

Title: A. Soriano Aviation vs. Employees Association of A. Soriano Aviation, G.R. No. 612 Phil. 1093 (2005)

Facts:

****May 22, 1997:****

- A. Soriano Aviation (ASA) and the Employees Association of A. Soriano Aviation (the Union) entered into a Collective Bargaining Agreement (CBA) effective from January 1, 1997, to December 31, 1999, containing a “No-Strike, No-Lockout” clause.

****May 1 & 12, and June 12, 1997:****

- Eight mechanics refused to render overtime on these legal holidays, peak season days.

****July 31, 1997:****

- ASA suspended the workers and filed a complaint for illegal strike, later dismissed to attempt settlement.

****October 3, 1997:****

- The Union filed a Notice of Strike citing various issues including union-busting and illegal suspensions.

****October 22, 1997:****

- The Union went on strike following unsuccessful conciliation.

****June 16, 1998:****

- ASA filed a second complaint alleging violent acts during the ongoing strike.

****September 28, 1998:****

- Labor Arbiter declared the first strike illegal citing it as a non-strikeable issue and noted procedural defects.

****Subsequent Procedural History:****

- The Union’s appeals to the NLRC and the Court of Appeals were turned down, followed by ASA’s petition to the Supreme Court.

Issues:

1. **Legality of the First Strike:**

- Whether the mechanics' refusal to work on holidays was a "concerted action" violating the CBA's "No-Strike, No-Lockout" clause.

2. **Legality of the Second Strike:**

- Whether the strike was illegal due to violent acts and violations of the "No-Strike, No-Lockout" clause.

3. **Loss of Employment Status:**

- Whether individual respondents lost employment due to participation in illegal acts.

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Court's Decision:

1. First Strike (Concerted Action):

The Court upheld the strike as illegal, confirming the Labor Arbiter's finding that refusal to work on three consecutive holidays was a concerted action that violated the CBA's provisions.

2. Second Strike (Use of Illegal Means):

Despite the Union's good faith belief in unfair labor practice for the second strike, the Court ruled it became illegal due to violent acts:

- Acts of name-calling, harassment, physical threats, and imputation of criminal negligence jeopardized the company's operations.
- The repeated hostile acts and defamation in placards indicated an attempt to coerce dispute resolution unlawfully.

3. Loss of Employment Status:

The Court noted discrepancies in individual participation. It remanded the case to the NLRC to determine specific liabilities and Union statuses of involved individuals, differentiating those unknowingly participating from those committing acts directly as union officers or committing violent deeds.

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Doctrine:

- **Doctrine of Illegal Strike through Unlawful Means:**

Even if the reasons for a strike are valid, the means employed (e.g., violence, coercion) can render it illegal. Illegal acts such as intimidation, threats, and aggression during a strike strip it of protection under labor laws, resulting in employment termination.

– ****Distinction of Union Members and Officers:****

Union officers can be terminated for simply participating in an illegal strike, while regular union members must have committed specific illegal acts to lose employment.

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Class Notes:

– ****Key Elements:****

- Collective Bargaining Agreement (CBA)
- “No-Strike, No-Lockout” clause
- Strike legality (economic vs. unfair labor practice ground)
- Procedural requirements for legal strikes
- Article 264 of the Labor Code (prohibited activities)
- Distinction of liabilities (Union Officers vs. Regular Members)

– ****Relevant Legal Statutes:****

– ****Article 264, Labor Code:**** Establishes prohibited activities during strikes, including acts of violence, coercion, and threats, and specifies consequences for union officers and members.

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Historical Background:

****Labor Movement in the Philippines:****

- The 1990s saw intense labor activity with frequent industrial actions often rooted in disputes over unfair labor practices and CBA violations.
- The legal framework of the time, shaped by precedents and specific jurisprudence like this case, aimed to balance the right to strike with the need to prevent disruptions through unlawful means, safeguarding industrial peace and economic stability.

This case emphasizes the delicate balance of respecting workers’ rights to unions and lawful strikes while ensuring that union actions remain within the legal framework to preserve corporate and societal order.