

Title: Philippine Association of Free Labor Unions (September Convention) vs. Director Pura Ferrer Calleja, et al.

Facts:

The core of this case revolves around a petition for a certification election among the rank-and-file employees at Hundred Island Chemical Corporation, leading to a legal dispute on the participation eligibility of intervening unions without the express written consent from 20% of the employees.

1. The petition for a certification election was initially filed by Malayang Samahan ng mga Manggagawa sa Hundred Island Chemical Corporation (referred to as Samahan) and was tagged as BLR Case No. A-6-201-87.
2. The Philippine Association of Free Labor Unions (September Convention), or PAFLU, filed a motion to intervene on 27 April 1987, together with written consent from 20% of the rank-and-file employees.
3. Kalipunan ng Manggagawang Pilipino (KAMAPI) also filed a motion to intervene on 1 June 1987 but did not include the written consent of 20% of the employees.
4. PAFLU sought to exclude KAMAPI due to the absence of said consent, leading to a decision by Med-Arbitrer Renato D. Parungo on 8 June 1987 denying KAMAPI's intervention while approving PAFLU's.
5. KAMAPI appealed to the Bureau of Labor Relations (BLR) Director, resulting in an order that included KAMAPI as one of the contending unions in the certification election.
6. PAFLU challenged the BLR Director's order via a petition for certiorari, leading to the Supreme Court's resolution of the dispute.

Issues:

The central legal issue deliberated by the Supreme Court was whether KAMAPI could join in a certification election through a motion for intervention without first proving it had the support depicted through the written consent of at least 20% of all employees in the collective bargaining unit.

Court's Decision:

The Supreme Court dismissed the petition for certiorari filed by PAFLU, affirming the BLR Director's decision to include KAMAPI in the certification election. The Court elucidated that the requirement for a 20% workers' written consent applies exclusively to the petitions for certification elections and not to motions for intervention. The rationale is to ensure a union petitioning for certification has substantial representation interest but does not

extend to unions seeking to intervene in already initiated certification election processes. Therefore, as KAMAPI's intervention did not impede any party and was timely filed, their participation in the certification election was deemed appropriate.

Doctrine:

The established doctrine from this decision highlights the distinction between the prerequisites for petitioning a certification election and moving to intervene in said election. Specifically, the requirement for securing written consent from 20% of the workforce is exclusive to petitions initiating certification elections and does not apply to motions for intervention therein.

Class Notes:

- **Certification Election:** A process undertaken to determine the representative union for the bargaining unit in an organization.
- **Motion to Intervene:** A legal action allowing a third party to join ongoing litigation or procedures based on having a stake in the outcome.
- **Written Consent Requirement (20% Rule):** A rule mandating that petitions for certification elections must be supported by the written consent of at least 20% of the employees within the bargaining unit.

Relevant Statutory Provision: "In an unorganized establishment, the petition for certification election filed by a legitimate labor organization shall be supported by the written consent of at least twenty (20%) percent of all the employees in the bargaining unit." - Derived from Section 7 of E.O. 111 as contextualized within this case.

Historical Background:

This case underscores the evolving jurisprudence concerning labor relations and union representation in the Philippines. It illustrates the intricate balance between ensuring fair representation rights for employees and maintaining procedural integrity within certification election processes, reflecting the broader aim of Philippine labor laws to protect workers' rights while facilitating orderly industrial relations practices.