

**NATIONAL MINES AND ALLIED WORKERS UNION (NAMAWU-MIF),
PETITIONER, VS. SECRETARY OF LABOR, FEDERATION OF FREE
WORKERS – SAMAHANG MANGGAGAWA SA QUALITY
CONTAINER CORPORATION AND Q...**

G.R. No. 106446. November 16, 1993

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-106446/>

QUIASON, J.:

This is a petition for certiorari and prohibition under Rule 65 of the Revised Rules of Court assailing the Decision dated August 4, 1992 of the Secretary of Labor in Case No. OS-A-4-102-92. In said decision, the Secretary of Labor affirmed the decision of the Med-Arbiter in Cases Nos. NCR--OD-M-91-09-106 and NCR-OD-M-91-10-131, which granted the petition of respondent Federation of Free Workers - Samahang Manggagawa sa Quality Container Corporation (FFW-SMQCC), for a certification election to be conducted among the rank and file employees of respondent Quality Container Corporation (QCC).

Petitioner and respondent FFW-SMQCC are local chapters of labor federations duly registered with the Department of Labor and Employment (DOLE). Petitioner is the exclusive bargaining agent of all the rank and file workers of respondent QCC, a domestic corporation engaged in the metal industry.

On September 27, 1991, 38 days before the expiration of the Collective Bargaining Agreement between petitioner and respondent QCC, respondent FFW-SMQCC through Reynito de Pedro filed with the DOLE Industrial Relations Division, National Capital Region (NCR-OD-M-91-09-106) a petition for certification election. The petition was accompanied by a list of signatures of company employees, who signified their consent to a certification election among the rank and file employees of QCC (Rollo, pp. 79-83).

Petitioner herein moved to dismiss the petition of respondent FFW-SMQCC on the grounds that: (a) the required consent to the certification election of at least 25% of the rank and file employees had not been met; (b) the petition was not verified as required by law; and (c) Reynito de Pedro, who was also the president of petitioner, had no personality to file the petition on behalf of FFW-SMQCC.

On October 30, 1991, respondent FFW-SMQCC, filed a second petition for certification election, this time signed and verified by De Pedro (NCR-OD-91-10-131).

On January 24, 1992, the Med-Arbiter granted the petition for certification election of respondent FFW-SMQCC in a decision, the dispositive portion of which, reads as follows:

"WHEREFORE, premises considered, let a certification election be conducted among the rank-and-file employees of Quality Container Corporation within twenty (20) days from receipt hereof with the usual pre-election conference of the parties to thresh out the mechanics and other details of the election. The payroll of the company three (3) months prior to the filing of the petition shall be used as the basis in determining the list of eligible voters.

"The choices are:

- a) Federation of Free Workers (FFW)-Samahang Manggagawa sa Quality Container Corporation Chapter;
- b) National Mines and Allied Workers' Union (NMAWU); and
- c) No union" (Rollo, pp. 24-25).

Petitioner appealed this decision to the Secretary of Labor (OS-A-4-102-92). On June 17, 1992, the Secretary of Labor rendered a decision, denying the appeal for lack of merit and affirming the order of the Med-Arbiter.

Hence, this petition.

Petitioner contends that the assailed decision was issued in grave abuse of discretion for the following reasons: (1) that Reynito de Pedro is not the authorized representative of respondent FFW-SMQCC, he being the duly elected president of petitioner; (2) that the filing of the second petition for certification election did not cure, much less correct, the defects in the first petition; and (3) that in the first and second petitions, the signatures of the 141 employees, who signified their support thereto, were either forged or pre-maturely obtained prior to the 60-day period before the expiration of the existing collective bargaining agreement.

The petition is not impressed with merit.

First, although Reynito de Pedro was the duly elected president of petitioner, he had disaffiliated himself therefrom and joined respondent FFW-SMQCC before the petition for certification election was filed on September 27, 1991. The eventual dismissal of De Pedro from the company is of no moment, considering that the petition for certification election was filed before his dismissal on August 22, 1992.

Second, verification of a pleading is a formal, not jurisdictional requisite (*Buenaventura v. Uy*, 149 SCRA 22 [1987]; *In the Matter of the Change of Name of Antonina B. Oshita*, 19 SCRA 700 [1967]). Even if verification is lacking and the pleading is formally defective, the courts may dispense with the requirement in the interest of justice and order the correction of the pleading accordingly. Generally, technical and rigid rules of procedure are not binding in labor cases; and this rule is specifically applied in certification election proceedings, which are non-litigious but merely investigative and non-adversarial in character (*Associated Labor Unions v. Ferrer--Calleja*, 179 SCRA 127 [1989]; *Tanduay Distillery Labor Union v. NLRC*, 149 SCRA 470 [1987]). Nevertheless, whatever formal defects existed in the first petition were cured and corrected in the second petition for certification election.

Third, attached to the original petition for certification election was a list of 141 supporting signatures out of the 300 employees belonging to the appropriate bargaining unit to be represented by respondent FFW-SMQCC. Respondent QCC sought to delete from the list some 36 signatures which were allegedly forged and falsified. Petitioner, likewise, submitted a joint affidavit of 13 employees, disclaiming the validity of the signatures therein.

Granting that 36 signatures were falsified and that 13 were disowned, this leaves 92 undisputed signatures which is definitely more than 75 -- i.e., 25% of the total number of company employees required by law to support a petition for certification election. The disclaimer by 13 employees of their respective signatures covers only their own personal participation and cannot in any way be extended to include the rest of those who did not question the same.

Moreover, the fact that the list of signatures is undated does not necessarily mean that the signatures were obtained prior to the 60-day freedom period before the expiration of the existing collective bargaining agreement. What is important is that the petition for certification election must be filed during the freedom period and that the 25% requirement of supporting signatures be met upon the filing thereof. These requirements have been complied

by respondent FFW-SMQCC in their first and second petitions, and it was thus incumbent upon the Med-Arbiter to order a certification election to be conducted among the rank and file employees of the company (Labor Code of the Philippines, Art. 256; Warren Mfg. Workers' Union v. Bureau of Labor Relations, 159 SCRA 387 [1988]; Samahang Manggagawa ng Pacific Mills v. Noriel, 134 SCRA 152 [1985]).

If indeed there are employees in the bargaining unit who refuse to be represented by respondent FFW-SMQCC, with all the more reason should a certification election be held where the employees themselves can freely and voluntarily express by secret ballot their choice of bargaining representative. A certification election is the most effective and expeditious way to determine which labor organization can truly represent the working force in the appropriate bargaining unit of the company (Central Negros Electric Cooperative, Inc. v. Sec. of Labor, 201 SCRA 584 [1991]; National Association of Free Trade Unions v. Bureau of Labor Relations, 164 SCRA 12 [1988])

We find no grave abuse of discretion on the part of the Secretary of Labor.

WHEREFORE, the petition is DISMISSED.

SO ORDERED.

Cruz, (Chairman), and Davide, Jr., JJ., concur.

Bellosillo, J., on leave.

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.