

CONSOLIDATED FARMS, INC., II, PETITIONER, VS. HONORABLE CARMELO C. NORIEL, IN HIS CAPACITY AS DIRECTOR OF THE BUREAU OF LABOR RELATIONS, DEPARTMENT OF LABOR, AND NEGROS UNION OF...*G.R. No. L-47752. July 31, 1978*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b6e2344f02bc/>**FERNANDO, J.:**

The weakness of this certiorari petition characterizing as an improvident exercise of authority an order of respondent Director of the Bureau of Labor Relations Carmelo C. Noriel, requiring the holding of a certification election and thus constituting a denial of due process is quite apparent on its face. Petitioner is the employer. The question of which labor organization should be the exclusive bargaining representative is for labor to decide, not for management. Its excessive interest as to what the choice should be is susceptible to the interpretation that it favors one or the other of the contending groups. That circumstance aside, the order on its face carries the imprint of validity. Respondent public official merely adhered to the settled doctrine favoring the holding of a certification election in accordance with the new Labor Code.[1] It is the most expeditious and fairest mode of ascertaining the will of a collective bargaining unit as to its choice of its exclusive representative. In an attempt to lend plausibility to the petition, petitioner likewise raised the legal objection that Section 10, Rule V of the implementing rules and regulations of the Labor Code providing for the finality of the decision of the Bureau of Labor Relations runs counter to the power of the President and is violative of the concept of judicial review vested in this Court.[2] Such a contention, as will be made apparent in the course of this opinion, is untenable. Clearly, the petition lacks merit.

The facts are not in dispute. Private respondent Negros Union of the Sugar Industry filed on August 30, 1976 a petition for direct certification as the sole bargaining agent of the employees of petitioner, which filed, on September 23, 1976, a motion to dismiss. Included in such motion was a cancellation of the registration and permit of the aforesaid labor organization. Thereafter, there was an opposition to such motion to dismiss with memoranda being submitted by both parties.[3] Such petition for direct certification was dismissed on July 8, 1977 by Med-Arbiter Rodolfo G. Lagoc.[4] The matter was then elevated to respondent Director of the Bureau of Labor Relations,[5] who on January 10, 1978, issued the assailed resolution ordering the certification election, thus reversing the order of the Med-Arbiter with the PAFLU, the mother federation, being substituted for private respondent union.[6] The pertinent paragraph of the resolution reads as follows: "After a careful perusal of the records of the case and a consideration of the arguments averred by the parties, this Bureau finds that the petition should be granted. In line with the decisions of the Bureau in cases similar to the present case, this Office holds that since [Negros Union of the Sugar Industry] is an affiliate of PAFLU, a legitimate labor federation, the petition could very well be considered as having been filed by the parent labor federation; thus, [it] should be dropped as the petitioner and to be substituted in lieu of which by its mother federation, PAFLU." [7] Its dispositive portion is worded thus: "[Premises considered] the Order appealed from is hereby set aside and a

certification election is hereby ordered to be conducted. Let the entire records of this case be remanded to the office of origin for implementation of this Resolution."[8]

The petition, to repeat, must fail.

1. The record of this proceeding leaves no doubt that all the while the party that offered the most obdurate resistance to the holding of a certification election is management, petitioner Consolidated Farms, Inc., II. That circumstance of itself militated against the success of this petition. On a matter that should be the exclusive concern of labor, the choice of a collective bargaining representative, the employer is definitely an intruder. His participation, to say the least, deserves no encouragement. This Court should be the last agency to lend support to such an attempt at interference with a purely internal affair of labor. So it was made clear in a recent decision, *Monark International, Inc. v. Noriel*,^[9] in these words: "There is another infirmity from which the petition suffers. It was filed by the employer, the adversary in the collective bargaining process. Precisely, the institution of collective bargaining is designed to assure that the other party, labor, is free to choose its representative. To resolve any doubt on the matter, a certification election, to repeat, is the most appropriate means of ascertaining its will. It is true that there may be circumstances where the interest of the employer calls for its being heard on the matter. An obvious instance is where it invokes the obstacle interposed by the contract-bar rule. This case certainly does not fall within the exception. Sound policy dictates that as much as possible, management is to maintain a strictly hands-off policy. For if it does not, it may lend itself to the legitimate suspicion that it is partial to one of the contending unions. That is repugnant to the concept of collective bargaining. That is against the letter and spirit of welfare legislation intended to protect labor and to promote social justice. The judiciary then should be the last to look with tolerance at such efforts of an employer to take part in the process leading to the free and untrammelled choice of the exclusive bargaining representative of the workers."^[10]

2. As to the merit, or more properly speaking, lack of merit of the petition, it suffices to state that private respondent Negros Union of the Sugar Industry is affiliated with PAFLU, the parent federation. As noted in the Comment of Solicitor General Estelito P. Mendoza,^[11] considered as the answer, PAFLU, from the very beginning, had been included as a co-petitioner with private respondent union for direct certification. The finding, therefore, that there was a cancellation of the registration of the latter did not have the legal consequence attributed to it by petitioner Consolidated Farms, Inc., II. As set forth so clearly in such Comment: "Hence, even if [Negros Union of the Sugar Industry] certificate of registration as a labor union has been cancelled and, therefore, it has no personality to file the same, still, inasmuch as it is affiliated to a parent federation (PAFLU) which is a legitimate labor organization, the petition under question must of necessity be given due course if we were to uphold both the constitutional and statutory mandates on the rights of workers to self-organization and collective bargaining. Public respondent could not have done otherwise for the freedom to choose which labor union to join and the right to collective bargaining are prerequisites to the constitutional command of protection to labor."^[12] Such a view finds support from the decision of this Court in *U.E. Automotive Employees Union v. Noriel*.^[13] Thus: "In the alternative, the petition could very well be considered as having been filed by the parent labor federation."^[14]

3. The last point pressed, the lack of validity of the implementing rule according finality to a determination of respondent Director, is equally unpersuasive. It is contended that it is fraught with pernicious consequences, no less than the nullification of the Presidential power of control as well as the prerogative of this Court to declare void administrative acts tainted by arbitrariness. Petitioner's fears are exaggerated, its misgivings unjustified. The rule, if construed to be in conformity with and not contrary to Constitution, as it ought to be, does not preclude a party aggrieved appealing an order of respondent Director to the Secretary of Labor as alter ego of the President. Two decisions of this Court, *Philippine Labor Alliance Council v. Bureau of Labor Relations*^[15] and *Rowell*

Labor Union v. Ople,[16] under Presidential Decree No. 21, which regulated labor relations prior to the present Code, so indicate. Much less can it be said that such a rule is a bar to judicial review by this Court in appropriate cases. As pointed out by Justice Aquino speaking for this Court in *San Miguel Corporation v. Secretary of Labor*: [17] "Judicial review is proper in case of lack of jurisdiction, grave abuse of discretion, error of law, fraud or collusion." [18] Since then, this Court has had occasion to entertain a great many certiorari proceedings, in certification cases. [19] Petitioner, therefore, apparently was not cognizant that such is the true state of affairs. That appears to be the only explanation for its raising an issue devoid of any support in law.

WHEREFORE, the petition for certiorari is dismissed. The restraining order dated March 29, 1978 is lifted. This decision is immediately executory.

Barredo, Antonio, Aquino, Concepcion, Jr., and Santos, JJ., concur.

[1] Presidential Decree No. 442 (1974).

[2] Section 10, Rule V reads as follows: "Decision of the Bureau is final and unappealable. The Bureau shall have twenty (20) working days within which to decide the appeal from receipt of the records of the case. The decision of the Bureau in all cases shall be final and unappealable."

[3] Petition, III, pars. A-G.

[4] *Ibid*, III, par. H.

[5] *Ibid*, III, par. I.

[6] *Ibid*, III, par. J.

[7] Petition, Annex K.

[8] *Ibid*.

[9] L-47570-71, May 11, 1978.

[10] *Ibid*, 4-5.

[11] He was assisted by Assistant Solicitor General Reynato S. Puno and Solicitor Ramon A. Barcelona.

[12] Comment, 7.

[13] L-44350, November 25, 1976, 74 SCRA 72.

[14] *Ibid*, 82.

[15] L-41288, January 31, 1977, 75 SCRA 162.

[16] L-42270, July 29, 1977, 78 SCRA 166.

[17] L-39195, May 16, 1975, 64 SCRA 56.

[18] *Ibid*, 60.

[19] Cf. *Philippine Association of Free Labor Unions v. Bureau of Labor Relations*, L-42115, January 27, 1976, 69 SCRA 132; *Federacion Obrera v. Noriel*, L-41937, July 6, 1976, 72 SCRA 24; *U.E. Automotive Employees and Workers Union v. Noriel*, L-44350, Nov. 25, 1976, 74 SCRA 72; *Philippine Labor Alliance Council v. Bureau of Labor Relations*, L-41288, Jan. 31, 1977, 75 SCRA 162; *Today's Knitting Free Workers Union v.*

Noriel, L-45057, Feb. 28, 1977, 75 SCRA 450; Benguet Exploration Miners' Union v. Noriel, L-44110, March 29, 1977, 76 SCRA 107; Kapisanan ng mga Manggagawa v. Noriel, L-45475, June 20, 1977, 77 SCRA 414; Rowell Labor Union v. Ople, L-42270, July 29, 1977, 78 SCRA 166; Vassar Industries Employees Union (VIEU) v. Estrella, L-46562, March 31, 1978.

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.