

**GAMALIEL DINIO, ERNESTO MANGAHAS, EDGAR S. VINSON AND
PARTY FOR REFORM, PETITIONERS, VS. HON. BIENVENIDO E.
LAGUESMA, UNDERSECRETARY OF THE DEPARTMENT OF LABOR
& EMPLOYMENT, THE...**

G.R. No. 108475. June 09, 1997

Ponente: KAPUNAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-108475/>

KAPUNAN, J.:

Before us is a petition for certiorari under Rule 65 of the Revised Rules of Court questioning the decision and resolution of public respondent Undersecretary of Labor in OS-MA-A-7-138-92 dated 11 August 1992 and 11 December 1992, respectively, granting the appeal filed by the private respondents.

The instant controversy arose from the following facts:

Following the expiration of the terms of office of the incumbent officers of the PCIBank Employees Union (PCIBEU) and in accordance with the latter's constitution & by-laws, the election of a new set of union officers was scheduled on 31 January 1992.

Two union parties emerged to vie for the various officer positions -- the Party for Progress and Unity (PPU) headed by Elmer Nanadiego and the Party for Reform (PFR) whose standard bearer was petitioner Gamaliel Dinio.

To supervise the upcoming elections, a Committee on Election was formally formed by the PCIBEU Board of Directors through a Board Resolution adopted during the special meeting held on 28 November 1991. The members of the said committee were:

DANILO PICADIZO Chairman

ROMAN DE GUZMAN Member

GERARDO MALAVEGA Member [1]

The aforecited resolution was signed by all the members of the board except for Gamaliel Dinio, Edgar Vinson and Dominador Domingo.

Thereafter on 6 January 1992, the incumbent PCIBEU President, Elmer Nanadiego, penned a letter addressed to all union members informing them of the scheduled union elections and the formation of the Committee on Election (PCIBEU-Comelec).[2]

On 8 January 1992, the PCIBEU-Comelec Chairman, Danilo Picadizo, sent a letter to the management of PCIBank informing them of the upcoming elections. In the same letter the PCIBEU-Comelec requested the bank for assistance in the form of available space and various election paraphernalia.[3] PCIBEU-Comelec Chairman Picadizo, likewise, wrote the Regional Director of the Department of Labor and Employment — NCR (DOLE)

Atty. Bernardino Julve requesting the presence of DOLE representatives on election day for the purpose of ensuring clean and honest elections.[4]

On the same date, the PCIBEU-Comelec issued the Election Guidelines:

January 8, 1992

ELECTION GUIDELINES

1. The Union elections will be held on January 31, 1992, from 9 a.m. to 5 p.m. In the head office, the elections will be conducted at the Employees Canteen, 6th Floor; in the branches, the same will be held in an acceptable place to be agreed upon between the branch manager and the Union representatives. The elections will be held simultaneously in the head office and in all branches nation-wide.

2. Representatives from the Department of Labor and Employment will be invited to assist in the conduct of the elections up to the counting of the ballots cast. Proclamation of the winners will be made by the Chairman, Committee on Elections as soon as the canvass is terminated.

3. The election canvass will be conducted at the Employees Canteen, 6th Floor in the head office and in the branches nation-wide as soon as the ballot boxes are closed at 5 p.m., January 31, 1992. Results in the branches will be forwarded to the Union Comelec, c/o Union Office, in the proper form(s) to be distributed for the purpose. Canvassing will be made at the Head Office.

4. The positions open to be contested are:

1. President
2. Executive Vice-President
3. Vice-President - External
4. Vice President - Internal
5. Vice President - Education and Research
6. Secretary
7. Treasurer
8. Auditor
9. Press Relation Officer I
10. Press Relation Officer II
11. Asst. Secretary
12. Asst. Treasurer
13. Asst. Auditor
14. Six Members of the Board of Directors

5. All Union members as of December 31, 1991, as indicated in the management print-out will be eligible to run for any position above. Likewise, all these Union members will be the registered voters for purposes of the elections.

6. Deadline for the submission of Certificate(s) of Candidacy, either as individual candidates or as candidates

of a party will be January 17, 1992, at 4:30 p.m. to the Union Office or to any member of the Union Comelec. Candidates from the branches can send their Certificate(s) of Candidacy by mail or by wire. The deadline will be reckoned from the date stamped for delivery. A Candidacy, whether individual or by party, must be confirmed by the signature of the Candidate.

7. All other procedures generally accepted in the practice of elections will be followed to ensure democratic processes.

PROMULGATED this 8th day of January, 1992, Makati, Metro Manila.[5]

Thereafter, the two contesting parties PFR and PPU announced the names of their respective candidates, filed the corresponding certificates of candidacy and the election campaign commenced.

However, two days before election day or on 29 January 1992, PFR filed with the BLR a petition for injunction with prayer for issuance of temporary restraining order against the PCIBEU-Comelec (docketed as NCR-OD-M-92-01-119). The party alleged that the PCIBEU-Comelec was not validly constituted; that said committee failed to issue the necessary election guidelines; that official ballots were dispatched to the provincial branches without the knowledge of PFR; and that there is reasonable ground to believe that the elections will be rigged in favor of the other party. PFR, thus, prayed that the PCIBEU-Comelec be enjoined from supervising and administering the union elections; that the BLR create a special team to supervise the elections; and that the elections be moved to another date.[6]

On 30 January 1992, Med-Arbiter Paterno D. Adap granted the temporary restraining order prayed for. The order read, thus:

Considering the urgency and seriousness of the issues raised by petitioners in the above-entitled case, and considering further the Injunction with Prayer of Issuance of Temporary Restraining Order in their petition copy of which is hereto attached; and considering furthermore, the time element involved in this case, so as not to render petitioners' petition moot and academic and in order to protect the rights of the parties/litigants, you respondents, (sic) The Committee on Election herein Represented by Danilo Picadizo, or any of your authorized representatives acting for and in your behalf are hereby directed to cease and desist from holding general election of PCIB Employees Union Officers on January 31, 1992, until further ordered by this Office.

SO ORDERED.[7]

Only the elections in Metro Manila, however, was suspended. In the provincial branches, the union elections proceeded as scheduled.

Subsequently, the PCIBEU-Comelec responded by filing an Urgent Motion to Dissolve Restraining Order and to Deny Petition for Issuance of Writ of Injunction dated 2 February 1992.[8]

On 21 February 1992, the PCIBEU-Comelec issued a circular re-scheduling the union elections in Metro Manila to 28 February 1992[9] on grounds that the 20-day life span of the temporary restraining order had lapsed.

After the elections in Manila were finally held and the over-all results canvassed, the names of the elected union officers were declared, thus:

President ELMER NANADIEGO

Exec. Vice Pres. LORENZO CALLEJO

VP-Internal FILIFRANCO SISON

VP-External NESTOR NERBES

VP-Educ. & Research RAMONA BANSUAN

Secretary NERISSA ESPIRITU SANTO

Asst. Sec. DOLORES PELAYO

Treasurer ELIZABETH HOLLERO

Asst. Treasurer JUANITA SIMPAO

Auditor JOSEPHINE ONG

Asst. Auditor BENJAMIN QUIAMBAO

PRO-1 LUIS BATO

PRO-2 SUSAN CASTRO

Directors REMUEL CAPISTRANO

GERARDO ORIANO

DESIDERIO MAGTIBAY

TEODORO FISICO

CRIS ABISTADO

CARL HARN[10]

On 3 March 1992, PFR filed another petition, docketed as Case No. NCR-OD-M-9203-018, for the Issuance of Writ of Injunction with Motion to Cite the Members of Comelec-PCIBEU in Contempt and Nullification of the Illegally Conducted Union Election against the national officers of the PCIBank Employees Union, the members of the Comelec-PCIBEU and the PCIBank. It argued in the main that the elections held were invalid. The provincial elections pushed through despite the temporary restraining order and the Manila elections were held even though the temporary restraining order has not been lifted by the Med-Arbiter.[11] PFR, thus, prayed for the following:

WHEREFORE, premises considered, it is respectfully prayed that, after due hearing, an Order be promulgated:

- a) nullifying the results of the election and proclamation of the alleged winning candidates;
- b) enjoining the National Officers of PCIBank Employees Union from governing the union and administering its union funds;
- c) ordering respondent Philippine Commercial International Bank from not releasing its assessed union funds to respondent National Officers;
- d) citing the respondents members of COMELEC in contempt of this Honorable Office.

Other reliefs as are just and equitable under the premises are, likewise, prayed for.[12]

On 5 March 1992, PCIBEU-Comelec filed a Motion to Dismiss the aforestated petition on grounds that the same has become moot and academic due to the lapse of the 20-day period of effectivity of the temporary restraining order.[13]

Case No. NCR-OD-M-9203-018 was consolidated with the earlier case, Case No. NCR-OD-M-9201-119, and on 21 April 1992, Med-Arbiter Adap issued an order, the dispositive portion of which reads thus:

WHEREFORE, premises considered, judgment is hereby rendered declaring that the elections of PCIBEU Officers conducted on January 31, 1992 in PCIBank provincial branches and on February 28, 1992 in Metro Manila PCIBank branches by respondent COMELEC null and void; and that the proclamation of the winners in said elections issued by the same COMELEC on February 29, 1992 is likewise null and void.

Accordingly, it is hereby ordered that a new election nationwide of national officers of PCIBEU be conducted immediately under the strict supervision and control of this Office. The Representation Officer is hereby directed to implement this Order without further delay.

Further, pending the final resolution of these cases, all individuals who have been proclaimed winners by respondent COMELEC pursuant to its proclamation dated February 29, 1992 are hereby ordered to cease and desist from acting as union officers; and that respondent PCIBank is likewise ordered to cease and desist from dealing with any union officers/individual or persons claiming to be PCIBEU officers, pending proclamation of winners in the new election of PCIBEU officers to be conducted pursuant to this Order.

Furthermore, all incidental motions filed by respondent COMELEC in connection with these two (2) petitions are hereby denied for lack of merit.

SO ORDERED.[14]

The Med-Arbiter made the following rulings:

1. That the subject matter of the consolidated petitions pertains to an intra-union conflict and therefore jurisdiction properly belongs to the Med-Arbiter;
2. That the temporary restraining order was granted to avert irreparable injury to petitioner due to the PCIBEU-Comelec's failure to issue the necessary election guidelines;
3. That labor cases constitute an exception to the rule that a temporary restraining order has an effectivity period of only 20 days; and
4. That the PCIBEU-Comelec acted in bad faith and partiality when it conducted the union elections despite the issuance of the temporary restraining order.[15]

On 7 May 1992, PCIBEU-Comelec filed a Motion for Reconsideration/Appeal and on 11 August 1992, the Undersecretary of the DOLE Bienvenido E. Laguesma rendered the assailed decision, the dispositive portion of which states:

WHEREFORE, the appeals are hereby granted and the Order appealed from is hereby set aside and vacated. In lieu thereof, a new Order is issued dismissing these consolidated cases for lack of merit.

SO ORDERED.[16]

Undersecretary Laguesma declared that the temporary restraining order issued by the Med-Arbiter had no force and effect. Petitioner failed to hurdle the test of "grave or irreparable damage." In the same decision, he upheld the validity of the union elections conducted by the PCIBEU-Comelec.

Petitioners immediately filed a motion for reconsideration of the aforecited decision on 19 August 1992. The same, however, was dismissed for lack of merit by Undersecretary Laguesma in its decision dated 11 December 1992.[17]

Petitioners, thus, sought recourse from this Court on the following grounds:

1. The issuance of the Temporary Restraining Order made by the Hon. Med-Arbiter was valid.
2. The general election conducted in the provincial branches of PCIBEU was void from the very beginning.

3. The general elections conducted in Metro Manila branches of the PCIBEU are, likewise, illegal.[18]

The petition lacks merit and must perforce be denied.

The issues herein, for purposes of clarity, may be separated into two: the validity of the issuance of the temporary restraining order and the legality of the union elections of PCIBEU.

On the first issue, petitioners contend that Undersecretary Laguesma seriously erred in ruling on the validity of the issuance of the subject temporary restraining order. Said issue was neither brought up nor discussed by private respondents in their appeal and, therefore, should be considered "permanently settled for all intents and purposes." [19] To support their argument, petitioners rely upon the sound procedural precept that unassigned errors or questions not specifically raised may not be considered on appeal. In addition, petitioners argue that the PCIBEU-Comelec was estopped from assailing the validity of the temporary restraining order due to its failure to immediately file an opposition thereto. Instead of protesting, the PCIBEU-Comelec complied, without hesitation, with the said temporary restraining order and postponed the union elections in the Manila branches.

Petitioners' arguments fail to convince. As with most procedural rules, the maxim cited by petitioners is subject to exceptions. In *Garrido v. Court of Appeals*, [20] we declared that:

xxx An unassigned error closely related to an error properly assigned, or upon which the determination of the question properly assigned is dependent, may be considered by the appellate court.

Similarly in *Korean Airlines Co., Ltd. v. Court of Appeals*, [21] we held:

xxx [T]he Court is clothed with ample authority to review matters, even if they are not assigned as errors in their appeal, if it finds that their consideration is necessary in arriving at a just decision of the case.

The case at bar falls squarely under the aforequoted exceptions. In the performance of his duties, the public respondent should not be shackled by stringent rules, if to do so would result in manifest injustice. Thus, he cannot, and correctly did not, turn a blind eye to the arbitrary and haphazard manner by which the Med-Arbiter issued the subject temporary restraining order, even though this issue was not explicitly raised by private respondents.

There is no question that the issuance of a temporary restraining order is addressed to the sound discretion of the Med-Arbiter. However, "this discretion should be exercised based upon the grounds and in the manner provided by law." [22] In the case of labor injunctions or temporary restraining orders, one may issue only in instances where the complainant or applicant will suffer grave or irreparable damages as provided in Sec. 5, Rule XVI, Book V of the Omnibus Rules Implementing the Labor Code:

Sec 5. Injunctions. -- No temporary injunctions or restraining order in any case involving or growing out of a labor dispute shall be issued by any court or other entity. On the other hand, the Office of the President, the Secretary of Labor, the Commission, the Labor Arbiter or med-arbiter may enjoin any or all acts involving or arising from any case pending before any of said offices or officials which if not restrained forthwith may cause grave or irreparable damage to any of the parties to the case or seriously affect social or economic stability.

In the instant controversy, the first petition for injunction and temporary restraining order filed by petitioners on 29 January 1992 was manifestly insufficient to show grave or irreparable injury and it puzzles us to no end how the Med-Arbiter could have issued the temporary restraining order on such flimsy basis. For instance, petitioners alleged that the PCIBEU-Comelec was illegally constituted, yet, they unhesitatingly participated in the pre-election process. They announced their candidates and actively campaigned for them. In the petition for injunction itself, petitioners even stated that they filed their certificates of candidacy in compliance with the

directives of the PCIBEU-Comelec.[23] How can petitioners obey the orders of the PCIBEU-Comelec and at the same time reject its authority? This should have put the Med-Arbiter on guard.

We thus concur with the findings of the public respondent:

While it is true that the Med-Arbiter has the authority to issue a writ of preliminary injunction, or a temporary restraining order against any act arising from any case pending before him, the exercise thereof shall always be subject to the test of reasonableness. The Med-Arbiter should ascertain that the act complained of, if not restrained forthwith, may cause grave or irreparable damage to any of the parties to the case. Damage is considered "irreparable" if it is of such constant and frequent recurrence that no fair or reasonable redress can be had therefor in a court of law (*Allendorf vs. Abalanson*, 38 Phil. 585), or where there is no standard by which their amount can be measured with reasonable accuracy, that is, it is not susceptible of mathematical computation (*SSC vs. Bayona, et al.*, L-13555, May 30, 1962). Measured against such test, the act complained of in the present case such as the conduct of the election as originally set on 31 January 1992 may not be said to cause "grave or irreparable" damage to the petitioner-appellee considering that any complaint or question on the conduct of the election maybe the subject of protest, an administrative remedy available and convenient to the parties in the case. On the contrary, considering that the petition for issuance of a writ of injunction was filed barely two days before the date set for the conduct of the election, when the election materials were already readied and the other mechanics for election had already been threshed out, to say the least, the damage that would result would substantially be more, should the election be postponed to another indefinite time.[24]

It is well to remember that "injunctions or restraining orders are frowned upon as a matter of labor relations policy,"[25] and as a general reminder:

There is no power the exercise of which is more delicate which requires greater caution, deliberation, and sound discretion, or (which is) more dangerous in a doubtful case than the issuing of an injunction; it is the strong arm of equity that never ought to be extended unless to cases of great injury, where courts of law cannot afford an adequate or commensurate remedy in damages. The right must be clear, the injury impending or threatened, so as to be averted only by the protecting preventive process of injunction.[26]

Petitioners' contention that the PCIBEU-Comelec was estopped from questioning the validity of the temporary restraining order is, likewise, unmeritorious. The petition for injunction was filed barely two (2) days before the scheduled elections and the corresponding temporary restraining order was issued one (1) day before election day. The PCIBEU-Comelec hardly had time to file a formal protest. To infer from these circumstances its' acceptance of the validity of the restraining order would be quite unfair.

As to the second issue, petitioners attack the validity of the elections held in the provincial branches on grounds that it was conducted in violation of a valid temporary restraining order (under the erroneous belief that the temporary restraining order covered only the elections in the Manila branches). Petitioners' posture, however, deserves little consideration in view of the findings, as previously discussed, negating the validity of the issuance of the said temporary restraining order.

Petitioners further argue that the elections conducted in the Manila branches were likewise null and void even if the same were held after the expiration of the temporary restraining order. Petitioners maintain that the 20-day rule does not apply to labor cases, anchoring its thesis on B.P. Blg. 224 which states that: "nothing herein contained shall be construed to impair, affect or modify in any way rights granted by, or rules pertaining to injunctions contained in, existing agrarian, labor or social legislation."

Petitioners seem to have misunderstood the aforequoted provision. Said provision does not exempt labor cases from the twenty-day limit rule. Rather, it leaves it up to labor laws to provide their own rules concerning injunctions and temporary restraining orders. If petitioners took time to peruse the Labor Code, they will

ultimately find out, in Article 218[27] thereof, that temporary restraining orders issued in labor disputes also have a lifetime of only twenty (20) days. Said rule is in keeping with the rationale that "a temporary restraining order can no longer exist indefinitely for it has become truly temporary." [28] Thus, petitioners' contention must surely fail.

Finally, it is worth mentioning that the DOLE representatives who were tasked to observe the proceedings signed a certification attesting to the fact that the union elections held was "generally clean, honest and peaceful from the casting of votes to actual canvassing." [29]

WHEREFORE, premises considered, the petition for certiorari is hereby DISMISSED.

SO ORDERED.

Bellosillo, Vitug, and Hermosisima, Jr., JJ., concur.

Padilla, J., (Chairman), On Leave

[1] Rollo, pp. 54, 192.

[2] Id., at 55, 193.

[3] Id., at 56, 194.

[4] Id., at 57, 195.

[5] Id., at 58, 196.

[6] Id., at 41-45.

[7] Id., at 46.

[8] Id., at 49-53.

[9] Id., at 62.

[10] Id., at 125-127.

[11] Id., at 63-70.

[12] Id., at 68.

[13] Id., at 78-80

[14] Id., at 96-97

[15] Id., at 86-97

[16] Id., at 36.

[17] Id., at 37-40.

[18] Id., at 12, 18, 20.

[19] Id., at 16.

[20] 236 SCRA 450 (1994); see also *Añonuevo v. CA*, 244 SCRA 28 (1995).

[21] 234 SCRA 717 (1994) citing *Vda de. Javellana v. CA*, 123 SCRA 799; see also *Asset Privatization Trust v. CA*, 214 SCRA 400 (1994).

[22] Herrera, Oscar M., Remedial Law, Volume 3, 1991, p. 49.

[23] See, Note 1, p. 42.

[24] Id., at 33-34.

[25] Azucena, C.A., The Labor Code With Comments and Cases, Vol. II, 1992, p. 52, Rustan Supervisory Union v. Dalisay, 38 SCRA 500 (1971); Security Bank Employees Union-NATU v. SBTC, 23 SCRA 503 (1968).

[26] Francisco, Vicente J., The Revised Rules of Court in the Philippines, Volume IV-A, 1985, Second Edition, p. 179.

[27] ART. 218. -- Powers of the Commission.

xxx

xxx. Provided, however, that if a complainant shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to complainants property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, sufficient, if sustained, to justify the Commission in issuing a temporary injunction upon hearing after notice. Such a temporary restraining order shall be effective for no longer than twenty (20) days and shall become void at the expiration of said twenty (20) days.
xxx.

See also, Ilaw at Buklod ng Manggagawa v. NLRC, 198 SCRA 586 (1991)

[28] Board of Transportation v. Castro, 125 SCRA 410 (1983); Dionisio v. CFI of South Cotabato, Branch II, 124 SCRA 222 (1983).

[29] See Note 1, p. 82.

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.