

Title:

Luis De Ocampo, Jr. vs. National Labor Relations Commission (NLRC) and Makati Development Corporation (MDC)

Facts:

- *September 30, 1980*: Makati Development Corporation (MDC) terminates the services of 65 employees based on the expiration of their employment contracts.
- *October 1, 1980*: The dismissed employees, members of the Philippine Transport and General Workers Association (PTGWA), file a complaint for illegal dismissal against MDC.
- *October 8, 1980*: PTGWA files a notice of strike with the grounds being union-busting, subcontracting, and unfair labor practice.
- *October 14, 1980*: PTGWA declares a strike and establishes picket lines around MDC premises.
- *November 4, 1980*: MDC submits a motion to the Bureau of Labor Relations to declare the strike illegal and restrain the workers.
- Multiple applications for clearance to terminate 90 striking workers are filed by MDC, of which 74 are project employees with fixed-term contracts.
- *August 31, 1982*: Labor Arbiter Apolinar L. Sevilla rules against MDC's applications for clearance and orders the reinstatement of dismissed employees with two months back wages.
- *June 8, 1984*: NLRC partially modifies Labor Arbiter's decision, allowing the dismissal of union officers, upholding the end of terminations for project employees, and ordering reinstatement without back wages for regular employees except union officers.

Issues:

1. ****Timeliness of the Motion for Reconsideration****: Whether the petitioner's motion for reconsideration was filed within the reglementary period.
2. ****Legality of the Strike****: Whether the strike declared by PTGWA was legal under the prevailing laws.
3. ****Justification for Termination of Project Employees****: Whether the termination of the project employees was justified based on the expiration of their employment contracts.

Court's Decision:

1. ****Timeliness of the Motion for Reconsideration****:
 - The Court noted that the relevant NLRC rule requiring motions for reconsideration to be filed within ten days had not yet been in effect in 1984. The reglementary period then was fifteen days.

- Acknowledging that the decision was received on June 13, 1984, the Court held the motion for reconsideration filed on June 26, 1984, within the allowable period. Thus, it was filed on time.

2. **Legality of the Strike**:

- The strike was deemed illegal under Presidential Decree No. 823 as amended by PD No. 849, which restricted strikes to unresolved economic issues requiring a 30-day notice and cooling-off period.

- The strike was declared based on grounds not permitted by the prevailing law and was initiated only 6 days after notice.

- Consequently, union leaders involved in instigating the illegal strike were rightfully dismissed, while non-leader participants (excluding project employees) were to be reinstated without back pay.

3. **Justification for Termination of Project Employees**:

- Although the employment contracts of the project workers had expired, the ongoing nature of the project necessitated their continued services.

- Historical precedence indicated that workers were typically retained until the completion of projects they were involved in, showing a pattern of continued employment despite fixed-term contracts.

- The Court deduced that the workers were dismissed not due to contract expiration but as a retaliatory action for their participation in union activities and strikes.

- The Court revised the NLRC decision, granting separation pay to project employees at a rate of one month's salary for each year of service, considering their dismissal was unjust and retaliatory.

Doctrines:

- **Illegal Strike**: Strikes must adhere to specific grounds and procedural requirements under prevailing laws. The unauthorized declaration of a strike can render it illegal.

- **Project Employee Status**: Project employees whose services are still necessary for the completion of ongoing projects are entitled to continued employment or compensation if their positions are terminated prematurely.

- **Labor Protection**: The Constitution mandates the protection of labor, highlighting the illegality of retaliatory dismissals arising from legitimate union activities or complaints.

Class Notes:

- **Elements to Determine Illegality of a Strike**:

- Must be based on unresolved economic issues (Presidential Decree No. 823).
- Must comply with the 30-day notice and cooling-off period.
- **Project Employee Rights**:
 - Workers may continue employment if their services are necessary, despite fixed-term contracts.
 - Entitled to separation pay if terminated before the completion of the ongoing project.
- **Relevant Legal Provisions**:
 - PD No. 823 as amended by PD No. 849.
 - Labor Code, specifically Article 283 dealing with separation pay.

Historical Background:

- The case unfolded during a period when the Philippine government attempted to balance industrialization with labor rights, implementing stringent rules on union activities and strikes through Presidential Decrees. These policies were part of efforts to curb economic disruptions during the Martial Law era under President Ferdinand Marcos, reflecting a broader strategy of labor-management arbitration and control.