

SECOND DIVISION

[G.R. NO. 132400, January 31, 2005]

**EDUARDO J. MARIÑO, JR., MA. MELVYN P. ALAMIS AND UST
FACULTY UNION, PETITIONERS, VS. GIL GAMILLA, DUPONT
ASERON AND JUSTINO CARDENAS, RESPONDENTS.**

D E C I S I O N

TINGA, J.:

This is a petition for review under Rule 45 assailing the *Decision*^[1] of the Court of Appeals in CA-G.R. SP No. 43701,^[2] setting aside the order and the writ of preliminary mandatory injunction issued by the lower court.

The facts of the case are as follows:

Sometime in May 1986, the UST Faculty Union (USTFU) entered into an initial collective bargaining agreement with the University of Santo Tomas (UST) wherein UST undertook to provide USTFU with a free office space at Room 302 of its Health Center Building.^[3]

On 21 September 1996, the officers and directors of USTFU scheduled a general membership meeting on 5 October 1996 for the election of the union officers. However, respondent Gamilla and some faculty members filed a *Petition*^[4] with the Med-Arbitration Unit of the Department of Labor and Employment (DOLE) seeking to stop the holding of the USTFU election.^[5]

Meanwhile, on 2 October 1996, Rev. Fr. Rodel Aligan, O.P., Secretary General of the UST, issued a Memorandum to the Deans, Regents, Principals and Heads of Departments regarding the holding of a faculty convocation on 4 October 1996.^[6]

On 4 October 1996, Med-Arbiter Tomas Falconitin issued a temporary restraining order (TRO) in Case No. NCR-OD-M-9610-001, enjoining the holding of the election of the USTFU officers and directors. However, denying the TRO they themselves sought, Gamilla and some of the faculty members present in the 4 October 1996 faculty convocation proceeded with the election of the USTFU officers. On the other hand, the scheduled election for 5 October 1996 did not push through by virtue of the TRO.^[7]

In the succeeding week, on 11 October 1996, petitioners filed with the DOLE a petition for prohibition, injunction, with prayer for preliminary injunction and temporary restraining order,^[8] seeking to invalidate the election held on 4 October 1996.

Two months later, on 4 December 1996, UST and USTFU, represented by Gamilla

and his co-officers, entered into a collective bargaining agreement (CBA) for a period of five (5) years from 1 June 1996 up to 31 May 2001. The CBA was ratified on 12 December 1996.^[9]

In another front, the Med-Arbiter issued a TRO dated 11 December 1996, enjoining Gamilla and his fellow officers to “cease and desist from performing any and all acts pertaining to the duties and functions of the officers and directors” of USTFU.^[10]

On 27 January 1997, at around eleven in the morning (11:00 a.m.), respondents Gamilla, Cardenas and Aseron, with some other persons, served a letter of even date on petitioners Mariño and Alamis, demanding that the latter vacate the premises located at Room 302, Health Center Building, UST—the Office of USTFU. However, only the office messenger was in the office at the time. After coercing the office messenger to step out of the office, Gamilla and company padlocked the door leading to the union’s office.^[11]

On 5 February 1997, petitioners filed with the Regional Trial Court (RTC) of Manila a *Complaint*^[12] for injunction and damages with a prayer for preliminary injunction and temporary restraining order over the use of the USTFU office.

At the 11 February 1997 hearing on the application for TRO before the trial court, respondents through a consolidated motion to dismiss sought the dismissal of the complaint on the ground of forum-shopping and prayed that the trial court suspend the application for injunctive relief until it shall have resolved the motion to dismiss.^[13]

On the same date, Med-Arbiter Falconitin rendered a decision,^[14] declaring the 4 October 1996 election and its results null and void *ab initio*. The decision was appealed to the Bureau of Labor Relations which affirmed the same.^[15] Respondents brought the matter to this Court via a special civil action for certiorari.^[16] The Court promulgated its decision,^[17] dismissing the petition on 16 November 1999.

On 3 March 1997, the RTC issued the assailed order,^[18] to wit:

WHEREFORE, upon plaintiff’s filing a bond in the amount of P50,000.00, let a writ of preliminary mandatory injunction issue requiring defendants their representatives and agents or other persons acting in their behalf to remove the padlocks on the door of the UST Faculty Union office located at Room 302, Health Center Bldg., UST, España, Manila and to refrain from preventing/disturbing in any manner whatsoever the plaintiffs in entering the said premises.

In the meantime, defendants are hereby ordered to submit their answer to the complaint within fifteen (15) days from receipt hereof.

On 5 March 1997, after petitioners as plaintiffs therein had posted the requisite bond, the RTC issued a writ of preliminary mandatory injunction.^[19]

On 19 March 1997, respondents filed a *Petition for Certiorari*^[20] before the Court of

Appeals, claiming that the orders dated 3 and 5 March 1997 were void *ab initio* for lack of jurisdiction and on the ground that they were issued in violation of due process of law.^[21] The Court of Appeals stated that the basic issue of the case was whether the RTC of Manila had jurisdiction over the subject matter of Civil Case No. 97-81928.^[22] It agreed with respondents' disquisition that petitioners' cause of action in the complaint before the trial court is inextricably linked and intertwined with the issue of who are the legitimate officers of the USTFU, which issue was then being litigated before the DOLE. The appellate court held that Civil Case No. 97-81928 and Case No. NCR-OD-M-9610-016 appear to be the same, with the observation that the civil case merely "grew out" from the labor case. It also cited the prohibition against the issuance of injunction in any case involving or growing out of a labor dispute, unless otherwise provided by law.^[23] It added that it would have been more appropriate for the RTC to determine whether it had jurisdiction over the subject case before issuing the assailed orders.^[24] The dispositive portion of the decision reads:

WHEREFORE, premises considered, the petition is hereby **GRANTED**—and the assailed order (dated March 3, 1997) and the writ of preliminary mandatory injunction (dated March 5, 1997) **SET ASIDE**—and the respondent judge ordered to **DISMISS** Civil Case No. 97-81928.

SO ORDERED.^[25] (Emphasis in the original.)

Petitioners' *Motion for Reconsideration*^[26] was denied. Hence, this petition.

Petitioners assert that the RTC has jurisdiction to decide Civil Case No. 97-81928, as the determination of the legality and propriety of padlocking the doors of the USTFU office and preventing the free and unhampered ingress to and egress from the said premises, as alleged in the complaint, are matters incapable of pecuniary estimation.^[27] Moreover, they claim that the civil case was premised on causes of action belonging to the USTFU which are to be resolved not by reference to the Labor Code or other labor relations statutes. They stress that the causes of action involve a tortious act and the corresponding claim for damages that are both governed by the civil law and fall under the jurisdiction of regular courts.^[28]

Petitioners add that not all controversies involving members of the same union are to be decided by the labor tribunal. They add that in the instant case, the pendency of the labor case should not militate against the civil case they filed since the criminal and civil aspects of a violation of Article 241 of the Labor Code^[29] can be litigated separately and independently from the administrative aspect of a breach of the rights and conditions of membership.^[30]

Anent the ruling of the Court of Appeals on the writ of injunction issued by the trial court, petitioners state that Art. 254 of the Labor Code^[31] on prohibition against injunctions is not applicable to the instant case since the controversy cannot be categorized as a labor dispute. They argue that the injunction was called for considering that they "have rights to be protected and preserved," which however, "were violated, invaded and trampled upon" by respondents through the acts complained of.^[32]

Petitioners claim that respondents were not denied their day in court when the trial court did not resolve the issue of jurisdiction before proceeding with the hearing on the application for injunctive order. According to them, respondents were given the chance to present their evidence in support of their opposition to the injunction and TRO, but respondents chose not to avail of this opportunity.^[33]

Lastly, they add that respondents Gamilla, Cardenas and Aseron had no right to act for and in behalf of the USTFU for the following reasons, to wit: Gamilla's claim to the USTFU presidency was declared non-existent by the labor tribunals; Cardenas was the chief of the security force in the university and not a faculty member; and, Aseron was a Barangay Chairman and not a member of the UST faculty.^[34] Thus, petitioners claim that USTFU was improperly included as petitioner in the petition^[35] before the Court of Appeals.

Accordingly, petitioners assert that the Court of Appeals erred and gravely abused its discretion when:

- I. It ruled that the regional trial court had no jurisdiction over Civil Case No. 97-81928;
- II. It ruled that Civil Case No. 97-81928 is a labor dispute cognizable by the DOLE;
- III. It granted the petition for certiorari in CA-G.R. SP No. 43701, set aside the orders issued by the trial court, and ordered the dismissal of the civil case;
- IV. It ruled that Art. 254 of the Labor Code is applicable to the matters involved in Civil Case No. 97-81928;
- V. It ruled that respondents were denied their day in court; and
- VI. It ruled that the Motion for Reconsideration filed in CA-G.R. SP No. 43701 was pro-forma.^[36]

On the other hand, respondents maintain that the regional trial court had no jurisdiction over the issue as to who has the right to use the union office because the same is inextricably linked and intertwined with the issue as to who are the legitimate and duly elected officers of the USTFU, which was then the subject of another case before the DOLE.^[37] Furthermore, respondents insist that the trial court violated their right to due process when it refused to determine the issue of jurisdiction before issuing its assailed orders.^[38] Respondents submit that the only issue in the instant petition is whether the RTC has jurisdiction over Civil Case No. 97-81928.^[39]

There is merit in the petition but only in part.

Jurisdiction over a subject matter is conferred by law and determined by the allegations in the complaint^[40] and the character of the relief sought, irrespective of whether the plaintiff is entitled to all or some of the claims asserted therein.^[41]

Central to the assailed decision of the Court of Appeals is its adoption of respondents' argument that the issue in Civil Case No. 97-81928 is "inextricably linked and intertwined with the issue as to who are the lawful officers of the USTFU," which is within the exclusive jurisdiction of the Secretary of Labor; and that "the use of the union office is a mere incident of the labor dispute." [42] Specifically, the Court of Appeals held:

. . . .The two cases (Civil Case No. 97-81928 and Case No. NCR-OD-M-9610-016) appear the same. While ostensibly, the complaint filed with the trial court was branded 'injunction and damages', the action challenged the legitimacy of petitioners' election as officers of the UST Faculty Union, with the plaintiff therein (respondent herein) seeking to enjoin them (petitioners herein) from claiming and acting as such (elected officers of the union) and to have the election proceedings of October 4, 1996 invalidated and declared null and void. Taking note of plaintiffs' (private respondents') previous moves before the Department of Labor, Civil Case No. 97-81928 appear (sic) to have grown out therefrom—hence, said case clearly falls outside of the competence of the trial court.[43]

Another reason that militates against the trial court's assumption of jurisdiction over the case is Article 254 of the Labor Code that states:

Art. 254. *Injunction prohibited*.—No temporary or permanent injunction or restraining order in any case involving or growing out of labor disputes shall be issued by any court or other entity, except as otherwise provided in Articles 218 and 264 of this Code.[44]

As pointed out by petitioners, the Court of Appeals erroneously categorized the instant matter as a labor dispute. Such labor dispute includes any controversy or matter concerning terms or conditions of employment or the association or representation of persons in negotiating, fixing, maintaining, changing or arranging the terms and conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.[45] Jurisdiction over labor disputes, including claims for actual, moral, exemplary and other forms of damages arising from the employer-employee relations is vested in Labor Arbiters and the National Labor Relations Commission (NLRC).[46]

On the other hand, an intra-union dispute refers to any conflict between and among union members. It encompasses all disputes or grievances arising from any violation of or disagreement over any provision of the constitution and by-laws of a union, not excepting cases arising from chartering or affiliation of labor organizations or from any violation of the rights and conditions of union membership provided for in the Labor Code.[47] In contrast, an inter-union dispute refers to any conflict between and among legitimate labor organizations involving questions of representation for purposes of collective bargaining; it includes all other conflicts which legitimate labor organizations may have against each other based on any violations of their rights as labor organizations.[48] Like labor disputes, jurisdiction over intra-union and inter-union disputes does not pertain to the regular courts. It is vested in the Bureau of Labor Relations Divisions in the regional offices of the