

UNION OF SUPERVISORS IN LITEX (USIL), PETITIONER, VS. THE COURT OF INDUSTRIAL RELATIONS, ASSOCIATION OF DEMOCRATIC LABOR ORGANIZATIONS (ADLO), AND LABOR RELATIONS DIVISION, BURE...

G.R. No. L-37452. November 29, 1974

Ponente: AQUINO, J.

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AQUINO, J.:

On January 19, 1973 the Association of Democratic Labor Organizations (ADLO) filed with the Court of Industrial Relations (CIR) a petition praying that it be certified as the exclusive bargaining agent for all the supervisors in the plants of Lirag Textile Mills, Inc. (Litex) at Malabon and Montalban, Rizal (CIR Case No. 3859-MC).

The Union of Supervisors in Litex (USIL formerly LUSO) and the Managers, Division Superintendents and Supervisors Union (MDSSU) intervened and opposed the petition. Seventy employees, who claimed that they constituted more than ten percent of the four hundred seventy-six persons employed by Litex as supervisors, intervened on February 23, 1973. Their counsel was the lawyer for USIL. Five vice-presidents and thirty managers and branch chiefs also intervened.

ADLO opposed the petitions for intervention. It alleged that the seventy intervenors were top management personnel and purely confidential or technical employees who were not qualified to join the unit of supervisors and to petition for a certification election in that unit.

The CIR, through a commissioner, heard the case. During the hearings, Litex submitted (1) a list of two hundred thirty regular supervisors, (2) a list of eighty-seven confidential employees who were supervisors and (3) a list of one hundred forty-three purely confidential employees.

USIL and MDSSU agreed to the inclusion in the supervisors' unit of all the employees named in the three lists. ADLO agreed (a) to the inclusion in the unit of the regular supervisors, subject to the exclusion of around thirty employees whom it claimed were non-supervisors and (b) to the inclusion of the confidential employees who were supervisors. It moved for the exclusion of the purely confidential employees.

On June 16, 1973 the CIR, through Judge Ansberto P. Paredes, ordered the Department of Labor to conduct a certification election among the supervisory employees of Litex excluding confidential employees and certain managerial personnel. The certification election was scheduled on July 24, 1973.

USIL and the other intervenors filed motions for the reconsideration of that order. On August 25, 1973 the CIR denied the motions for being fatally defective or pro forma. The CIR asked the Department of Labor to set anew the certification election.

On September 12, 1973 USIL filed the instant petition for certiorari and prohibition against the CIR, ADLO and

the Labor Relations Division, Bureau of Labor Relations. It assailed the orders of Judge Paredes. The petition was given due course. An order restraining the holding of the certification election was issued.

In the CIR the parties had centered their arguments on the issue of who should take part in the certification election. In its petition herein USIL questioned for the first time the jurisdiction of the CIR over certification cases. It contended that the National Labor Relations Commission (NLRC), which was created under Presidential Decree No. 21 dated October 14, 1972, had exclusive jurisdiction to order certification elections because section 2(1) of that decree provides that the NLRC "shall have original and exclusive jurisdiction over" "all matters involving employer-employee relations including all disputes and grievances which may otherwise lead to strikes and lockouts under Republic Act No. 875". On December 21, 1972 the NLRC implemented the decree by promulgating rules and regulations governing representation cases.

The Legal Counsel for the Department of Labor and the Solicitor General, both representing the Bureau of Labor Relations, agreed with USIL that the CIR had no jurisdiction over the case and that under the decree the NLRC had original and exclusive jurisdiction over representation cases.

On the other hand, the CIR and ADLO insisted that the CIR had jurisdiction over labor cases notwithstanding the promulgation of Presidential Decree No. 21. ADLO alleged that even after the creation of the NLRC "the practice of filing with the CIR petitions for certification" had continued. The CIR surmised that its exclusive jurisdiction in representation cases under Republic Act No. 875 had not been revoked.

On June 3, 1974 Letter of Instructions No. 191 was issued (70 O.G. 4823). In that directive, the CIR, which was being phased out, was instructed to transfer to the Bureau of Labor Relations for appropriate action all pending cases filed after October 14, 1972.

At the hearing of this case on September 11, 1974, counsel for ADLO conceded that as of that date the NLRC had jurisdiction over certification cases (9 tsn).

USIL and the Labor Relations Division in their manifestation dated September 19, 1974 stated that they had no objection to the dismissal of the instant case and of CIR Case No. 3859-MC without prejudice to the presentation of the issues raised therein to the Bureau of Labor Relations.

ADLO, in its manifestation of September 23, 1974, affirmed that the jurisdictional issue had been rendered moot by Letter of Instructions No. 191. However, it desired that the issue of whether purely confidential employees and top management personnel could join a supervisors' union should be decided.

USIL, in its comment on ADLO's manifestation, pointed out that the issue raised by ADLO had been rendered moot by article 292 of the Labor Code (Presidential Decree No. 442 effective on November 1, 1974) which provides that "managerial officials are not eligible to join, assist or form any labor organization". Managerial employees, as defined in article 260(k) of the Labor Code, are supposedly the counterpart of supervisors as defined in section 2(k) of the Industrial Peace Act.

In view of the foregoing antecedents and considerations, as well as the abolition of the CIR, the Court resolved to dismiss the instant case for having become moot but without prejudice to the right of the Association of Democratic Labor Organizations (ADLO) to file with the Bureau of Labor Relations a new case which may be warranted under the Labor Code. No costs.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Fernandez, JJ., concur.

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