

ASSOCIATED LABOR UNION, PETITIONER, VS. HON. EMILIANO C. TABIGNE, ASSOCIATE JUDGE OF THE COURT OF INDUSTRIAL RELATIONS, PHILIPPINE PACKING CORPORATION, AND BUGO CANNERY & STEVED...

G.R. No. L-31676. September 30, 1970

Ponente: TEEHANKEE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/26a11478b52d/>

TEEHANKEE, J.:

Original action for certiorari and prohibition with preliminary injunction against respondent judge's order suspending the scheduled certification election of the employees of respondent Philippine Packing Corporation and seeking to further revise the list of company employees entitled to vote thereat as determined by a final and executory resolution en banc of the Court of Industrial Relations.

A petition of respondent company's employees for the holding of a certification election filed since December 28, 1966 was eventually resolved by respondent judge in his order dated January 10, 1969 requiring the holding of the election.

Motions for reconsideration were filed by respondents company and union, questioning the order and asserting mainly that the list of cannery employees submitted (Exhibits "X-Court to X-41-Court") referred to the period as of December 31, 1966 and that since then to the time of the issuance of the certification election order of January 10, 1969, there had been changes in the employees' force due to resignation or dismissal of some employees and their consequent replacements. The industrial court in its resolution en banc of June 11, 1969, gave due consideration to these representations and ordered that "the payrolls of the company as of December 31, 1968 should also be used in addition to Exhibits 'X-Court to X-41-Court' as the bases of determining the eligible voters in the forthcoming election", and lifted a previous order of respondent judge of January 21, 1969, suspending the election scheduled by the Department of Labor and requested again the said department to conduct the election.

Respondent company sought to appeal and enjoin the industrial court's en banc resolution to this Court through a petition for review docketed as G. R. No. L-30948, but the Court in its resolution of September 16, 1969 denied the petition for lack of merit, which was entered and became final and executory on November 7, 1969.

The Labor Department accordingly scheduled the holding of the certification election for February 20, 1970. Notwithstanding the finality of the industrial court's order of June 11, 1969 for the holding of the election on the basis of the December 31, 1968 payrolls besides the December 31, 1966 payrolls already submitted previously to the court, as upheld by this Court, respondent union filed again on February 4, 1970 a motion for inclusion of some 110 alleged employees whose names did not appear in the company's 1966 and 1968 payrolls and for exclusion of others whose names so appeared therein. A motion to intervene was likewise filed on behalf of 504 alleged employees whose names likewise did not appear in the base payrolls but who claimed to have since acquired "regular and permanent status."

Petitioner opposed the said motions on the ground that they sought to have respondent judge, beyond his authority and jurisdiction, reopen the case and review or modify the final resolution of the court en banc of June 11, 1969 which was conclusive and binding on the parties. Petitioner thus asked for the outright rejection and dismissal of said motions. Respondent judge, in an order dated February 16, 1970 and upon respondent union's motion, cancelled the scheduled election of February 20, 1970, and ordered the suspension thereof until further orders, on the ground that he could not reasonably resolve the said pending motions as well as petitioner's motion questioning his jurisdiction to entertain them, before the said scheduled date of the election,

The Court caused the issuance of summons upon the filing of the petition at bar on February 24, 1970 and issued on March 17, 1970 the writ of preliminary injunction enjoining respondent judge from hearing the said incidents which he had set for March 24, 1970. The motion for intervention of 504 alleged employees, whose names did not appear in the base payrolls was re-submitted here and denied in the Court resolutions of April 15, and May 20, 1970; nevertheless, their cause was taken up by respondents in their respective answers.

The sole issue at bar as joined by respondents company and union, who make common cause in their answers in supporting respondent judge's challenged order, is whether or not respondent judge acted without jurisdiction or with grave abuse of discretion in issuing his order of February 16, 1970, cancelling the scheduled certification election of February 20, 1970, and indefinitely suspending the holding of the same until further orders.

The writ prayed for must be granted.

Respondent judge acted beyond his authority and jurisdiction in issuing his questioned order of February 16, 1970, cancelling the scheduled election and entertaining belated motions submitted to him which would again re-open the matter of eligible voters already squarely and conclusively decided in the industrial court's final en banc resolution of June 11, 1969 and upheld in this Court's resolution of September 16, 1969 in Case No. L-30948 denying the petition to review the same for lack of merit.

The question of who would compose the eligible voters of respondent company's employees at the election ordered to be held on February 20, 1970 was duly raised by the parties and conclusively decided by the industrial court's en banc resolution of June 11, 1969, ordering that the December, 1968 payrolls, in addition to the 1966 payrolls (Exhibits X-Court to X-Court-41) should also be used "as the bases of determining the eligible voters in the forthcoming election." The proper time for respondents and would-be intervenors to raise the questions as to the changes in the composition of the company's employees' force was during the pendency of the motion for reconsideration before the industrial court en banc, and from the tenor of the en banc resolution, said court duly considered the questions raised by them and issued the resolution, modifying substantially the list of voters by adding the 1968 payrolls, so that "the winning choice be truly representative of the members of the appropriate bargaining unit."

Respondent company's proposed appeal from the said en banc resolution having been dismissed by the Court for lack of merit, said resolution fixing the bases for the voters' list at the forthcoming election became final and executory and was no longer subject to alteration or modification by respondent judge. Whatever considerations equitable or otherwise, may have led respondent judge to issue his challenged order indefinitely suspending the certification election - could not, in the language of the now Chief Justice in *Galvez vs. Phil. Long Distance Telephone Co.*,^[1] "offset the demands of public policy and public interest -- which are also responsive to the tenets of equity -- requiring that all issues passed upon in decisions or final orders that have become executory, be deemed conclusively disposed of and definitely closed, for, otherwise, there would be no end to litigations, thus setting at naught the main role of courts of justice, which is to assist in the enforcement of the rule of law and the maintenance of peace and order, by settling justiciable controversies with finality." Since this Court as the

court of last resort had already upheld the industrial court's resolution and had dismissed the proposed appeal for lack of merit, its final ruling constituted the law of the case, conclusive and binding on respondent judge, and was beyond his power and authority to alter or modify.[2]

That it was beyond respondent judge's authority and jurisdiction to further entertain the motions submitted to him for the purpose of altering the voters' lists and to suspend indefinitely the election ordered rather than ministerially to implement the holding of the election as scheduled, is made patent when it is considered that section 12 (c) of the Industrial Peace Act (Rep-ublic Act No. 875) makes it "mandatory on the court to order an election for the purpose of determining the representative of the employees for the appropriate bargaining unit" upon a petition filed by at least ten percent of the employees. Here, after more than three long years, the certification election was finally set for February 20, 1970. It certainly would be intolerable if after the opponents of an election had dragged out the holding thereof for years (and in the process weakened the ranks of the dominant employees seeking the election through replacements and dismissals or the hiring of new employees in great number) that they be permitted again to seek further alteration and modification of the voters' lists because of alleged new "environmental changes", during the interval between the date of finality of the order for the holding of the election and the actual date set therefor. The whole process would be interminable and the holding of the election would invariably be put off, until the opponents had succeeded in decimating the roster of the dominant employees petitioning for the election.

ACCORDINGLY, the writs of certiorari and prohibition prayed for are hereby granted. The writ of preliminary injunction heretofore issued is made permanent and respondent judge is directed forthwith to request the Department of Labor to conduct the certification election at the earliest possible date in accordance with the Rules therefor, using as basis for the voters' lists, respondent Company's payrolls of December 31, 1966 and December 31, 1968 as authorized in the industrial court's resolution of June 11, 1969, without any alteration or modification. In view of the length of time that has elapsed since the filing of the original petition for certification election in 1966, this decision shall be immediately executory upon its promulgation. With costs jointly and severally against private respondents.

Reyes, J. B. L., Acting C.J., Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Barredo, and Makasiar, JJ., concur.

Concepcion, C.J., and Villamor, J., on leave.

[1] 3 SCRA 418 (Oct. 31, 1961).

[2] See NWSA vs. NWSA Consolidated Union, 27 SCRA, 227 (Feb. 28, 1969) and cases cited.

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.