

**Title:** National Union of Workers in Hotels, Restaurants, and Allied Industries – Manila Pavilion Hotel Chapter (NUWHRAIN-MPHC) vs. Secretary of Labor and Employment, Bureau of Labor Relations, Holiday Inn Manila Pavilion Hotel Labor Union, and Acesite Philippines Hotel Corporation (G.R. No. 180397)

**Facts:**

The case involves two labor unions competing to become the exclusive bargaining agent of the rank-and-file employees at the Holiday Inn Manila Pavilion Hotel. In a certification election held on June 16, 2006, the votes were distributed as follows:

- **Total Votes Cast:** 346
- **NUWHRAIN-MPHC:** 151 votes
- **HIMPFLU:** 169 votes
- **No Union:** 1 vote
- **Spoiled Votes:** 3
- **Segregated Votes:** 22

Procedural history begins with the election results being contested due to the substantial number of segregated votes. The segmented ballots comprised of:

1. Eleven votes from dismissed employees whose dismissals were under appeal.
2. Six votes from employees holding supervisory roles during the election.
3. Five votes from probationary employees, not including Jose Gatbonton, a probationary employee whose vote was counted.

Med-Arbiter Ma. Simonette Calabocal ordered opening 17 of the 22 segregated votes, leading NUWHRAIN-MPHC to appeal to the Secretary of Labor and Employment (SOLE). Acting Secretary Luzviminda Padilla upheld the opening decision but sustained the contention concerning probationary employees based on their employment start date being post the initial Order for certification elections.

NUWHRAIN-MPHC's motion argued the principle of equal protection, pointing out the inclusion of probationary employee Gatbonton's vote while the exclusion of others, and contended that the pivotal date for eligibility should be the date of the SOLE's final order. The exclusion reduced the necessary threshold considered for majority resulting in identical rulings against them by both SOLE and the Court of Appeals, which upheld that dismissed employees' votes were countable as dismissals were under appeal.

**Issues:**

1. Whether probationary employees should be allowed to vote in a certification election.
2. Whether HIMPFLU garnered the required majority of the valid votes cast to be certified as the exclusive bargaining agent.

**\*\*Court's Decision:\*\***

**\*\*1. Voting Eligibility of Probationary Employees:\*\***

The Supreme Court ruled that all probationary employees should be eligible to vote, citing the principle from *Airtime Specialists, Inc. v. Ferrer-Calleja* stating that all rank-and-file employees in the appropriate bargaining unit, whether probationary or permanent, are entitled to vote in certification elections. Hence, the exclusion of the six probationary employees was erroneous.

**\*\*2. Certification as Exclusive Bargaining Agent:\*\***

The Court noted that HIMPFLU received 169 votes but considering the counts of dismissed employees' votes and excluding the votes of supervisory employees (valid votes), the total number of valid votes cast should be 337. This indicated that HIMPFLU lacked the majority (170) necessary to be certified. Therefore, the ruling mandated a runoff election between NUWHRAIN-MPHC and HIMPFLU to resolve the matter conclusively.

**\*\*Doctrine:\*\***

**\*\*1. Inclusion of All Rank-and-file Employees:\*\*** All probationary employees are entitled to vote in certification elections from their first day of service. This is aligned with **\*\*Article 255 of the Labor Code\*\*** regarding the rights of workers in the collective bargaining process.

**\*\*2. Double Majority Rule:\*\*** Relating to certification elections, a union must obtain a majority of the valid votes cast by eligible voters. This is crucial for certification as the exclusive bargaining representative (Labor Code, Article 256).

**\*\*Class Notes:\*\***

- **\*\*Key Elements of Certification Election:\*\***

- **\*\*Rank-and-file employees' voting rights\*\***: Includes both permanent and probationary employees from day one (Article 255, Labor Code).

- **\*\*Double Majority Rule\*\***: Requires a majority of eligible voters to participate, and the winning union to secure a majority of valid votes cast (Article 256, Labor Code).

- **\*\*Exclusion Criteria\*\***: Dismissed employees may vote pending the appeal decision, but supervisory employees promoted before are excluded.

**\*\*Historical Background:\*\***

The case of NUWHRAIN-MPHC vs. HIMPFLU stems from a broader context of labor disputes and certification election regulations in the Philippines. It emphasizes the evolving interpretation of labor laws focusing on fairness for all categories of employees and the fundamental right of self-organization. This case underscores the judicial balance sought between technical regulatory frameworks and constitutionally endorsed workers' rights in the Philippines. The importance of inclusive participation in certification elections aligns with the historical commitment to democratizing workplace relationships and safeguarding collective bargaining rights.