

**SOCIAL SECURITY SYSTEM EMPLOYEES ASSOCIATION (SSSEA)
(PSLINK-TUCP), PETITIONER, VS. PERLITA BATHAN-VELASCO,
OFFICER IN CHARGE, BUREAU OF LABOR RELATIONS, ALERT AND
CONCERNED EMP...**

G.R. No. 108765. August 27, 1999

Ponente: PARDO, J.

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PARDO, J.:

The case before the Court is a special civil action for certiorari under Rule 65 of the Revised Rules of Court, with prayer for temporary restraining order, filed by Social Security System Employees Association (SSSEA), seeking to annul and set aside the Order of the Bureau of Labor Relations[1] dismissing the election protests or motions to annul the certification elections among the rank and file SSS employees.

On September 28, 1989, respondent Alert and Concerned Employees for Better Social Security System (ACCESS) filed with the Bureau of Labor Relations a petition for certification election to determine the sole and exclusive bargaining representative of the rank and file employees of respondent Social Security System (SSS).

On August 24, 1990, the Bureau of Labor Relations ordered a certification election to be conducted among the rank and file employees of the Social Security System in its main office and regional branches.

Petitioner Social Security System Employees Association (SSSEA) (PSLINK-TUCP) was one of the contending parties in the certification election, with respondent Alert and Concerned Employees for Better SSS (ACCESS) as the other party.

On October 11, 1991, the certification elections were held, with ACCESS garnering 1,378 votes, SSSEA obtaining 1,116 votes, and "No Union" collecting 40 votes.[2]

On October 16, 1991, SSSEA filed with the Bureau of Labor Relations, an election protest and/or motion to annul the certification Election. Director Calleja of the Bureau of Labor Relations, in an Order dated March 20, 1992, denied the protest and/or motion.

On September 29, 1992, SSSEA filed an Election Protest and/or Motion to Nullify Certification Elections in the SSS Regional Office After October 11, 1991.

On November 18, 1992, respondent Velasco denied the Election Protest and/or Motion to Nullify Certification Elections in the Regional Offices After October 11, 1991, declared ACCESS the winner in the certification election, and certified ACCESS as the sole and exclusive bargaining representative of all the rank and file employees of SSS for the purpose of negotiating an agreement with the latter.[3]

On January 25, 1993, respondent Velasco denied petitioner's motion for reconsideration.

Hence, this petition.

The rule is well-entrenched that a party must exhaust all administrative remedies before resorting to the courts.[4] The premature invocation of the intervention of the court is fatal to one's cause of action.[5] This rule would not only give the administrative agency an opportunity to decide the matter by itself correctly, but would also prevent the unnecessary and premature resort to courts.[6]

In this case, petitioner failed to take an appeal from the order of the Director, Bureau of Labor Relations to the Secretary of Labor, pursuant to Article 259 of the Labor Code.[7]

Absent a showing that petitioner had availed itself of an exhausted the appropriate administrative remedies, a premature resort to the courts would result in the dismissal of the petition.

Moreover, the issues raised by petitioner call for a review of the factual findings of public respondent. Petitioner argues that the certification election should not have proceeded because of the pendency of a formal charge of a company-initiated, dominated, or supported union with the bureau of Labor Relations.[8] Petitioner further contends that no certification election was held in the regional offices of respondent SSS on October 11, 1991, resulting in incomplete certification election, thereby rendering null and void the proclamation of ACCESS as the winner of the election.

Unfortunately for petitioner, factual issues are not proper subjects of an original petition for certiorari before the Supreme Court, as its power to review is limited to questions of jurisdiction or grave abuse of discretion of judicial or quasi-judicial tribunals or officials.[9] Judicial review does not extend to an evaluation of the sufficiency of the evidence upon which the proper labor officer or office based his or its determination.[10]

IN VIEW WHEREOF, the petition is hereby DISMISSED for failure to exhaust administrative remedies. No pronouncement as to costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago JJ., concur.

[1] In BLR Case No. 9-12-89.

[2] As per report submitted by the Labor Organization Division, dated September 24, 1992.

[3] Annex "L-1", Petition, Rollo, pp. 97-103.

[4] Lopez vs. City of Manila, G.R. No. 127139, February 19, 1999; University of the Philippines vs. Catungal, Jr., 272 SCRA 221 (1997); Carale vs. Abarintos, 269 SCRA 133 (1997).

[5] Dy vs. Court of Appeals, G. R. No. 121587, March 9, 1999; Paat vs. Court of Appeals, 266 SCRA 167 (1997).

[6] Jariol vs. Commission on Elections, 270 SCRA 255 [citing Cruz vs. Del Rosario, 9 SCRA 755 (1963); Manuel vs. Jimenez, 17 SCRA 55 (1966)].

[7] Article 259: Any party to an election may appeal the order or results of the election as determined by the Med-Arbiter directly to the Secretary of Labor and Employment on the ground that the rules and regulations or parts thereof established by the Secretary of Labor and Employment for the conduct of the election have been violated.

[8] NLRC Case No. 00-07-02466-87.

[9] Premiere Development Bank vs. National Labor Relations Commission, 293 SCRA 49 (1998).

[10] Toyota Autoparts, Philippines, Inc. vs. Director, Bureau of Labor Relations, G.R. No. 13104, March 2, 1999, citing Flores vs. National Labor Relations Commission, 253 SCRA 494 (1996).

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