

**VICTORIAS-MANAPLA WORKERS ORGANIZATION-PAFLU,
PETITIONER, VS. THE HON. EMILIANO TABIGNE, JUDGE OF THE
COURT OF INDUSTRIAL RELATIONS, VICTORIAS MILLING CO., INC.,
AND VICMICO IND...**

G.R. No. L-19658. December 28, 1964

Ponente: BARRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cb596505a38e/>

BARRERA, J.:

This is an original petition for certiorari filed by the Victorias-Manapla Workers Organization-Paflu, hereafter to be referred to as VICMAWO, for the review of the order of the trial judge (in CIR Case No. 957-MC) dated January 26, 1962, certifying the Vicmico Industrial Workers Association, hereafter to be referred to as VIWA, as the sole and exclusive representative of the employees and laborers of the Victorias Milling Co., Inc., for purposes of collective bargaining. The order is assailed on the ground that the same was issued allegedly notwithstanding the pendency of a motion in another case (CIR Case No. 22-MC-Iloilo) wherein petitioner was an intervenor, involving the same issue of certification of the appropriate bargaining unit for the employees of the Victorias Milling Co., Inc.

Insofar as pertinent to this proceeding, the facts of the case as may gathered from the pleadings filed herein, are as follows:

In Case No. 22-MC-Iloilo, on proper petition by employee Victorino A. Combate and 318 others, representing more than 10% of the employees of the Victorias Milling Co., Inc., the Court of Industrial Relations directed the holding of a certification election to determine the appropriate collective bargaining unit for the employees of the said company. The election was held on October 21, 1960, and herein petitioner VICMAWO, which intervened in the case, obtained 644 votes, while 746 voted "no union desired[1]". In view of the fact that none of the contending parties received the 50% plus-majority, a run-off election was held on June 2, 1961, only between the VICMAWO and the "no-union desired" factions. It resulted in the VICMAVVO receiving 615 votes, while 926 again voted no-union preference. On June 5, 1961, VICMAWO filed a protest in court, charging the Company with interference in the conduct of the run-off election by coercing the employees to make no-union choice. On December 5, 1961, the original petitioning laborers (Combate and 318 others) filed a pleading withdrawing their petition for certification election, on the ground that no one of the labor organizations participating in the two elections already held obtained the required majority, and that a new union (the VIWA) has applied in a separate proceeding, (Case No. 957-MC) for a certification in its favor. In an order dated January 22, 1962, the trial court, after quoting in full the report of the Program Officer of the Asian Labor Education Center (UP) commissioned by the court to look into the protest of the Vicmawo, finding that the run-off election held on June 2, 1961 "was orderly" and concluding that it "was freely held" and the "result reflected the choice of the voters", dismissed the protest. In the same order, the court approved the motion of withdrawal and considered the case closed and terminated. Intervenor Vicmawo moved for a reconsideration of the aforesaid order. However, on February 8, 1962, said motion for reconsideration was withdrawn, on the ground of lack of interest of its (intervenor's) local

officials in the case, which motion for withdrawal was granted by resolution of the court en banc on February 9, 1962.

In the meantime, and as already adverted to, on October 28, 1961, a newly organized union, the new respondent Vicmico Industrial Workers Association (VIWA), claiming majority membership among the workers of the Company, filed a separate case with the Court of Industrial Relations (Case No. 957-MC), petitioning that it be certified as the sole and exclusive representative of the employees and laborers for purposes of collective bargaining with the employer. After due hearing, the court, taking into account the evidence presented therein, granted the petition in its order of January 26, 1962, upon the finding that there was no existing employer unit in the company at the time of the filing of said petition, it appearing as a matter of fact, that in the two certification elections ordered in Case No. 22-MC-Iloilo, heard by the same respondent judge, involving the same employees of the same Company, the votes of "no-union" exceeded those cast in favor of any of the unions then existing, including herein petitioner VICMAWO[2]; that, there being no current collective bargaining contract, it was to the best interest of the parties that a sole and exclusive bargaining representative of the employees be designated; and, finally, that the therein respondent VIWA (petitioner in said Case No. 957-MC) had 1,345 actual and active members which represent 83.5% of the non-supervisory personnel of the Company. It is against this order Hint tho herein petitioner VICMAWO has taken up this case before us, praying that the same be set aside on the ground that the trial judge abused its discretion in certifying the respondent VIWA as the employer unit or the employees' bargaining representative, notwithstanding the pendency of another proceeding in Case No. 22-MC-Iloilo, for the same purpose.

The records do not show that herein petitioner VICMAWO intervened in Case No. 957-MC in spite of the fact that the hearing of the petition therein filed was duly published in accordance with the requirements of the law. Furthermore, in the instant petition for certiorari filed in this Court, there is no allegation whatsoever that the herein petitioner VICMAWO sought any remedy against the order complained of in the lower court, either by intervening in the case or seeking any relief from said order. All that the petitioner did was to immediately file the present action on April 11, 1962 or after the approval by the lower court of the motion to withdraw the petition in case No. 22-MC-Iloilo.

It is contended that the lower court, in issuing its questioned order in Case No. 957-MC abused its discretion because there was then pending Case No. 22-MC-Iloilo involving the same issue of certification of a bargaining representative for the employees. But this argument overlooks the fact that prior to the issuance of this order, the motion to withdraw the petition in Case No. 22-MC-Iloilo was granted by the lower court, thereby terminating said case, and at the same dismissing the protest against the regularity of the run-off election held therein. It is true that a motion for reconsideration was filed against the dismissal of the case as well as of the protest, but the same was subsequently withdrawn by the petitioner VICMAWO itself.

Under the circumstances of the case, we find no abuse of discretion on the part of the lower court in issuing the order certifying the respondent VIWA as the employee's exclusive bargaining representative.

WHEREFORE, the petition filed herein is hereby dismissed and the writ of preliminary injunction heretofore issued is dissolved, with costs against the petitioner.

SO ORDERED.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

[1] Other labor unions, also with membership among the workers and which were allowed to intervene in the proceeding, obtained the following votes:

Free Visayan Workers-FFW..... 114

Allied Workers Association (AWA)..... 142

Talisay-Silay Workers & Employees Association (TELA)..... 9

[2] Notes that the respondent VIWA was organized after the two unsuccessful certification elections.

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.