

**ERNESTO G. GONZALES, AGUEDO GUILLERMO, JOSE MERCADO,
RODOLFO C. TOLENTINO, FRISCO IBARRA, MELCHOR DIZON,
GAVINO LOPEZ, MAXIMO FELICIANO, CATALINO MUÑOZ, DOMINGO
CAPILI, MAGNO MA...**

G.R. No. L-38178. October 03, 1985

Ponente: MAKASIAR, C.J.

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MAKASIAR, C.J.:

This is a petition for review on certiorari to set aside the decision of the Court of First Instance of Tarlac (now Regional Trial Court) in Civil Case No. 4017 dated October 29, 1964, the dispositive portion of which reads as follows:

"IN VIEW THEREOF, the defendant Tarlac Development Corporation is enjoined from dismissing the plaintiffs upon demand of its co-defendant, the Central Azucarera de Tarlac Labor Union, for their dismissal. Likewise, the Central Azucarera de Tarlac Labor Union is enjoined from demanding from its co-defendant Tarlac Development Corporation, the dismissal of the plaintiffs under threat of strikes, walkouts, stoppages or slowdown of work, boycotts, secondary boycotts, refusal to handle any merchandise, picketting, sit-down strikes of any kind, sympathetic or general strikes, or any other interference with any of the operations of the Central, nor from calling strikes, walkouts, stoppages or slowdown of work, boycotts, secondary boycotts, refusal to handle any merchandise, picketting, sit-down strikes of any kind, sympathetic or general strikes or any other interference with any of the operations of the Central" (pp. 58-59, ROA; p. 14, rec.).

The facts as found by the lower court are quoted as follows:

"The plaintiffs are members of the Iglesia ni Kristo, a religious sect that prohibits its members from joining a labor organization. All, except Jose Mercado and Victoriano Mercado, have been seasonal employees or laborers of the defendant Tarlac Development Corporation since prior to October 19, 1962. The Central Azucarera de Tarlac Labor Union is a labor organization represented by its president Pacifico Millo. All of its members have also been working with the Central Azucarera de Tarlac long before October 19, 1962. The defendant Tarlac Development Corporation is a corporation that operates the Central Azucarera de Tarlac. On the date mentioned, the Tarlac Development Corporation and the Central Azucarera de Tarlac Labor Union entered into an exclusive collective bargaining agreement, among the provisions of which are:

"Section 1. The Union agrees that there shall be no strikes, walkouts, stoppages or slowdown of work, boycotts, secondary boycotts, refusal to handle any merchandise, picketting, sit-down strikes, or any other interference with any of the operations of the Central during the term of this agreement, so long as the procedure outlined in Article X hereof is followed by the Central and the Central abides by the result of the procedure therein provided.

xxx xxx xxx

"Section 4. The Central, upon the written request of the Union, shall discharge any employee or worker who shall fail to fulfill the conditions aforesaid or who resigns or is suspended from membership in the Union for disloyalty, violation of the Constitution and By-Laws of the Union, or for any valid cause, but it assumes no

obligation to discharge any employee if it has reasonable grounds for believing that membership in the Union was not available to the employee on the same terms and conditions generally applicable to other members.'

The plaintiffs, through members of the Iglesia ni Kristo, being ignorant of the provisions of Republic Act No. 3350, and believing that it was the only way by which they could continue working for the Central Azucarera de Tarlac, by reason of Section 4 of the Exclusive Collective Bargaining Agreement, joined the defendant Labor Union on the date mentioned. Upon being informed of the provisions of Republic Act No. 3350, which exempts them from the effects of Section 4 of the Exclusive Collective Bargaining Agreement due to their religion, the plaintiffs resigned from the defendant Labor Union, who in turn demanded from its co-defendant, the Tarlac Development Corporation, the dismissal of the plaintiffs from their work under the above-quoted provision of Section 4 of the bargaining agreement.

"The present petition seeks to enjoin the defendant Tarlac Development Corporation from dismissing or in any manner laying off the plaintiffs from their present employment. The petition also prays for the issuance of a preliminary injunction pending the resolution of their petition. The petition for preliminary injunction was issued against the defendant Tarlac Development Corporation, who, in turn, moved that pending the decision of this case, the order granting the preliminary injunction be amended by including therein the defendant Central Azucarera de Tarlac Labor Union.

"At the hearing of the motion of the defendant Tarlac Development Corporation, the parties agreed to submit the case on the above facts without the necessity of presenting further evidence" (pp. 52-55, ROA; p. 14, rec.).

In an order dated November 11, 1964, the court a quo corrected a technical error in its decision, by substituting Central Azucarera de Tarlac, being the real party defendant below, in lieu of Tarlac Development Corporation (p. 68, rec. on appeal; p. 14, rec.).

On January 14, 1974, the then Court of Appeals certified the instant case to this Court on the ground that only questions of law were involved therein (pp. 75-79, rec.).

One issue raised by defendants-appellants in this appeal is: inasmuch as there was no evidence presented by plaintiffs-appellees to support their cause of action, there can be no basis for the trial court's factual findings.

There being no documentary or testimonial evidence presented in this case, We will review the correctness of the trial court's factual findings on the basis of what was admitted in the pleadings by the parties.

The status of plaintiffs-appellees as members of the defendant-appellant Labor Union was expressly admitted by the latter in paragraph 2 of its answer to the amended complaint (p. 25, ROA; p. 14, rec.).

The status of plaintiffs-appellees as employees of the defendant-appellant Central was admitted by the latter in paragraph 4 of its urgent motion to amend the restraining order (p. 30, ROA; p. 14, rec.) and in paragraph 16 of its answer to the amended complaint (p. 22, ROA; p. 14, rec.).

Defendant-appellant Central also admitted the status of plaintiffs-appellees as members of the religious sect Iglesia ni Kristo, when the Central referred to the plaintiffs-appellees as Iglesia ni Kristo members/employees in paragraphs 15 and 16 of its answer to the amended complaint (p. 22, ROA; p. 14, rec.).

With the foregoing admissions and the affirmation in open court by the defendant-appellant Labor Union that the remaining question of fact left to be resolved was the allegation that the members of the Iglesia ni Kristo were forced to join the Union (p. 10, Brief for Defendant-Appellant; p. 35, rec.), relieved plaintiffs-appellees of the burden to present evidence on these specific points and served as the basis for the lower court's factual findings, With this, We need not touch upon the other assignment of errors by defendants-appellants.

The bone of this controversy is the constitutionality of Republic Act No. 3350 which exempts members of any religious sect — prohibiting the affiliation of their members in any labor organization — from the operation of a union security provision.

Defendant-appellant Central, in support of its contention that R.A. No. 3350 is unconstitutional, cited the decision of the defunct Court of Industrial Relations in the case of National Labor Union vs. Hacienda Luisita, et al., declaring R.A. No. 3350 as unconstitutional (pp. 25-46, Brief for Defendant-Appellant; p. 35, rec.).

In the case of Anuncension vs. National Labor Union (80 SCRA 350, 366-375 [1977]), which reiterated the cases of Basa vs. Federacion Obrera de la Industria Tabaquera y Otros Trabajadores de Filipinas [FOITAF] (61 SCRA 93 [1974]) and Victoriano vs. Elizalde Rope Workers' Union, et al. (59 SCRA 54 [1974]), this Court said:

"Both the Constitution and Republic Act No. 875 recognized freedom of association. Section 1(6) of Article III of the Constitution of 1935, as well as Section 7 of Article IV of the Constitution of 1973, provide that the right to form associations or societies for purposes not contrary to law shall not be abridged. Section 3 of Republic Act No. 875 provides that employees shall have the right to self-organization and to form, join or assist labor organizations of their own choosing for the purpose of collective bargaining and to engage in concerted activities for the purpose of collective bargaining and other mutual aid or protection. What the Constitution and the Industrial Peace Act recognize and guarantee is the 'right' to form or join associations. Notwithstanding the different theories propounded by the different schools of jurisprudence regarding the nature and contents of a 'right', it can be safely said that whatever theory one subscribes to, a right comprehends at least two broad notions, namely: first, liberty or freedom, i.e., the absence of legal restraint, whereby an employee may, as he pleases, join or refrain from joining an association. It is, therefore, the employee who should decide for himself whether he should join or not an association; and should be choose to join he himself make up his mind as to which association he would join; and even after he has joined, he still retains the liberty and the power to leave and cancel his membership with said organization at any time. It is clear, therefore, that the right to join a union includes the right to abstain from joining any union. Inasmuch as what both the Constitution and the Industrial Peace Act have recognized, and guaranteed to the employee, is the 'right' to join associations of his choice, it would be absurd to say that the law also imposes, in the same breath, upon the employee the duty to join associations. The law does not enjoin an employee to sign up with any association.

"The right to refrain from joining labor organizations recognized by Section 3 of the Industrial Peace Act is, however, limited. The legal protection, granted to such right to refrain from joining is withdrawn by operation of law, where a labor union and an employer have agreed on a closed shop, by virtue of the collective bargaining unit, and the employees must continue to be members of the union for the duration of the contract in order to keep their jobs. Thus Section 4[a] (4) of the Industrial Peace Act, before its amendment by Republic Act No. 3350 provides that although it would be unfair labor practice for an employer 'to discriminate in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization' the employer, is however, not precluded 'from making an agreement with a labor organization, to require as a condition of employment membership therein, if such labor organization is the representative of the employees.' By virtue, therefore, of a closed shop agreement, before the enactment of Republic Act No. 3350, if any person, regardless of his religious beliefs, wishes to be employed or keep his employment, he must become a member of the collective bargaining union. Hence, the right of said employee not to join the labor union is curtailed and withdrawn.

"To that all-embracing coverage of the closed shop arrangement, Republic Act No. 3350 introduced an exception, when it added to Section 4[a] (4) of the Industrial Peace Act the following proviso: 'but such agreement shall not cover members of any religious sects which prohibit affiliation of their members in any such labor organization.' Republic Act No. 3350 merely excludes ipso jure from the application and coverage of the closed shop agreement the employees belonging to any religious sect which prohibits affiliation of their

members with any labor organization. What the exception provides, therefore, is that members of said religious sects cannot be compelled or coerced to join labor unions even when said unions have closed shop agreements with the employers; that in spite of any closed shop agreement, members of said religious sects cannot be refused employment or dismissed from their jobs on the sole ground that they are not members of the collective bargaining union. It is clear, therefore, that the assailed Act, far from infringing the constitutional provision on freedom of association, upholds and reinforces it. It does not prohibit the members of said religious sects from affiliating with labor unions. It still leaves to said members the liberty and the power to affiliate, or not to affiliate, with labor unions. If, notwithstanding their religious beliefs, the members of said religious sects prefer to sign up with the labor union, they can do so. If in deference and fealty to their religious faith, they refuse to sign up, they can do so; the law does not coerce them to join; neither does the law prohibit them from joining; and neither may the employer or labor union compel them to join. Republic Act No. 3350, therefore, does not violate the constitutional provision on freedom of association.

"2. Appellant Union also contends that the Act is unconstitutional for impairing the obligation of its contract, specifically, the 'union security clause' embodied in its Collective Bargaining Agreement with the Company, by virtue of which 'membership in the union was required as a condition for employment for all permanent employees workers.' This agreement was already in existence at the time Republic Act No. 3350 was enacted on June 18, 1961, and it cannot, therefore, be deemed to have been incorporated into the agreement. But by reason of this amendment, appellee, as well as others similarly situated, could no longer be dismissed from his job even if he should cease to be a member, or disaffiliate from the Union, and the Company could continue employing him notwithstanding his disaffiliation from the Union. The Act, therefore, introduced a change into the express terms of the union security clause; the Company was partly absolved by law from the contractual obligation it had with the Union of employing only Union members in permanent positions. It cannot be denied, therefore that there was indeed an impairment of said union security clause.

"It should not be overlooked, however, that the prohibition to impair the obligation of contracts is not absolute and unqualified. The prohibition is general, affording a broad outline and requiring construction to fill in the details. The prohibition is not to be read with literal exactness like a mathematical formula, for it prohibits unreasonable impairment only. In spite of the constitutional prohibition, the State continues to possess authority to safeguard the vital interests of its people. Legislation appropriate to safeguard said interest may modify or abrogate contracts already in effect. For not only are existing laws read into contracts in order to fix the obligations as between the parties, but the reservation of essential attributes of sovereign power is also read into contracts as postulate of the legal order. All contracts made with reference to any matter that is subject to regulation under the police power must be understood as made in reference to the possible exercise of that power. Otherwise, important and valuable reforms may be precluded by the simple device of entering into contracts for the purpose of doing that which otherwise may be prohibited. The policy of protecting contracts against impairment presupposes the maintenance of a government by virtue of which contractual relations are worthwhile — a government which retains adequate authority to secure the peace and good order of society. The contract clause of the Constitution must, therefore, be not only in harmony with, but also in subordination to, in appropriate instances, the reserved power of the State to safeguard the vital interests of the people. It follows that not all legislations, which have the effect of impairing a contract are obnoxious to the constitutional prohibition as to impairment, and a statute passed in the legitimate exercise of police power, although it incidentally destroys existing contract rights, must be upheld by the courts. This has special application to contracts regulating relations between capital and labor which are not merely contractual, and said labor contracts, for being impressed with public interests, must yield to the common good.

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"In order to determine whether legislation unconstitutionally impairs contract obligations, no unchanging yardstick, applicable at all times and under all circumstances, by which the validity of each statute may be measured or determined, has been fashioned, but every case must be determined upon its own circumstances. Legislation impairing the obligation of contracts can be sustained when it is enacted for the promotion of the

general good of the people, and when the means adopted to secure that end are reasonable. Both the end sought and the means adopted must be legitimate, i.e., within the scope of the reserved power of the state construed in harmony with the constitutional limitation of that power.

"What then was the purpose sought to be achieved by Republic Act No. 3350? Its purpose was to insure freedom of belief and religion, and to promote the general welfare by preventing discrimination against those members of religious sects which prohibit their members from joining labor unions, confirming thereby their natural, statutory and constitutional right to work, the fruits of which work are usually the only means whereby they can maintain their own life and the life of their dependents. It cannot be gainsaid that said purpose is legitimate.

"The questioned Act also provides protection to members of said religious sects against two aggregates of group strength from which the individual needs protection. The individual employee, at various times in his working life, is confronted by two aggregates of power — collective labor, directed by a union, and collective capital, directed by management. The union, an institution developed to organize labor into a collective force and thus protect the individual employee from the power of collective capital, is paradoxically, both champion of employee rights, and a new source of their frustration. Moreover, when the Union interacts with management, it produces yet a third aggregate of group strength from which the individual also needs protection — the collective bargaining relationship.

"It may not be amiss to point out here that the free exercise of religious profession or belief is superior to contract rights. In case of conflict, the latter must, therefore, yield to the former. The Supreme Court of the United States has also declared on several occasions that rights in the First Amendment, which include freedom of religion, enjoy a preferred position in the constitutional system. Religious freedom, although not unlimited, is a fundamental personal right and liberty, and has a preferred position in the hierarchy of values. Contractual rights, therefore, must yield to freedom of religion. It is only where unavoidably necessary to prevent an immediate and grave danger to the security and welfare of the community that infringement of religious freedom may be justified, and only to the smallest extent necessary to avoid the danger.

"In further support of its contention that Republic Act No. 3350 is unconstitutional, appellant Union averred that said Act discriminates in favor of members of said religious sects in violation of Section 1(7) of Article III of the 1935 Constitution, and which is now Section 8 of Article IV of the 1973 Constitution, which provides:

"'No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination and preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.'

"The constitutional provision not only prohibits legislation for the support of any religious tenets or the modes of worship of any sect, thus forestalling compulsion by law of the acceptance of any creed or the practice of any form of worship but also assures the free exercise of one's chosen form of religion within the limits of utmost amplitude. It has been said that the religious clauses of the Constitution are all designed to protect the broadest possible liberty of conscience, to allow each man to believe as his conscience directs, to profess his beliefs, and to live as he believes he ought to live, consistent with the liberty of others and with the common good. Any legislation whose effect or purpose is to impede the observance of one or all religions, or to discriminate invidiously between the religions, is invalid, even though the burden may be characterized as being only indirect. But if the state regulates conduct by enacting, within its power, a general law which has for its purpose and effect to advance the state's secular goals, the statute is valid despite its indirect burden on religious observance, unless the state can accomplish its purpose without imposing such burden.

"In *Aglipay vs. Ruiz*, this Court had occasion to state that the government should not be precluded from pursuing valid objectives secular in character even if the incidental result would be favorable to a religion or sect. It has likewise been held that the statute, in order to withstand the strictures of constitutional prohibition, must have a

secular legislative purpose and a primary effect that neither advances nor inhibits religion. Assessed by these criteria, Republic Act No. 3350 cannot be said to violate the constitutional inhibition of the 'no-establishment' (of religion) clause of the Constitution.

"The purpose of Republic Act No. 3350 is secular, worldly, and temporal, not spiritual or religious or holy and eternal. It was intended to serve the secular purpose of advancing the constitutional right to the free exercise of religion, by averting that certain persons be refused work, or be dismissed from work, or be dispossessed of their right to work and of being impeded to pursue a modest means of livelihood, by reason of union security agreements. To help its citizens to find gainful employment whereby they can make a living to support themselves and their families is a valid objective of the state. In fact, the state is enjoined, in the 1935 Constitution, to afford protection to labor, and regulate the relations between labor and capital and industry. More so now in the 1973 Constitution where it is mandated that 'the State shall afford protection to labor, promote full employment and security in employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relation between workers and employers.'

"The primary effects of the exemption from closed shop agreements in favor of members of religious sects that prohibit their members from affiliating with a labor organization, is the protection of said employees against the aggregate force of the collective bargaining agreement, and relieving certain citizens of a burden on their religious beliefs; and by eliminating to a certain extent economic insecurity due to unemployment, which is a serious menace to the health, morals, and welfare of the people of the State, the Act also promotes the well-being of society. It is our view that the exemption from the effects of closed shop agreements does not directly advance, or diminish, the interests of any particular religion. Although the exemption may benefit those who are members of religious sects that prohibit their members from joining labor unions, the benefit upon the religious sect is merely incidental and indirect. The 'establishment clause' (of religion) does not ban regulation on conduct whose reason or effect merely happens to coincide or harmonize with the tenets of some or all religions. The free exercise clause of the Constitution has been interpreted to require that religious exercise be preferentially aided.

"We believe that in enacting Republic Act No. 3350, Congress acted consistently with the spirit of the constitutional provision. It acted merely to relieve the exercise of religion, by certain persons, of a burden that is imposed by union security agreements. It was Congress itself that imposed that burden when it enacted the Industrial Peace Act (Republic Act 875), and, certainly Congress, if it so deems advisable, could take away the same burden. It is certain that not every conscience can be accommodated by all laws of the land; but when general laws conflict with scruples of conscience, exemptions ought to be granted unless some 'compelling state interest' intervenes. In the instant case, We see no compelling state interest to withhold the exemption.

"Appellant bewails that while Republic Act No. 3350 protects members of certain religious sects, it leaves no right to, and is silent as to the protection of, labor organization. The purpose of Republic Act No. 3350 was not to grant rights to labor unions. The rights of labor unions are amply provided for in Republic Act No. 875 and the New Labor Code. As to the lamented silence of the Act regarding the rights and protection of labor unions, suffice to say, first, that the validity of a statute is determined by its provisions, not by its silence, the fact that the law may work hardships does not render it unconstitutional.

"It would not be amiss to state, regarding this matter, that to compel persons to join and remain members of a union to keep their jobs in violation of their religious scruples, would hurt, rather than help, labor unions. Congress has seen it fit to exempt religious objectors lest their resistance spread to other workers, for religious objections have contagious potentialities more than political and philosophic objections.

"Furthermore, let it be noted that coerced unity and loyalty even to the country, and a fortiori to a labor union —

assuming that such unity and loyalty can be attained through coercion — is not a goal that is constitutionally obtainable at the expense of religious liberty. A desirable end cannot be promoted by prohibited means.

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"5. Appellant avers as its fifth ground that Republic Act No. 3350 is a discriminatory legislation, inasmuch as it grants to the members of certain religious sects undue advantage over other workers, thus violating Section 1 of Article III of the 1935 Constitution which forbids the denial to any person of the equal protection of the laws.

"The guaranty of equal protection of the laws is not a guaranty of equality in the application of the laws upon all citizens of the State. It is not, therefore, a requirement, in order to avoid the constitutional prohibition against inequality, that every man, woman and child should be affected alike by a statute. Equality of operation of statutes does not mean indiscriminate operation on persons merely as such, but on persons according to the circumstances surrounding them. It guarantees equality, not identity of rights. The Constitution does not require that things which are different in fact be treated in law as though they were the same. The equal protection clause does not forbid discrimination as to things that are different. It does not prohibit legislation which is limited either in the object to which it is directed or by the territory within which it operates.

"The equal protection of the laws clause of the Constitution allows classification. Classification in law, as in the other departments of knowledge or practice, is the grouping of things in speculation or practice because they agree with one another in certain particulars. A law is not invalid because of simple inequality. The very idea of classification is that of inequality, so that it goes without saying that the mere fact of inequality in no manner determines the matter of constitutionality. All that is required of a valid classification is that it be reasonable, which means that the classification should be based on substantial distinctions which make for real differences, that it must not be limited to existing conditions only; and that it must apply equally to each member of the class. This Court has held that the standard is satisfied if the classification or distinction is based on a reasonable foundation or rational basis and is not palpably arbitrary.

"In the exercise of its power to make classifications for the purpose of enacting laws over matters within its jurisdiction, the state is recognized as enjoying a wide range of discretion. It is not necessary that the classification be based on scientific or marked differences of things or in their relation. Neither is it necessary that the classification be made with mathematical nicety. Hence legislative classification may in many cases properly rest on narrow distinctions, for the equal protection guaranty does not preclude the legislature from recognizing degrees of evil or harm, and legislation is addressed to evils they may appear.

"We believe that Republic Act No. 3350 satisfies the aforementioned requirements. The act classifies employees and workers, as to the effect and coverage of union shop security agreements, into those who by reason of their religious beliefs and convictions cannot sign up with a labor union, and those whose religion does not prohibit membership in labor unions. The classification rests on real or substantial, not merely imaginary or whimsical distinctions. There is such real distinction in the beliefs, feelings and sentiments of employees. Employees do not believe in the same religious faith and different religion differ in their dogmas and canons. Religious beliefs, manifestations and practices, though they are found in all place, and in all times, take so many varied forms as to be almost beyond imagination. There are diverse manners in which beliefs, equally paramount in the lives of their possessor, may be articulated. Today the country is far more heterogenous in religion than before, differences in religion do exist, and these differences are important and should not be ignored.

"Even from psychological point of view, the classification is based on real and important differences. Religious beliefs are not mere beliefs, mere ideas existing only in the mind, for they carry with them practical consequences and are the motives of certain rules of human conduct and the justification of certain acts. Religious sentiment

makes a man view things and events in their relation to his God. It gives to human life its distinctive characters, its tone, its happiness, or unhappiness. Its enjoyment or irksomeness. Usually, a strong and passionate desire is involved in a religious belief. To certain persons, no single factor of their experience is more important to them than their religion, or their not having any religion. Because of differences in religious belief and sentiments, a very poor person may consider himself better than the rich, and the man who even lacks the necessities of life may be more cheerful than the one who has all possible luxuries. Due to their religious beliefs people, like the martyrs, became resigned to the inevitable and accepted cheerfully even the most painful and excruciating pains. Because of differences in religious beliefs, the world has witnessed turmoil, civil strife, persecution, hatred, bloodshed, and war, generated to a large extent by members of sects who were intolerant of other religious beliefs. The classification introduced by Republic Act No. 3350, therefore, rests on substantial distinctions.

"The classification introduced by said Act is also germane to its purpose. The purpose of the law is precisely to avoid those who cannot, because of their religious belief, join labor unions from being deprived of their right to work and from being dismissed from their work because of union shop security agreements.

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"As comprehensively observed by Justice Fernando in his concurring opinion in that case:

"3. There is however, the question of whether such an exception possesses an implication that lessens the effectiveness of state efforts to protect labor, likewise, as noted, constitutionally ordained. Such a view, on the surface, may not be lacking in plausibility, but upon closer analysis, it cannot stand scrutiny. Thought must be given to the freedom of association, likewise an aspect of intellectual liberty. For the late Professor Howe, a constitutionalist and in his lifetime the biographer of the great Holmes, it even partakes of the political theory of pluralistic sovereignty. So great is the respect for the autonomy accorded voluntary societies. Such a right implies at the very least that one can determine for himself whether or not he should join or refrain from joining a labor organization, an institutional device for promoting the welfare of the working man. A closed shop, on the other hand, is inherently coercive. That is why, as is unmistakably reflected in our decisions, the latest of which is *Guijarno vs. Court of Industrial Relations*, it is far from being a favorite of the law. For a statutory provision then to further curtail its operation, is precisely to follow the dictates of sound public policy."

In view of the foregoing, this Court finds that plaintiffs-appellees, as members of the Iglesia ni Kristo, may not be dismissed from their employment by reason of their resignation from the defendant-appellant Labor Union. Republic Act No. 3350, which exempts plaintiffs-appellees from the operation of the union security clause in the Collective Bargaining Agreement of October 19, 1962, remains constitutional.

WHEREFORE, THE DECISION OF THE COURT OF FIRST INSTANCE OF TARLAC IN CIVIL CASE NO. 4017 DATED OCTOBER 29, 1964, IS HEREBY AFFIRMED IN TOTO. NO COSTS.

SO ORDERED.

Teehankee, Concepcion, Jr., Abad Santos, Melencio-Herrera, Plana, Escolin, Relova, Gutierrez, Jr., De la Fuente, Cuevas, Alampay, and Patajo, JJ., concur.

Aquino, J., no part.

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