

TALLER BISAYAS EMPLOYEES AND WORKERS ASSOCIATION (TALBEWA), PETITIONER, VS. PANAY ALLIED WORKERS UNION AND STRACHAN & MCMURRAY LTD., (TALLER BISAYAS) AND THE COURT OF INDUSTRIAL...

G.R. No. L-23927. September 19, 1967

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f02a1f4d578e/>

MAKALINTAL, J.:

The Panay Allied Workers Union (PAWU) is a duly registered labor organization, with membership composed of employees of the Strachan & McMurray, Ltd. (Taller Bisayas) at de la Rama Street, Iloilo City. On 17 December 1963 it filed with the Iloilo office of the Court of Industrial Relations a petition for direct certification as the exclusive bargaining representative of the employees alleging that there was no other labor organization in existence to bargain for them with the employer, hereinafter referred to as the Company. In its answer to the petition the Company opposed the petition for direct certification but proposed instead that a certification election be conducted, with notice to all interested parties.

On 28 January 1964 a hearing was held, at which PAWU and the Company agreed on a certification election and stipulated on certain matters, particularly on the question of who should be allowed to vote and who should be disqualified from voting. The same morning, after the stipulations had been entered into, the Taller Bisayas Employees and Workers Association (TALBEWA), represented by its president and its counsel, arrived on the scene and verbally moved that it be allowed to inter-vene. The hearing examiner of the court denied the motion, also verbally, on the ground that TALBEWA had not yet been granted a permit by the Department of Labor at that time and therefore was not qualified to participate in a proceeding to select the appropriate bargaining repre-sentative of the workers and/or employees.

On 24 February 1964 the Court of Industrial Relations, through Presiding Judge Jose S. Bautista, issued an order affirming in effect the denial of TALBEWA's motion for intervention by the hearing Examiner and requesting the Department of Labor to conduct a certification election in the office of Strachan & McMurray at de la Rama Street, Iloilo City.

On 2 March 1964, a formal motion for intervention dated 27 February was filed by TALBEWA, this time alleging that it was a duly registered labor organization (certificate of registration is dated 3 February 1964) and reiterating its desire to participate in the certification election. On 17 April 1964 the court, through the same Presiding Judge, denied the motion, as follows:

"Considering that the instant motion was filed only on March 2, 1964, or more than one month after movant's verbal motion was denied by the Hearing Examiner, it is believed that the same is too late to be given due course, especially so when the Court has already issued an Order directing the holding of a certification election in the re-spondent Company. In fact, a certi-fication election was conducted by the Department of Labor on March 30, 1964."

A subsequent motion for reconsideration was likewise denied by the Court en banc on the ground that it did not find "sufficient justification for altering or modifying the aforesaid order." The different orders of denial are the subject of the instant appeal by certiorari which TALBEWA has seasonably interposed.

It appears that in the certification election conducted by the Department of Labor on 30 March 1964 a total of seventy-eight ballots were cast. Four of them were segregated upon order of the court, their validity to be resolved later should they be determinative of the result. Of the seventy-four (74) votes considered, forty-eight (48) were for PAWU, twenty-two were for NO UNION, and four (4) were held spoiled and hence were not counted. PAWU thus obtained more than the absolute majority.

We are not convinced that the Court of Industrial Relations committed a reversible error or grossly abused its discretion in the premises. In the first place, petitioner's first and verbal motion to intervene was filed when it was not yet a duly registered labor organization. The denial thereof by the hearing examiner was therefore in order. Secondly, petitioner filed its formal motion for the same purpose after the lapse of more than one month following the denial, and by then the court had already affirmed the same and requested the Department of Labor to conduct the certification election agreed upon between PAWU and the Company. Finally, there is no clear showing that petitioner's intervention would have altered the result of that election. A mere allegation that petitioner counted with a majority of the employees and/or workers is not enough ground to set the election aside.

In the absence of an express allegation that a new hearing will change the facts found, the new trial or cross-examination demanded would be idle ceremony; it would not serve the ends of justice at all, especially so in a quasi-administrative body like the Court of Industrial Relations, where the rules of confrontation and cross-examination have not been expressly granted, as in a trial against an accused in a criminal case. (*National City Bank of New York vs. NCBNY Employees Union*, G. R. No. L--9168)

The orders appealed from are affirmed, with costs.

Concepcion, C.J., Reyes, Dizon, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.
Benzon, J., took no part.

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.