

**CRUZVALE, INC., PETITIONER, VS. HON. BIENVENIDO E. LAGUESMA,
UNDERSECRETARY OF THE DEPARTMENT OF LABOR AND
EMPLOYMENT, MED-ARBITER ANGELI M. TUYAY AND UNION OF
FILIPINO WORKERS ...**

G.R. No. 107610. November 25, 1994

Ponente: QUIASON, J.

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QUIASON, J.:

This is a petition for certiorari under Rule 65 of the Revised Rules of Court, with prayer for a writ of preliminary injunction or temporary restraining order, to reverse and set aside the Decision dated September 25, 1992 of respondent Undersecretary of Labor and Employment and his Order dated October 13, 1992 in OS-MA-A-11-334-91.

I

On July 23, 1991, private respondent, a labor union, filed with the Department of Labor and Employment (DOLE), Regional Office No. IV, a petition for certification election among the regular rank-and-file workers of petitioner, docketed as Case No. RO-400-9107-RU-0107.

On August 27, 1991, petitioner filed its comment to the petition for certification election. It sought the denial of the petition on the following grounds:

- (a) That no charter certificate evidencing the organization of a local union therein was attached to the petition or submitted to the DOLE at the time the petition was filed;
- (b) That the respondent Union has not presented any proof that it is a legitimate labor organization; and
- (c) That the Regional Office No. IV of the DOLE has no jurisdiction over the petition since petitioner Company's place of business is located at Cubao, Quezon City, which is outside the jurisdiction of the said Regional Office. Consequently, it is the National Capital Region or NCR of the DOLE which has jurisdiction over said petition (Rollo, p. 7).

On September 27, 1991, respondent Med-Arbiter rendered a decision in favor of private respondent, pertinent portion of which reads as follows:

"Anent the first issue on the status of the petitioner, it is established that the petitioner is a legitimate organization with Dole Registration Certificate No. 11106 LC (FED) and has a local chapter in the respondent's company located at Cainta, Rizal. The existence of a local union is likewise undisputed as the same is evidenced by Charter Certificate No. 82 issued to it by the petitioner, United Filipino Workers, and submitted to this Office which automatically forms part of the records of this case.

As regards the second and third issues on whether or not the herein petition is duly filed or not, the allegation of the respondent that the same is defective in form and substance since no charter certificate and signatories

were attached thereto at the time of filing of this petition is unmeritorious and without legal basis.

The respondent is an unorganized establishment which is governed by Article 257 of the Labor Code, as amended by R.A. No. 6715, which read as follows:

Petitions in unorganized establishments. -- In any establishment where there is no certified bargaining agent, a certification election shall automatically be conducted by the Med-Arbiter upon the filing of a petition by a legitimate labor organization" (Rollo, pp. 74-75).

Petitioner appealed the said order to the DOLE. The latter, thru respondent Undersecretary, upheld the order of respondent Med-Arbiter.

Not satisfied with the decision of the DOLE, petitioner filed the instant petition and assigned the following errors:

1

RESPONDENT UNDERSECRETARY GRAVELY ABUSED HIS DISCRETION AMOUNTING TO LACK OF JURISDICTION IN AFFIRMING A PATENTLY NULL AND VOID DECISION OF THE MED-ARBITER HOLDING THAT THE PETITION FOR CERTIFICATION ELECTION WAS FILED BY A LEGITIMATE LABOR ORGANIZATION.

2

RESPONDENT UNDERSECRETARY GRAVELY ABUSED HIS DISCRETION AND COMMITTED A SERIOUS LEGAL ERROR IN LIMITING THE CERTIFICATION ELECTION TO PETITIONER'S EMPLOYEES AT CAINTA, THEREBY DISENFRANCHISING THE OTHER REGULAR RANK-AND-FILE EMPLOYEES OF PETITIONER COMPANY AND INSPITE OF A FINAL ORDER CALLING FOR A CERTIFICATION ELECTION TO BE PARTICIPATED IN BY ALL REGULAR RANK-AND-FILE EMPLOYEES.

3

RESPONDENT UNDERSECRETARY ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN HE AMENDED OUT OF HIS OWN WILL AND DERIVED A PROVISION OF THE IMPLEMENTING RULES WITHOUT ANY BASIS OR AUTHORITY IN THE LABOR CODE, AS AMENDED.

II

As to the first assigned error, petitioner avers that private respondent is not a legitimate labor organization, "considering that its local or chapter, at the time said petition was filed, did not undergo the rudiments of registration required under Section 3, Rule II, Book V of the Implementing Rules and Regulations of the Labor Code and the pronouncements made by this Court in *Progressive Development Corporation v. Secretary, Department of Labor and Employment* (205 SCRA 802) xxx" (Rollo, pp. 13-14).

The Med-Arbiter found that private respondent was issued Certificate of Registration No. 11106 and Charter Certificate No. 82.

Findings of fact of labor officials are generally conclusive and binding upon this Court when supported by substantial evidence (*Five J Taxi v. National Labor Relations Commission*, 212 SCRA 225 [1992]).

Progressive Development Corporation, (supra.) is inappropriate to the case at bench. Thereat, the union failed to show that it had complied with the statutory requirements of Section 3, Rule II, Book V of the Omnibus Rules Implementing the Labor Code. The copy of the constitution and by-laws and list of officers submitted to the

Bureau of Labor Relations by the union were not certified under oath by the union secretary.

As to the second assigned error, petitioner claims that respondent Undersecretary should not have limited the certification election to petitioner's employees at the garment factory in Cainta but should have also covered those employed in the cinema business.

We agree with the following observation made by respondent Undersecretary in his Decision dated September 25, 1992:

"As regards the question on the composition of the bargaining unit, we stress once more that the call for the conduct of election covers all the regular rank-and-file employees of Cruzvale, Inc. at its garment manufacturing corporation. The use of the pronoun 'all' in our decision dated 16 December 1991 refers to all aforementioned employees at the garment manufacturing operation based on the finding that they were the ones sought to be represented by the petitioner as clearly reflected on the face of the petition and as embodied in the Order of the Med-Arbiter dated 24 April 1992 which was affirmed by this Office on appeal.

Moreover, as stated in the questioned Decision the employees at the Cinema operation and those at the garment manufacturing operation do not share commonality of interest as the former clearly perform work entirely different from that of the latter. Thus, their separation into two (2) distinct bargaining units is proper. This is in accordance with the decision of the Supreme Court in the case of Belyca Corporation v. Dir. Pura Ferrer-Calleja, et al., G.R. No. 77395, 26 November 1988" (Rollo, p. 42; Underscoring supplied).

As to the third assigned error, petitioner contends that the petition for certification election should have been filed with the regional office which has jurisdiction over the principal office of the employer in accordance with Section 1, Rule V, Book V of the Omnibus Rules Implementing the Labor Code (Rollo, p. 27). Said section provides:

"Where to file. A petition for certification election shall be filed with the Regional Office which has jurisdiction over the principal office of the Employer. The petition shall be in writing and under oath" (Underlining supplied).

The word "jurisdiction" as used in said provision refers to the venue where the petition for certification must be filed. Unlike jurisdiction, which implies the power of the court to decide a case, venue merely refers to the place where the action shall be brought (*Sulo ng Bayan, Inc. v. Intermediate Appellate Court*, 72 SCRA 347 [1976]). Venue touches more the convenience of the parties rather than the substance of the case (*Consolidated Bank v. Intermediate Appellate Court*, 198 SCRA 34 [1991]).

Section 1, Rule V, Book V of the Omnibus Rules Implementing the Labor Code refers only to cases where the place of work of the employees and the place of the principal office of the employer are within the same territorial jurisdiction of the Regional Office where the petition for certification election is filed. The said provision does not apply to the filing of petitions for certification election where the place of work of the employees and the place of principal office of the employer are located within the territorial jurisdictions of different regional offices. We assume that in the drafting of the Omnibus Rules, the Secretary of Labor and Employment took into consideration the fact that there are many companies with factories located in places different from places where the corporate offices are located.

The worker, being the economically-disadvantaged party whether as complainant, petitioner or respondent, as the case may be, the nearest governmental machinery to settle a labor dispute must be placed at his immediate disposal and the employer must in no case be allowed a choice in favor of another competent agency sitting in another place to the inconvenience of the worker (*Nestle Philippines, Inc. v. National Labor Relations Commission*, 209 SCRA 834 [1992]).

Petitioner has not shown how it will be prejudiced by the hearing on the petition for certification election before the Regional Office No. IV, which has its offices in Quezon City, the same city where the principal place of business of petitioner is located. Petitioner is, therefore, being unreasonable in demanding that the petition for certification election be filed with the National Capital Region Office, which holds offices in Manila.

Unlike in the Rules governing the procedure before Regional Offices, the New Rules of Procedure of the National Labor Relations Commission prescribes that all cases in which labor arbiters have jurisdiction should be filed in the branch office which has territorial jurisdiction over the "workplace of the complainant/petitioner" (Rule IV, Sec. 1[a]). The NLRC Rules defines the workplace as follows:

"For purposes of venue, workplace shall be understood as the place or locality where the employee is regularly assigned when the cause of action arose. It shall include the place where the employee is supposed to report back after a temporary detail, assignment or travel. xxx."

The Omnibus Rules Implementing the Labor Code has no provision as to when an objection to improper venue may be raised. The Med-Arbiter ruled that where the employer had appeared twice at the hearing of the petition for certification election without questioning the venue, said employer was barred from raising the issue in the subsequent proceedings. He observed:

"xxx This practice of deliberately delaying the legal proceedings cannot be countenanced any further, otherwise, the ends of justice will forever be defeated. We don't see any reason for the respondent to delay as it did, the proceedings of the case only to assail later on the jurisdiction of the office. This issue could have been brought up or objected to during the initial hearing" (Rollo, p. 77).

The stance of the Med-Arbiter, that the question of the venue in representation cases should be raised at the first hearing, was accepted by respondent Undersecretary. We are not prepared to say that said administrative officials have gravely abused their discretion.

WHEREFORE, the petition is DISMISSED and the temporary restraining order is LIFTED.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

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