

CONFEDERATION OF CITIZENS LABOR UNIONS (CCLU) AND PACIFIC KNITTING WORKERS; ORGANIZATION, PETITIONERS, VS. CARMELO C. NORIEL, AS DIRECTOR OF BUREAU OF LABOR RELATIONS, PHILIPPIN...

G.R. No. L-46933. June 30, 1980

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

An order by respondent Director Noriel[1] allowing the inclusion of respondent Union, Philippine Association of Free Labor Unions (PAFLU) to participate in a certification election,[2] is assailed in this certiorari and prohibition proceeding as amounting to a grave abuse of discretion. It was objected to on the ground that the motion to do so by such union "came too late for the order calling for a certification election has already become final without an appeal interposed by any party." [3] His order was justified by respondent Noriel thus: "It may not be disputed that the order calling for an election has already become final. But this per se did not eliminate PAFLU from the picture since its motion for intervention was interposed before the scheduled election." [4] A restraining order was issued by this Court and respondents were required to comment. The Solicitor General, on behalf of respondent Noriel, submitted its comment considered as the answer sustaining the issuance of the assailed order not only because no certification election had as yet been held but as the union in question had "established substantial interest in the ordered election." [5] It was likewise contended by respondent Noriel that the issue had become moot and academic as prior to the issuance of the temporary restraining order, a certification election among the rank and file employees resulted in respondent PAFLU receiving 254 votes out of the 401 total votes cast.

Under the above circumstances, the petition cannot prosper.

- From *United Employees Union of Gelmart Industries v. Noriel*, [6] a 1975 decision, it has been the consistent ruling of this Court that for the integrity of the collective bargaining process to be maintained and thus manifest steadfast adherence to the concept of industrial democracy, all the workers of a collective bargaining unit should be given the opportunity to participate in a certification election. The latest decision in point, promulgated barely a year ago, is *United Lumber and General Workers v. Noriel*. [7] This Court has resolutely set its face against any attempt that may frustrate the above statutory policy. [8] The success of this petition would, therefore, be an unwarranted departure from a principle that has been firmly embedded in our jurisprudence. We are not inclined to take that step.

- Petitioner must have realized the futility of insisting on its claim for on March 7, 1980, it filed a motion to dismiss, alleging lack of interest and recognizing the fact that respondent PAFLU "be certified as the sole and exclusive collective bargaining agent" [9] of the employer firm, Pacific Mills. Inc.

WHEREFORE, the petition is dismissed for lack of merit and the restraining order issued on September 26, 1977

is lifted. No costs.

Barredo, Aquino, Abad Santos, and De Castro, JJ., concur.

Concepcion Jr., J., did not take part.

[1] The other respondents are Vicente Arniego, Luzon Federation of Labor Organization, FUR CHAPTER (LFLO-FUR) and Pacific Mills, Inc.

[2] Petition, par. XVI, Annex L.

[1] Annex L. 1.

[4] Ibid., 2.

[5] Comment. 6.

[6] L-40810, October 3, 1975, 67 SCRA 267.

[7] L-48962-63, June 19, 1979. 90 SCRA 649.

[8] Cf. Philippine Association of Free Labor Unions v. Bureau of Labor Relation, L-42115, Jan. 27, 1976, 69 SCRA 132; Vassar Industries Employees Union v. Estrella, L-46562, March 21, 1978, 82 SCRA 280, General Textiles Allied Workers Association v. Director of Bureau of Labor Relations, L-45719, July 31, 1978, 84 SCRA 430.

[9] Motion to Dismiss.

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