

BLUE BAR WORKERS' UNION, PETITIONER, VS. LAKAS NG MANGGAGAWANG MAKABAYAN AND THE COURT OF INDUSTRIAL RELATIONS, RESPONDENTS.

G.R. No. L-29743. September 30, 1969

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

In this, a petition for certiorari with prayer for preliminary injunction, petitioner seeks to reverse, and meanwhile restrain enforcement of, the orders of the respondent Court of Industrial Relations (CIR) dated July 17, 1968 and August 26, 1968 as well as its resolution en banc of October 3, 1968.

Briefly, the facts are:

On September 20, 1967, Plum Federation of Industrial and Agrarian Workers (PLUM for short) petitioned CIR for certification as the majority union and as the sole and exclusive bargaining representative of the rank-and-file employees and workers in the Blue Bar Coconut Philippines, Inc.[1]

Upon the averment that petitioner Blue Bar Workers' Union is a local affiliate of another labor union - respondent Lakas Ng Manggagawang Makabayan (Lakas) - and that it has an existing collective bargaining agreement with the Blue Bar Coconut Philippines, Int., said Blue Bar Workers' Union filed in said case on September 27, 1967 a motion for intervention which CIR granted.[2]

Blue Bar's foregoing allegations in reference to the existence of the collective bargaining agreement were confirmed by the company in its answer dated October 10, 1967 and filed with CIR.[3]

On July 3, 1968, a consent election conducted and supervised by CIR's personnel was held in the premises of the Blue Bar Coconut Philippines, Inc. at Lusacan, Tiaong, Quezon. In the official ballots used in said election, the name of petitioner Blue Bar Workers' Union appeared in parenthesis below that of respondent union Lakas Ng Manggagawang Makabayan. The official tally sheet shows that out of a total of 714 votes cast in the election, 526 votes were garnered by petitioner Blue Bar Workers' Union-Lakas Ng Manggagawang Makabayan as against 155 in favor of the PLUM.[4]

On July 17, 1968, CIR issued the controverted order certifying Lakas as the sole and exclusive bargaining agent of all the regular rank-and-file employees and workers of Blue Bar Coconut Philippines, Inc., for purposes of collective bargaining with respect to wages, rates of pay, hours of work and other terms and conditions of employment. That order disregarded the name of petitioner union.[5]

Blue Bar Coconut Philippines, Inc. balked at this order, moved to reconsider. CIR refused to reconsider.[6]

It was petitioner union's turn, on September 4, 1968, to file its motion for reconsideration of the orders of July 17, 1968 and August 26, 1968. This too was denied by CIR en banc on October 3, 1968. Petitioner appealed to this Court.[7]

Thereafter, on November 26, 1968, petitioner filed before this Court a manifestation stating that respondent Lakas insists on demanding for a new collective bargaining agreement with Blue Bar Coconut Philippines, Inc., despite the existing collective bargaining agreement between petitioner and the company. Petitioner prayed that said manifestation be considered together with its prayer for preliminary injunction.[8] On the same date, respondent Lakas filed its answer to the present petition for certiorari. And on December 11, 1968, Lakas also filed its comment to the manifestation of petitioner.[9]

This Court resolved on December 19, 1968 to deny the motion for intervention of the Blue Bar Coconut Philippines, Inc. dated December 17, 1968 since such intervention was "not necessary for a determination of the issues raised herein." We, however, directed the issuance of a writ of preliminary injunction to restrain respondent court from enforcing its orders of July 17, 1968 and August 26, 1968 and its resolution of October 3, 1968 upon petitioner's filing of a bond in the sum of P1,000.00 and the approval thereof by this Court.[10] And this, to prevent respondent union (Lakas) and Blue Bar Coconut Philippines, Inc. from considering a new set of collective bargaining proposals which might affect the existing bargaining agreement between petitioner and said company.

A surety bond in the amount of P1,000.00 subscribed by the Philippine Guaranty Co., Inc. having been filed and approved by the Chief Justice, a writ of preliminary injunction was issued on January 3, 1969.[11]

This case was submitted for decision on February 17, 1969.

Then came the letter of respondent Lakas to Blue Bar Coconut Philippines, Inc. dated June 23, 1969. Lakas, in that letter, informed the employer that "in accordance with an understanding and agreement with our local officers that they are joining voluntarily with the Blue Bar Workers' Union, we are giving up all our rights, claims and interest" in the case at bar "on the issue of Union recognition in favor of Blue Bar Workers' Union." Request was there made that said company "fully recognize" petitioner "as the sole and exclusive bargaining representative of the employees." Petitioner, in view of this letter, filed on August 19, 1969 a manifestation and motion praying that decision be rendered herein by this Court recognizing said petitioner (Blue Bar Workers' Union) as the sole collective bargaining representative of the rank-and-file employees of Blue Bar Coconut Philippines, Inc.[12]

In a resolution of this Court of August 22, 1969, respondent Lakas was asked to comment within 10 days from notice thereof, on the foregoing manifestation and motion. Notwithstanding the lapse of the 10-day period, respondent union failed of compliance.[13]

In view of such development, the controversy comes to an end.

WHEREFORE, the Blue Bar Workers' Union is hereby declared as the sole bargaining representative of the rank-and-file employees of the Blue Bar Coconut Philippines, Inc. The preliminary injunction heretofore issued herein is hereby made permanent. No costs.

SO ORDERED.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.
Reyes, JBL, J., on leave.

[1] Case No. 2024-MC.

[2] Petition, pp. 1, 4.

[3] Id., p. 4.

[4] Annexes "F" and "G", Petition, pp. 19-20.

[5] Annex "H", Petition, p. 21.

[6] Annex "I", Petition, p. 22, Order of August 26, 1968.

[7] Petition, p. 7.

[8] Rollo, p. 34.

[9] Id., p. 43.

[10] Id., p. 52.

[11] Id., pp. 53-54.

[12] Rollo, pp. 68-70.

[13] Id., pp. 72-73.

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