

### Title:

ABS-CBN IJM Workers Union vs. ABS-CBN Corporation: A Supreme Court Ruling on Certification Elections and Employer-Employee Relationship in the Context of the Internal Job Market System

### Facts:

This case involves ABS-CBN Corporation (respondent) and the ABS-CBN IJM Workers Union (AIWU, petitioner), which sought to represent workers hired through ABS-CBN's Internal Job Market (IJM) system for a certification election. ABS-CBN argued that there was no employer-employee relationship with the IJM workers, referencing previous National Labor Relations Commission (NLRC) resolutions that favored ABS-CBN by concluding no employment relationship existed. The matter was initially denied by the Mediator-Arbiter, citing the absence of an employer-employee relationship and the need to respect previous NLRC findings. AIWU appealed to the DOLE Secretary, who reversed the Mediator-Arbiter's decision, leading ABS-CBN to seek recourse with the Court of Appeals, which then set aside the DOLE Secretary's decision. AIWU filed a Petition for Review on Certiorari with the Supreme Court.

### Issues:

1. Did the DOLE Secretary commit grave abuse of discretion in determining the existence of an employer-employee relationship?
2. Did the DOLE Secretary commit grave abuse of discretion in granting the petition for certification election?

### Court's Decision:

The Supreme Court granted the petition, finding that the DOLE Secretary did not commit grave abuse of discretion in resolving the presence of an employer-employee relationship and in ordering a certification election among IJM workers.

The Court highlighted that determining the status of employment is essential for the authorization of a certification election. It reaffirmed the authority of the DOLE, through its Mediator-Arbiter and the DOLE Secretary, to ascertain the existence of an employer-employee relationship, independent of the NLRC's findings. The Court referenced its modified stance on DOLE's authority in the Bombo Radyo case, emphasizing DOLE's capacity to independently determine such relationships. Moreover, the Court noted that its previous decisions, including the Nazareno case, supported the view that IJM workers had the qualities of regular employees, performing tasks necessary and desirable to ABS-CBN's

business. Therefore, there was a proper basis for the conduct of a certification election.

**### Doctrine:**

1. The Department of Labor and Employment (DOLE), through its Mediator-Arbiter and Secretary, has the authority to determine the existence of an employer-employee relationship for the purposes of a certification election, independent of the National Labor Relations Commission (NLRC)'s findings.
2. Continuous rehiring and engagement in tasks necessary and desirable for the employer's business are indicators of regular employment.

**### Class Notes:**

- The four-fold test for employment considers the selection and engagement of the employee, the payment of wages, the power of dismissal, and most importantly, the employer's power to control the employee's conduct.
- Certification elections are essential for the determination of a union's exclusive bargaining representation, contingent upon establishing an employer-employee relationship.
- The DOLE Secretary's determination of an employer-employee relationship is subject to judicial review for potential abuse of discretion.

**### Historical Background:**

This case underscores the evolving legal challenges in defining the employer-employee relationship within the broadcasting industry's changing labor landscape in the Philippines. It reaffirms the authority of the DOLE to independently evaluate such relationships amidst differing conclusions from other labor adjudicatory bodies, reinforcing the fundamental labor rights to self-organization and collective bargaining.