, 22 SCRA 1352; *Padilla v. City of Pasay*, L-24039, June 29, 1968, 23 SCRA 1349; *Garcia v. Vasquez*, L-26808, March 28, 1969, 27 SCRA 505; *La Perla Cigar and Cigarette Factory v. Capapas*, L-27948 & 28001-11, July 31, 1969, 28 SCRA 1085; *Mobil Oil Phil. Inc. v. Diocares*, L-26371, Sept. 30, 1969, 29 SCRA 656; *Luzon Surety Co., Inc. v. De Garcia*, L-25659, Oct. 31, 1969, 30 SCRA 111; *Vda. de Macabenta v. Davao Stevedore Terminal Co.*, L-27489, April 30, 1970, 32 SCRA 553; *Republic*

Supreme Court E-Library

2. Clearly, then, *mandamus* does not lie. Petitioner-appellant was unable to show a clear legal right. The very law on which he would base his action fails to supply any basis for this petition. A more rigorous analysis would have prevented him from instituting a suit of this character. In *J.R.S. Business Corporation v. Montesa*,[6] this Court held: "*Mandamus* is the proper remedy if it could be shown that there was neglect on the part of a tribunal in the performance of an act, which specifically the law enjoins as a duty or an unlawful exclusion of a party from the use and enjoyment of a right to which he is entitled."[7] The opinion continued in this wise: "According to former Chief Justice Moran, "only specific legal rights may be enforced by *mandamus* if they are clear and certain. If the legal rights of the petitioner are not well defined, clear, and certain, the petition must be dismissed. In support of the above view, *Viuda e Hijos de Crispulo Zamora v. Wright* was cited. As was there categorically stated: 'This court has held that it is fundamental that the duties to be enforced by *mandamus* must be those which are clear and enjoined by law or by reason of official station, and that petitioner must have a clear, legal right to the thing demanded and that it must be the legal duty of the defendant to perform the required act.' As expressed by the then Justice Recto in a subsequent opinion: 'It is well established that only specific legal rights are enforceable by *mandamus*, that the right sought to be enforced must be certain and clear, and that the writ not issue in cases where the right is doubtful.' To the same effect is the formulation of such doctrine by former Justice Barrera: 'Stated otherwise, the writ never issues in doubtful cases. It neither confers powers nor imposes duties. It is simply a command to exercise a power already

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Flour Mills, Inc. v. Commissioner of Customs, L-28463, May 31, 1971, 39 SCRA 269; *Maritime Co. of the Phil. v. Reparations Commission*, L-29203, July 26, 1971, 40 SCRA 70; *Allied Brokerage Corp. v. Commissioner of Customs*, L-27641, Aug. 31, 1971, 40 SCRA 555.

[6] L-23783, April 25, 1968, 23 SCRA 190.

[7] *Ibid.*, 197.

Supreme Court E-Library

possessed and to perform a duty already imposed.'"[8] So it has been since then.[9] The latest reported case, *Province of Pangasinan v. Reparations Commission*,[10] this Court speaking through Justice Concepcion Jr., reiterated such a well-settled doctrine: "It has also been held that it is essential to the issuance of the writ of *mandamus* that the plaintiff should have a clear legal right to the thing demanded, and it must be the imperative duty of the defendant to perform the act required. It never issues in doubtful cases."[11]

WHEREFORE, the appealed decision is affirmed. No pronouncement as to costs.

Barredo, Antonio, Concepcion Jr., Santos, and *Abad Santos, JJ.*, concur.

Aquino, J., took no part.

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[8] *Ibid.*, 197-198. The citation from former Chief Justice Moran is found in Comments on the Rules of Court, 1963 ed., at 172; the Crispulo Zamora decision is reported in 53 Phil. 613, 621 (1929); the citation from Justice Recto is found in *Sanson v. Barrios*, reported in 63 Phil. 198, 202 (1936); and that from Justice Barrera, from *Alzate v. Aldana*, in 118 Phil. 221, 225 (1963).

[9] Cf. *Valdez v. Gutierrez*, L-25819, May 22, 1968, 23 SCRA 661; *Lemi v. Valencia*, L-20768, Nov. 29, 1968, 26 SCRA 203; *Commissioner of Immigration v. Go Tieng*, L-22581, May 21, 1969, 28 SCRA 237; *Vda. de Serra v. Salas*, L-27150, Nov. 28, 1969, 30 SCRA 541; *Del Rosario v. Subido*, L-30091, Jan. 30, 1970, 31 SCRA 382; *Yuvienco v. Canonoy*, L-23352, June 30, 1971, 39 SCRA 597; *Enriquez Jr. v. Bidin*, L-29620, Oct. 12, 1972, 47 SCRA 183; *Orencia v. Enrile*, L-28997, Feb. 22, 1974, 55 SCRA 580; *Isada v. Bocar*, L-33535, Jan. 17, 1975, 62 SCRA 37; *Garcia v. Faculty Admission Committee*, L-40779, Nov. 28, 1975, 68 SCRA 277; *Ocampo v. Subido*, L-28344, Aug. 27, 1976, 72 SCRA 443.

[10] L-27448, November 29, 1977, 80 SCRA 376.

[11] *Ibid.*, 380. *Gonzales v. Board of Pharmacy*, 20 Phil. 367, was cited.