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WHEREFORE, RESPONDENT LEVY Q. MARQUEZ IS HEREBY DIRECTED TO PAY A FINE EQUIVALENT TO HIS SALARY FOR THREE (3) MONTHS AND HIS AUTHORITY TO EXERCISE THE FUNCTIONS OF SHERIFF IS HEREBY WITHDRAWN EFFECTIVE IMMEDIATELY UPON RECEIPT HEREOF.

FURTHER, THE EXECUTIVE JUDGES OF THE REGIONAL TRIAL COURTS AND THE METROPOLITAN TRIAL COURTS OF METROPOLITAN MANILA ARE HEREBY DIRECTED TO CIRCULARIZE THIS DECISION TO ALL BRANCHES OF SAID COURTS AND A COPY OF SAID DECISION SHOULD BE FURNISHED THE CITY MAYOR OF MANILA FOR WHATEVER APPROPRIATE ACTION HE MAY TAKE IN THE PREMISES.

SO ORDERED.

Teehankee, Aquino, Melencio-Herrera, Plana, Escolin, Relova, Gutierrez, Jr., De la Fuente, Cuevas, Alampay, and *Patajo, JJ.*, concur.

Concepcion Jr., J., took no part.

Abad Santos, J., is on leave.

FIRST DIVISION

[G.R. No. L-34147. August 28, 1985]

TERESITA ALO and FEDERATION OF FREE WORKERS (FFW), *petitioners, vs.* **HON. VALERIO V. ROVIRA, Presiding Judge of the Court of First Instance, Branch IV, Iloilo City, GENOVEVA SO CHAN TOO, SY KIAN TIOK and the PROVINCIAL SHERIFF OF ILOILO,** *respondents.*

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SYLLABUS

LABOR AND SOCIAL LEGISLATION; INDUSTRIAL PEACE ACT; UNFAIR LABOR PRACTICE; JURISDICTION OVER AN ACTION FOR DAMAGES AS A CONSEQUENCE THEREOF FALLS EXCLUSIVELY WITH THE COURT OF INDUSTRIAL RELATIONS.— It appears that the acts complained of in the unfair labor practice charge of petitioners in the Court of Industrial Relations and those sought to be enjoined in the civil action for damages of private respondents before the CFI of Iloilo City are interwoven or intertwined with one another. Both involve the alleged unfair labor practice charge and the consequent labor dispute occasioned thereby. We find pertinent and relevant the pronouncements made in the case of *Veterans Security Free Workers Union (FFW) vs. Hon. Gaudencio Cloribel, et al.,* L-26439, Jan. 30, 1970, 31 SCRA 297-298: — "x x x. 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 Court of Industrial Relations, but that jurisdiction over such matters is vested *exclusively* in the Court of Industrial Relations. The fact that a civil case was filed ahead in the Court of First Instance than the filing of the unfair labor practices charge in the Industrial Court does not deprive the Court of Industrial Relations of its jurisdiction."

D E C I S I O N

ALAMPAY, *J.*:

This is a Petition for *certiorari* filed by Teresita Alo and the Federation of Free Workers (FFW) — the labor organization to which she belongs — against Hon. Valerio V. Rovira, as the Presiding Judge of the then Court of First Instance of Iloilo, Branch IV and impleading, as other co-respondents, Genoveva So Chan Too, Sy Kian Tiok, and the Provincial Sheriff of Iloilo. Petitioners seek the annulment of the Order issued in Civil Case No. 8769, dated September 11, 1971, granting the writ of preliminary injunction prayed for by private respondents as well as the corresponding writ dated September 13, 1971 that was issued pursuant to the aforesaid order.

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Civil Case No. 8769 is a civil action for damages filed by private respondents spouses Genoveva So Chan Too and Sy Kian Tiok against Teresita Alo and her friends and sympathizers, for conducting a picket in front of petitioners' store — the Iloilo Shanghai Bazar — because of which, private respondents aver that they had been deprived of the income they expect from the daily sales of their business establishment.

Petitioners alleged that sometime in August, 1971, Teresita Alo, while working in private respondents' store as cashier, organized a local chapter of the FFW and adopted the name Iloilo Shanghai Bazar Workers Union FFW; that on August 26, 1971, the FFW wrote private respondents a letter requesting the latter to recognize their organization as the bargaining agents of the rank and file employees of the Bazar; that instead of replying to said letter, the private respondents filed a petition for certification election with the Court of Industrial Relations (CIR) which was docketed as Case No. 129-MC-Iloilo; that from August 1 to 15, 1971, Teresita Alo was on leave attending a labor seminar sponsored by the FFW; that upon her return to work on August 16, 1971, she was demoted from cashier to an ordinary sales girl; that, finally, on August 27, 1971, she was dismissed from the service on account of her union activities; that on September 2, 1971, the FFW filed a notice of strike with the then Department of Labor due to the dismissal of Teresita Alo and also from management's refusal to bargain; that on September 2, 1971, petitioner Alo and some sympathizers picketed the premises, of private respondents' store and on September 10, 1971 they filed with the CIR a charge docketed as Charge No. 206-Iloilo, for Unfair Labor Practice, Violation of Eight-Hour Labor Law, and Minimum Wage Law; that on September 8, 1971, herein private respondents filed a civil action for damages (Civil Case No. 8769) with the CFI of Iloilo City, Branch IV, Respondent Judge presiding; and on September 11, 1971, after hearing, respondent judge ordered the issuance of a writ of injunction, enjoining petitioners and their named sympathizers from conducting a picket line in front of the Iloilo Shanghai Bazar; said order is now the subject of petitioners'

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challenge on the ground of lack of jurisdiction on the part of the court below to act on a labor dispute.

In their Answer to the instant petition, respondents denied the foregoing allegations claiming that there is no employer-employee relationship and that the petitioners have no cause of action against them.

From the records, it appears that the acts complained of in the unfair labor practice charge of petitioners in the Court of Industrial Relations and those sought to be enjoined in the civil action for damages of private respondents before the CFI of Iloilo City are interwoven or intertwined with one another. Both involve the alleged unfair labor practice charge and the consequent labor dispute occasioned thereby.

We find pertinent and relevant the pronouncements made in the case of *Veterans Security Free Workers Union (FFW) vs. Hon. Gaudencio Cloribel, et al.*, L-26439, Jan. 30, 1970, 31 SCRA 297-298: —

"x x x 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 Court of Industrial Relations, but that jurisdiction over such matters is vested *exclusively* in the Court of Industrial Relations. The fact that a civil case was filed ahead in the Court of First Instance than the filing of the unfair labor practices charge in the Industrial Court does not deprive the Court of Industrial Relations of its jurisdiction."

Accordingly, the public respondent judge erred in taking cognizance of the case filed before it and in issuing the injunction relief sought by private respondents. Clearly, the court below had no jurisdiction over the case involving a labor dispute.

While the instant petition was pending before this Court, Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, was promulgated and became effective on May 1, 1974. Under the said Code, as amended, the Court of Industrial Relations was abolished (Art. 299) and unfair labor practice cases, among others, were placed under the jurisdiction of the Labor Arbiter and the National Labor Relations Commission (Art. 217).

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Thus, with the enactment of P.D. No. 442, there should be no doubt whatsoever as to which governmental entity shall exercise jurisdiction over a labor dispute such as that which is the subject matter of the present petition.

"Unlike the Court of Industrial Relations whose jurisdiction was limited to unfair labor practice, representation case, and national interest cases, the jurisdiction of the National Labor Relations Commission was expanded to accommodate *all cases involving employer-employee relations*." (*Bengzon vs. Inciong*, L-48706-07, June 29, 1979, 91 SCRA 248).

Consequently, whether under the law governing the labor dispute that arose at the time or under the Presidential Decree which was later promulgated and presently applicable, the Court of First Instance (now the Regional Trial Court) would not have jurisdiction over the subject Civil Case No. 8769.

WHEREFORE, the petition is hereby granted. The challenged Orders issued on September 11 and 13, 1977 by public respondent judge are hereby declared null and void for lack of jurisdiction on the part of the court below to grant the same. The writ of preliminary injunction dated February 8, 1973, enjoining the enforcement of the challenged Orders in this case, is hereby made PERMANENT. Costs against private respondents.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, Relova, Gutierrez, Jr., and *De la Fuente, JJ.*, concur.