

LAGUNA COLLEGE, PETITIONER, VS. COURT OF INDUSTRIAL RELATIONS, LAGUNA COLLEGE TEACHERS ASSOCIATION (LACTA)-CCLU, AND THE DIRECTOR, BUREAU OF LABOR RELATIONS, RESPONDENTS.

G.R. No. L-28927. September 25, 1968

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/86136dac206b/>

MAKALINTAL, J.:

This case 'started with a petition for certification election filed by the, Laguna College, also petitioner before us, in the Court of Industrial Relations on October 20, 1967 (Case No. 2037-MC). The purpose was "to determine whether the Laguna College Teachers Association (LACTA) or any other labor organization is the true and voluntary choice of the majority of the teachers working in petitioner's establishment the sole and exclusive bargaining representative."

LACTA intervened and filed an answer on November 18, 1967, praying that the petition for, certification election be dismissed and that it be directly certified as sole and exclusive bargaining representative of all the teachers, excluding "those occupying supervisory and confidential positions (as) defined and settled by jurisprudence."

While the certification proceeding was pending before the Industrial Court, specifically on January 2, 1968, LACTA strike, but the settled a return-to-work agreement executed by union and manage-ment on January 4, 1968. One of the stipulations in the said agreement is as follows: "That, except on questions of law, both parties hereby waive the right to appeal any decision or order that may be rendered by the Trial Court of the Court of Industrial Relations (not Court en banc) in case 2037-MC pending is said Court."

On March 11, 1968 the trial Judge, Hon. Ansberto P. Paredes; issued an order of which the dispositive part read as follows:

"WHEREFORE, the appropriate collective bargaining unit is hereby declared to be the employer unit comprising all the teachers of the Laguna College of San Pablo City; the certi-fication election prayed for is hereby granted; Trinidad Alvera, Palermo Bañagale, Severo Belarmino, Eden Brion, Teofilo Desamero, Senen Faylon, Natividad Evangelista, Juan B. Hernandez, Ricardo Maala, Vicente Maneso, Wenceslao Retizos, and Julio Tunguhan, being supervisors and/or holding confidential positions, are excluded from the bargain-ing unit and therefore ineligible to vote; Moises Belen; Eduardo Lainez; Gregorio Briones, Olimpio Cortez, Sr., Adventor Neri Guillermo Pisigan, Marcelo Almanzor and Pantaleon Torres are hereby declared rank-and-file employees; Yolanda Almeda, Gertrudis Evangelista and Marlita Evang-elista are hereby declared within the employer unit and they, together with the teachers whose names are listed in Annex "A" herewith attached, are hereby declared eligible to vote; and the Depart-ment of Labor or its authorized representative or representatives are hereby re-quested to conduct the certification elec-tion with the choice limited to Laguna College Teachers Association; LACTA for short, c/o Atty. Oliver B. Gesmundo, 303 Free Press Bldg., Manila, and NO UNION, and thereafter, to submit the results there-of for further disposition by the Court."

Petitioner thereafter elevated the case to the court en banc on motion for reconsideration insofar as the decision (1) authorized the inclusion of eight teachers as rank and file employees and therefore declared them eligible to vote in the certification election and (2) authorized (LACTA only one (LACTA) instead of two bargaining units to be voted upon. LACTA interposed its opposition to the motion. In the meantime the Bureau of Labor Relations scheduled the election for March 26, 1968, but upon petitioner's motion respondent Court suspended it until further orders. The motion for reconsideration was denied by the Court en banc on April 5, 1968, and the Director of Labor Relations thereupon reset the election for April 22.

On April 20, 1968 petitioner came to this Court on a petition for review of the orders of March 11 and April 5, seeking a modification thereof so that employees "hold-ing supervisory and/or confidential positions...(may) be excluded from whatever appropriate bargaining unit or may be finally determined," and praying that a restraining order be issued by this Court to stop respondents from implementing the orders appealed from. This Court, however, while it gave due course to the petition, did not issue the restraining order prayed for.

On April 26, 1968 respondent LACTA filed a motion to dismiss the petition on two grounds, namely: "(1) appeal is (a) dilatory and not conducive to industrial Peace; 'b) has become moot and academic, with petitioner having actively participated in the election and is there-fore already in estoppel; and (c) raises flimsy and unsubstantial issues; and (2) the petition raises questions. of fact (and), aside from the agreement between petitioner and LACTA that they would not appeal the order of the trial Court of the Court of Industrial Relations; this Honorable Court, therefore, has no jurisdiction over the present appeal (sic)." A supplemental motion to dismiss followed, after which peti-tioner submitted its comment.

The main issue raised in the petition refers to the clasifcation of the following employees in the rank-and-file category: Marcelo Almanzor, Eduardo R. Lainez, Adventor C. Neri, Moises Belen, Gregorio Briones, Olimpico Cortez, Sr., Guillermo Pisigan and Pantaleon Torres. Petitioner claims that these eight are supervisors and therefore should not be considered as eligible to vote in the election of appropriate bargaining unit.

The issue, however, is mainly one of fact. In his resolution thereof the trial Judge analyzed in detail the evidence before it, both oral and documentary. The analysis shows that there is substantial support for the conclusion reached, and the substantial-evidence rule applicable to cases like the present precludes our reviewing the matter on appeal. The trial Judge, in his order of March 11, 1968, found as follows:

"On the issue as to whether the eight named teachers are supervisors or not, there is, in the first place, no evidence adduced to show that Almanzor is a supervisor. With respect to Pisigan the only evidence offered to show that he is a supervisor is Exhibit "R" which is nothing more than his designation as "x x x Moderator and/or Adviser o the Sampaloc Lake News, School Organ of the Students of the Laguna Col-lege, San Pablo City". From this document, it is shown that the principal functions of Pisigan are to select, by competitive examinations, the students who will 'occupy the positions of editor-in-chief, associate editor, news-in-charge, feature-in-charge, literary-in-charge; and to tone down, or totally disapprove publication of articles which, in his opinion, are derogatory to the good name of any person or institution. These functions and the others enumerated in Exhibit "R" are, not within the purview of the definition of supervisor as provided in Section 2(k) of R.A. 875. So is the case of Pantaleon Torres. Being a consultant of the College Organ, the Sampaloc Lake News, and have (sic) duties as enumerated Exhibit "S", do not make him a supervisor. This is specially' true when his testimony was not denied or rebutted, disclosing that h is not an area supervisor; that there are no teachers under him (p. 153, t.s.n. December 14, 1967); and that he does not have the power to hire, fire, lay-off, discharge, suspend, transfer, discipline (p. 151, t.s.n., December 14, 1967), or adjust the grievances of, any teacher of the Laguna College (p. 152, t.s.n., December 14, 1967). The case of Belen Briones, Cortez, Sr., Lainez and Neri are no different. Although they are area supervisors, they do not exercise any of the attributes or functions of a supervisor as defined in Section 2(k) of R.A. 875. To better understand their functions, it is best to know what is an area supervisor. The word "area" in the designation refers to a particular sub-ject, like

English, Mathematics and Physics, Filipino, General Science, Biology and Chemistry, and Social Science-History and Economics. It is a fact that not one of these area supervisors has the power to hire or fire, lay-off, suspend, discharge or discipline the teachers under them or adjust their grievances. The power to rate the efficiency of the teachers under them is even subject to review or revision by the principal, Mr. Wenceslao Retizos (pp. 30 to 40, t.s.n., December 14, 1967). As a matter of fact, their functions are but recommendatory (p. 48, t.s.n. December 14, 1967). Thus, the assistant principal and general supervisor admitted that the recommendations of the area supervisors, are subject to evaluation, review and final approval by the principal, as "x x x most recommendations of area supervisors are considered with a grain of salt." (pp. 17 to 18, t.s.n., December 27, 1967.) It is established by the evidence that even as the efficiency ratings given by Lainez, an area supervisor, is (sic) based on his own observations of the teachers under him, he was prevailed upon by the principal to change them (p. 65, t.s.n., December 14, 1967), which he did, and that his remarks and observations of some of the teachers under him made in Exhibit "G" were deleted in the copy furnished the Bureau of Private Education (pp. 82 to 84, t.s.n., December 14, 1967). In the case of area supervisor Neri, as was admitted by the assistant principal and general supervisor, his recommendations, indeed, are considered with a grain of salt. Neri's testimony 'is not denied that when he recommended a teacher' to teach biology, his recommendation was rejected (p. 108, t.s.n., December 14, 1967); and when he assigned a teacher to teach Science, without so much as notifying him, the teacher was given Arithmetic (p. 109, t.s.n., December 14, 1967). The preparation of program of supervision by area supervisors is, likewise, not indicative that they are supervisors, for, as testified to by Lainez, which testimony is not rebutted, it is nothing more than the enumerations of activities in the area, many of them merely routinary, as for instance, the checking of the formal themes, notebooks, survey of textbooks, and regulating the number of students in a class (p. 52, t.s.n., December 14, 1967). For all the foregoing reasons, it is believed that Lainez, Belen, Neri, Briones, Cortez, Sr., Torres, Pisigan and Almanzor are not supervisors."

What is more, in the return-to-work agreement entered into by the parties on January 4, 1968, to settle the strike declared by LACTA on January 2, 1968, they both waived the right to appeal, except on questions of law, from any decision or order that might be tendered by the trial Court in the case then pending, No. 2037-MC. The question of whether the eight employees aforementioned were supervisors or belonged to the rank and file was one of fact and consequently was covered by the waiver.

The second issue raised in the instant petition concerns the declaration in the order of March 11, 1968 that only one bargaining unit should represent all the teachers employed in the Laguna College. Petitioner insists that there should be two units, one for college professors and another for high school teachers. This is a matter that is address to the sound discretion of respondent Court, upon its own consideration of all the pertinent circumstances; and unless such 'discretion has been gravely abused there is no justification to rule otherwise. The following rationale of the courts decision appears to be well-advised, and the allegations in the petition do not make out a sufficient case for the review thereof.

"On the appropriate bargaining unit, petitioner, changing its original stand, proposed two separate units, namely, college unit' composed of the professors and instructors in the College, and high school unit comprising the high school teaches. On the other hand, LACTA proposed only one unit the employer unit composing ' of all the teachers in the entire Laguna College. From the evidence adduced, it is believed that the factors in favor of employer unit far outweigh the reasons for the establishment of two separate bargaining units as proposed by petitioner. It is not denied that college teachers are governed by rules and regulations of the bureau of Private Education, which are different from the rules and regulations for high school teachers; that the high school 'department of petitioner was organized at a different time from the college department; that the set-up in the two departments are different; and that the high school teachers are paid per period or 'subject, while the College teachers are paid on the hourly basis. But it is also not denied that these two departments are under the control of only one board of trustees; that they are housed in one and the same building (p'. 68 t.s.n., December 8, 1967); that there is but one cashier and only one registrar who himself is

the administrative officer of the whole Laguna College (pp. 68 and 70. t.s.n., December 8, 1967). As a matter of fact the function of the Administrative Officer who is no other than Wenceslao Retizos extends even to the high school department (pp. 71-73, t.s.n., December 8; 1967). It is a fact that there are some teachers involved in this case who are teaching both in the college and high school departments (pp. 69 to 70, t.s.n, December 8, 1967; pp. 28, 111 and 131, December 14, 1967), which is a decisive proof of the Community of interest of these teachers and which negates the establishment of two bargaining units. Besides, in the proposed two separate bargaining units, the elementary teachers of the petitioner will be left out without a bargaining representative. Moreover, considering that there are only one-hundred-thirty (130) teachers in this proceedings, after twelve of the teachers were considered supervisors and/or holding confidential positions, to divide the collective bargaining unit into two would assuredly be dissipating their strength for collective bargaining purposes. Furthermore, the proposition would not be conducive to industrial peace for the possibility is great that, with the establishment of two bargaining units, petitioner would be contending with two different unions vying against each other for better benefits to gain more members."

Respondent LACTA avers in its answer that the certification election authorized by respondent court has actually been held. The instant petition, therefore, insofar as it seeks to enjoin said election has already become moot, particularly in view of the fact that petitioner participated therein actively, as also alleged in the same answer and nowhere denied by petitioner. Whatever other questions there are relative to the conduct of such election may be ventilated before respondent Court, which has jurisdiction over the main case.

In a supplemental petition filed on August 12, 1968, petitioner alleges that respondents acted with grave abuse of discretion in ordering the certification election to be held on April 22, 1968, before the lapse of the "ten-day period" or review of the resolution of respondent Court dated April 5, 1968, copy of which was received by petitioners on the following April 15. This new allegation deserves no serious consideration. In the first place it is a new matter which should have been included in the original petition filed on April 20, 1968, wherein the prayer was that the certification election scheduled for April 22 be suspended so that the matter of excluding certain employees from voting therein could first be settled. No reference whatsoever was made to the fact that the election, if held as thus scheduled would be premature for the reason now advanced. To admit the supplemental petition would in effect be to authorize an appeal beyond the 30-day reglementary period. Secondly, the supplemental petition has not cited any specific rule to the effect that a certification election may not be held until after the expiration of 10 days from receipt by the parties of the enabling resolution of the Industrial Court. Finally, as already adverted to, petitioner took part actively in the election, and in fact challenged the right of 59 LACTA members to vote therein, raising no objection with respect to the others.

Regarding the allegation that the strike staged on April 3, 1968 was illegal and hence rendered the strikers disqualified to vote, this is a matter that properly pertains to the ULP charge filed by petitioner precisely questioning the legality of said strike, but which charge, according to respondents, has up to the present not resulted in the filing of a formal complaint by the prosecuting officers of the Court Industrial Relations. Besides, as likewise alleged by respondents in their opposition to the supplemental petition, the strikers returned to work on May 6, 1968 and were accepted back by petitioner, thus rendering the issue of illegality moot and academic.

Wherefore, the petition is dismissed, without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Sanchez, Castro, Angeles, Fernando, and Capistrano, JJ., concur.
Zaldivar, J., on official leave.

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.