

THE HERITAGE HOTEL MANILA, OWNED AND OPERATED BY GRAND PLAZA HOTEL CORPORATION, PETITIONER, VS. BUREAU OF LABOR RELATIONS, HON. REBECCA C. CHATO, IN HER CAPACITY AS DIRECTOR OF T...

Ponente: ANTONIO-VALENZUELA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0abb5f0ba871/>

ANTONIO-VALENZUELA, J.:

This is the Petition for Certiorari^[1] filed by The Heritage Hotel Manila (“petitioner Heritage Hotel”) questioning the propriety of the Bureau of Labor Relations’ (“BLR”): (1) Decision^[2] dated 8 April 2011 (“assailed Decision”); (2) Letter^[3] dated 13 June 2011 (“assailed Letter”).

The facts are as follows: union members of the Pinag-isang Galing at Lakas ng mga Manggagawa sa Heritage Manila (“the Union”) voted to dissolve the Union for lack of interest, and notified the Department of Labor and Employment – National Capital Region (“DOLE-NCR”) and the BLR of the Union’s voluntary dissolution via the Transmittal Letter^[4] (with the attached Minutes of the General Membership Meeting,^[5] Notice of General Membership Meeting,^[6] and lists of the Union’s members who voted to dissolve the Union^[7]).

The DOLE-NCR treated the Transmittal Letter as a voluntary cancellation of the Union’s registration (“voluntary dissolution case”), and set the case for preliminary conference.

Mario Vasquez (“private respondent Vasquez”) filed the Position Paper,^[8] and alleged: petitioner Heritage Hotel coerced 15 union members to dissolve the Union, thus the dissolution of the Union was not voluntary; there was no general membership meeting conducted for the purpose of discussing the Union’s dissolution, and the Union President did not sign the necessary papers for the Union’s voluntary dissolution, thus the voluntary case must be disregarded, and the Union’s registration should be allowed to continue.

The DOLE-NCR issued the Order dated 7 January 2011,^[9] granting the voluntary cancellation of the Union’s registration, and dropping the Union from the roll of legitimate labor unions.

Aggrieved by the DOLE-NCR’s Order, private respondent Vasquez, representing the Union, appealed to the BLR.

The BLR issued the assailed Decision dated 8 April 2011,^[10] and granted the appeal, and declared that the Union shall remain in the roster of legitimate organizations.

Petitioner Heritage Hotel filed the Motion to Intervene with Motion to Declare the Decision Null and Void,^[11] and alleged: petitioner Heritage Hotel only came to know of the assailed Decision when it received the Motion to Set Case for Pre-election Conference; while petitioner Heritage Hotel was not a party in the voluntary dissolution case, petitioner Heritage Hotel had the right to intervene because petitioner Heritage Hotel had the right not to deal with a union that already ceased to exist; the Union’s legal personality can no longer be revived by labor courts, because the Union membership already dissolved the Union, and the Union had ceased to exist; the Union owed its existence as an organization solely to the will of its members, thus the voluntary dissolution case pertained only to the issue of the Union being dropped from the DOLE’s roster of legitimate labor organizations,

and did not affect the members' decision to dissolve the Union; the DOLE-NCR's Order dropping the Union from the roll of legitimate labor organizations already became final; respondent Vasquez had no authority to appeal the Order, because the proper parties to question the Order were the members who voted to dissolve the Union, thus the appeal was defective, and the Order became final absent a valid appeal; the technical requirements mandated by law cannot prevail over the members' decision to dissolve the Union; the law does not require that the notice of general membership meeting be signed by the Union President, thus respondent Vasquez's non-signing of the notice of meeting was inconsequential; the law does not require that the voting for the approval of a Union's dissolution must be done by secret balloting, and there was nothing irregular when a union member votes by proxy, because voting by proxy was not prohibited; the lack of endorsement by the Union's Board of Directors, and the lack of the Union President's attestation were inconsequential because the will of the overwhelming majority was to dissolve the Union; the union members' execution of the Sama-Samang Sinumpaang Salaysay (where they retracted their decision to dissolve the Union) was highly dubious, thus deserved scant consideration.

Rico Catalan ("Catalan") filed the Entry of Appearance with Motion for Reconsideration,[12] and alleged: at the time of Union's dissolution in 2010, the Union had only 42 members, and not 89 members; during the general membership meeting, 29 members were present and unanimously voted for the Union's dissolution, thus the Union complied with the 2/3 votes requirement for voluntary dissolution; the execution by the union members of the Sama-Samang Sinumpaang Salaysay retracting their decision to dissolve the union was dubious, because these members did not affirm their signatures, and did not appear at the hearings before the DOLE-NCR.

The BLR issued the assailed Letter[13] denying petitioner Heritage Hotel's Motion. In a similar letter, the BLR also denied Catalan's Motion.

Hence, this Petition for Certiorari,[14] petitioner Heritage Hotel imputing the following errors on the the BLR:

HAVING BEEN VOLUNTARILY DISSOLVED BY AT LEAST TWO-THIRDS (2/3) OF ITS GENERAL MEMBERSHIP ON MAY 5, 2010, THE UNION HAS CEASED TO EXIST AS AN ORGANIZATION SINCE THAT DATE. ITS EXISTENCE CANNOT BE REVIVED EVEN BY THE LABOR AUTHORITIES.

THE HOTEL IS NOT AN OUTSIDER IN THE DISSOLUTION CASE BECAUSE IT HAS AN INTEREST TO PROTECT BEING THE EMPLOYER WHERE THE DEFUNCT UNION SEEKS TO OPERATE.

THE MOTION TO DECLARE DECISION NULL AND VOID WAS NOT FILED OUT OF TIME.

IN ANY CASE, THE ASSAILED DECISION COULD NOT HAVE ATTAINED FINALITY AS IT IS NULL AND VOID.

THE REGIONAL DIRECTOR'S ORDER DROPPING THE UNION FROM THE ROLL OF LEGITIMATE LABOR ORGANIZATIONS HAS ATTAINED FINALITY.

SINCE THE OTHER PARTIES-IN-INTEREST (I.E., THE FORMER UNION MEMBERS) WERE NOT NOTIFIED OF THE PROCEEDINGS AND OF THE ASSAILED DECISION, THE ASSAILED DECISION COULD NOT HAVE ATTAINED FINALITY, THERE BEING A LACK OF DUE PROCESS.

THE BLR DIRECTOR GRAVELY ABUSED HER DISCRETION WHEN SHE GRANTED THE APPEAL AND REINSTATED PIGLAS IN THE ROSTER OF LEGITIMATE LABOR ORGANIZATIONS.

THE DISSOLUTION OF PIGLAS WAS APPROVED BY AT LEAST 2/3 OF THE UNION MEMBERSHIP.

TECHNICAL REQUIREMENTS CANNOT PREVAIL OVER THE MEMBERS' DECISION TO DISSOLVE THE UNION.

THE SAMA-SAMANG SINUMPAANG SALAYSAY UPON WHICH MR. VASQUEZ'S ALLEGATIONS

ARE ANCHORED IS HIGHLY DOUBTFUL AND DESERVES SCANT CONSIDERATION. [[15]]

The issues are: (1) whether petitioner Heritage Hotel had a right to intervene in the voluntary dissolution case; (2) whether the BLR erred in reinstating the Union in the roll of legitimate labor organizations.

PETITION FOR CERTIORARI

Anent the first issue, petitioner Heritage Hotel answers in the affirmative. Petitioner Heritage Hotel had a right to intervene in the voluntary dissolution case.

The Petition for Certiorari thrusts: petitioner Heritage Hotel had a right to intervene in the voluntary dissolution case because it had a direct and material interest in the voluntary dissolution case (i.e.: petitioner Heritage Hotel had the right to ensure that only an existing and legitimate labor union [and not a dissolved union] was allowed to represent petitioner Heritage Hotel's employees for purposes of collective bargaining).

With respect to the second issue, petitioner Heritage Hotel answers in the affirmative. The BLR erred in reinstating the Union in the roll of legitimate labor organizations.

The Petition for Certiorari thrusts: the Union's legal personality can no longer be revived by labor courts, because the Union membership already dissolved the Union, and the Union had ceased to exist; the Union owed its existence as an organization solely to the will of its members, thus the voluntary dissolution case pertained only to the issue of the Union being dropped from the DOLE's roster of legitimate labor organizations, and did not affect the members' decision to dissolve the Union; the operative fact in voluntary dissolutions of unions is the approval of the dissolution by 2/3s of the union membership, when 2/3 of the Union's membership approved the dissolution of the Union, the Union ceased to exist; the DOLE-NCR's Order dropping the Union from the roll of legitimate labor organizations already became final; respondent Vasquez had no authority to appeal the DOLE-NCR's Order, because the proper parties to question the Order were the members who voted to dissolve the Union, thus the appeal filed by respondent Vasquez was defective, and the DOLE-NCR's Order became final absent a valid appeal; the technical requirements mandated by law cannot prevail over the members' decision to dissolve the union; the law does not require that the notice of general membership meeting must be signed by the union president, thus respondent Vasquez's non-signing of the notice of meeting was inconsequential; the law does not require that the voting for the approval of the Union's dissolution be done by secret balloting, and there was nothing irregular for a union member to vote by proxy, as voting by proxy was not prohibited; the lack of endorsement by the Union's Board of Directors, and the lack of the Union President's attestation, were inconsequential because the will of the overwhelming majority was to dissolve the Union; the execution by the union members of the Sama-Samang Sinumpaang Salaysay retracting their decision to dissolve the union was highly dubious, thus deserves scant consideration; the assailed Decision could not attain finality because the other union members were not notified of the dissolution proceedings, nor of the assailed Decision, thus the other union members were denied of due process.

Respondent Vasquez did not file a comment on petitioner Heritage Hotel's Petition for Certiorari.

Petitioner Heritage Hotel filed the Petitioner's Memorandum, [16] reiterating its assertions.

THE COURT'S RULING

Anent the first issue, we rule in the negative. Petitioner Heritage Hotel had no right to intervene in the voluntary dissolution case.

The Labor Code's provisions on cancellation of union registration were amended by Republic Act No. 9481 ("R.A. 9481;" An Act Strengthening The Workers' Constitutional Right To Self-Organization, Amending For the

Purpose Presidential Decree No. 442, As Amended, Otherwise Known As the Labor Code of the Philippines). Under the amendment, Article 239 provides three grounds for cancellation of union registration, thus:

Article 239. Grounds for Cancellation of Union Registration. - The following may constitute grounds for cancellation of union registration:

- (a) Misrepresentation, false statement or fraud in connection with the adoption or ratification of the constitution and by-laws or amendments thereto, the minutes of ratification, and the list of members who took part in the ratification;
- (b) Misrepresentation, false statement or fraud in connection with the election of officers, minutes of the election of officers, and the list of voters;
- (c) Voluntary dissolution by the members.

Under Article 239 (a) and 239 (b) above-quoted, it is the employer who can file a petition for cancellation of a union's registration. Jurisprudence states that in petitions filed by the employer, the employer is a party in interest.[17]

Under Article 239 (c) above-quoted, it is the union members who can file a petition to cancel the union's registration, subject to certain requirements under Article 239-A.[18] In petitions to cancel registration filed by the union members, the employer is not a party-in-interest. It is a recognition of the union members' right to organize, and their corollary right to disorganize.

The petition for voluntary dissolution filed by the Union itself via the Transmittal Letter,[19] was filed under the Article 239 (c) of the Labor Code. Petitioner Heritage Hotel could not validly intervene in it.

We decline to rule on the issue of the propriety of reinstating the Union in the list of legitimate labor organizations, because the matter is now moot.

A case or issue is considered moot and academic when it ceases to present a justiciable controversy by virtue of supervening events, so that an adjudication of the case or a declaration on the issue would be of no practical value or use.[20] In such instance, there is no actual substantial relief which a petitioner would be entitled to, and which would be negated by the dismissal of the petition.[21] Courts generally decline jurisdiction over such case or dismiss it on the ground of mootness.[22] This is because the judgment will not serve any useful purpose or have any practical legal effect because, in the nature of things, it cannot be enforced.

In our Resolution dated 2 September 2013,[23] we required petitioner Heritage Hotel to apprise this Court of the status of the Petition for Review on Certiorari Ad Cautelam[24] which petitioner Heritage Hotel filed before the Supreme Court, questioning the Court of Appeals Second Division's Decision dated 14 February 2012[25] (which affirmed the assailed Decision that reinstated the Union in the roll of legitimate labor organizations).

In the Manifestation and Submission dated 3 October 2013,[26] petitioner Heritage Hotel informed us that the Supreme Court in the Resolution dated 10 September 2012[27] issued in G.R. No. 202926 entitled "The Heritage Hotel Manila, acting through its owner Grand Plaza Hotel Corporation v. Mario Vasquez, purporting to represent Pinagkaisang Galing at Lakas ng mga Manggagawa sa Heritage (PIGLAS-HERITAGE), et al." denied petitioner Heritage Hotel's Petition for Review on Certiorari Ad Cautelam. The Supreme Court Resolution dated 10 September 2012 became final on 12 December 2012, per Entry of Judgment.[28]

We DISMISS the Petition.

IT IS SO ORDERED.

Lampas Peralta, F., Chairperson and Cruz, S.C., JJ., concur.

- [1] C.A. Rollo, p. 3.
- [2] Annex “A” of the Petition for Certiorari, C.A. Rollo, p. 44.
- [3] Annex “B” of the Petition for Certiorari, C.A. Rollo, p. 48.
- [4] Annex “D” of the Petition for Certiorari, C.A. Rollo, p. 53.
- [5] Annex “E” of the Petition for Certiorari, C.A. Rollo, p. 54.
- [6] Annex “F” of the Petition for Certiorari, C.A. Rollo, p. 55.
- [7] Annexes “G” to “G-6” of the Petition for Certiorari, C.A. Rollo, pp. 69-75.
- [8] Annex “J” of the Petition for Certiorari, C.A. Rollo, p. 83.
- [9] Annex “C” of the Petition for Certiorari, C.A. Rollo, p. 49.
- [10] Supra, note 2.
- [11] Annex “Q” of the Petition, C.A. Rollo, p. 102.
- [12] Annex “S” of the Petition, C.A. Rollo, p. 198.
- [13] Supra, note 3.
- [14] Supra, note 1.
- [15] Id., at p. 12.
- [16] C.A. Rollo, p. 345.
- [17] See *Progressive Development Corporation v. Secretary of Labor*, G.R. No. 96425, 4 July 1992; *Toyota Motor Philippines Corp. v. Toyota Motor Philippines Labor Union*, G.R. No. 121084, 19 July 1997.
- [18] Article 239-A. Voluntary Cancellation of Registration. - The registration of a legitimate labor organization may be cancelled by the organization itself. Provided, That at least two-thirds of its general membership votes, in a meeting duly called for that purpose to dissolve the organization: Provided, further, That an application to cancel registration is thereafter submitted by the board of the organization, attested to by the president thereof.
- [19] Supra, note 4.
- [20] *Peñafrancia Sugar Mill, Inc. v. Sugar Regulatory Administration*, G.R. No. 208660, 5 March 2014.
- [21] *Funa v. Manila Economic and Cultural Office*, G.R. No. 193462, 4 February 2014.
- [22] Id.
- [23] C.A. Rollo, p. 439.
- [24] Annex “A” of the Manifestation, C.A. Rollo, p. 393.
- [25] Annex “B” of the Manifestation and Submission, C.A. Rollo, p. 489.

[26] C.A. Rollo, p. 453.

[27] Annex “E” of the Manifestation and Submission, C.A. Rollo, p. 536.

[28] Annex “H” of the Manifestation and Submission, C.A. Rollo, p. 554.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.