

FIRST DIVISION

[G.R. NO. 157232, December 10, 2007]

**NATIONAL MINES AND ALLIED WORKERS UNION (NAMAWU),
PETITIONER, VS. HON. ADELINA CALDERON- BARGAS, IN HER
CAPACITY AS PRESIDING JUDGE OF BRANCH 78, REGIONAL
TRIAL COURT OF MORONG, RIZAL, AND NORMA G. MITRA,
RESPONDENTS.**

DECISION

AZCUNA, J.:

This is a petition for certiorari^[1] and prohibition seeking the annulment of the Order dated January 30, 2003, of Presiding Judge Adelina Calderon-Bargas of the Regional Trial Court (RTC), Branch 78, Morong, Rizal, for want of jurisdiction in granting private respondent's Motion to Admit Amended Complaint in Civil Case No. 01-1322-M entitled "Norma Mitra v. National Mines and Allied Workers, et al."

The facts are as follows:

In August of 1992, petitioner, representing the workers of private respondent, filed a complaint with the National Labor Relations Commission (NLRC) for unfair labor practice, illegal dismissal, underpayment of wages, nonpayment of holiday pay and 13th month pay against private respondent, Norma G. Mitra.^[2]

A decision was rendered by Labor Arbiter Antonio Macam on April 22, 1999 in favor of the workers, ordering private respondent to pay the amount of P1,669,897. Accordingly, a writ of execution was issued on August 31, 1999.

NLRC Sheriff Juanito Atienza levied upon a parcel of land belonging to private respondent. As the highest bidder in the execution sale conducted by the Sheriff, petitioner acquired title to the property on December 6, 1999.

On July 16, 2001, private respondent filed a complaint for "Annulment of Final Deed of Sale, Certificate of Sale, Notice of Levy on Execution and Cancellation of Transfer Certificate of Title No. M-105453"^[3] against petitioner, Sheriff Juanito Atienza and the Register of Deeds of Morong, Rizal, Dinna P. Mantuano. The case was assigned to public respondent Judge Adelina Calderon-Bargas of Branch 78, RTC, Morong, Rizal.

In its Answer with Counterclaim and Opposition to the Issuance of a Temporary Restraining Order, petitioner averred that the RTC had no jurisdiction over the subject matter of the case because it is an offshoot of a labor dispute that had been decided by the NLRC.

On January 21, 2002, public respondent issued an Order dismissing the complaint

for lack of jurisdiction and ruling that any decision in the civil case may render ineffective the decision rendered in the labor case.

Private respondent's subsequent Motion for Reconsideration was denied in an Order dated June 19, 2002, the pertinent portions of which read:

Plaintiff stated that she does not question the legality or validity of the decision of the Labor Arbiter in Case No. RAB-IV-8-4482-92, but the procedure followed by Ms. Dinna Mantuano-Lao, [Register of Deeds], and Sheriff Juanito J. Atienza, when the former cancelled the name of the plaintiff on TCT No. M-46298, and issued TCT No. M-105453 in the name of defendant NAMAWU.

However, a reading of the allegations in the complaint shows that plaintiff questions not only the process of notification in the Notice of Levy, but the alleged lack of notice of the proceedings in NLRC Case No. RAB-IV-8-4482-92 had before the Labor Arbiter.

She alleges in the complaint... that "plaintiff never received any summons or copy of the complaint in the aforesaid case; she never hired a lawyer to represent her in said case; she never received any NOTICES of any decision, execution, levy, auction or sale."

Considering that plaintiff is questioning her lack of notice from the issuance of summons, until the levy or attachment of the property in question, it is clear, therefore, that plaintiff does not only question the procedure followed by Sheriff Juanito J. Atienza, but also the procedure of the Labor Arbiter, since she was allegedly not given notice on all the proceedings before the Labor Arbiter.

Meanwhile, if the plaintiff would continue her cause of action against the [Register] of Deeds, there is a need to amend the complaint, naming NAMAWU as a nominal party; and the Register of Deeds as the indispensable party.^[4]

WHEREFORE, premises considered, the motion for reconsideration is DENIED for lack of merit.

SO ORDERED.^[5]

A copy of the above Order was received by private respondent on July 3, 2002. Upon private respondent's failure to file an appeal, the Orders of the RTC dismissing the complaint and denying the motion for reconsideration became final and executory on July 19, 2002.

On August 28, 2002, private respondent filed a Motion to Admit Amended Complaint Pursuant to Order Dated 19 June 2002^[6] stating that:

1. On 19 June 2002, this Honorable Court issued an Order, stating that there is a need to amend the complaint, naming NAMAWU as a nominal party and the Register of Deeds as the indispensable party;