

JESUS B. DIAMONON, PETITIONER, VS. DEPARTMENT OF LABOR AND EMPLOYMENT; HON. BIENVENIDO E. LAGUESMA, AS THE UNDERSECRETARY OF LABOR; MANASES T. CRUZ, IN HIS CAPACITY AS THE MED-A...

G.R. No. 108951. March 07, 2000

Ponente: DE LEON, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-108951/>

DE LEON, JR., J.:

Before us is a petition for certiorari seeking to annul the twin Orders dated December 29, 1992[2] and January 25, 1993[3] of public respondent Bienvenido E. Laguesma, acting then as Undersecretary, now the secretary, of the Department of Labor and Employment (DOLE), in his affirmance of the dismissal[4] by the Med-Arbiter of the complaint for unauthorized and illegal disbursement of union funds filed by petitioner Jesus B. Diamonon against private respondent Atty. Zoilo V. de la Cruz and Sofia P. Mana-ay.

The facts of the case are the following:

Petitioner served as the National Executive Vice President of the National Congress of Unions in the Sugar Industry of the Philippines (NACUSIP) and Vice President for Luzon of the Philippine Agricultural, Commercial and Industrial Workers Union (PACIWU).

In a letter dated March 23, 1991, petitioner learned[5] of his removal from the positions he held in both unions in a resolution approved during a meeting[6] of the National Executive Boards of both unions.[7]

On April 22, 1991, petitioner sought[8] reconsideration of the resolution on his removal. At the same time, he initiated a complaint[9] (hereafter referred to as FIRST) before the DOLE against the National President of NACUSIP and PACIWU, private respondent Atty. Zoilo V. de la Cruz, Jr., and the members of the National Executive Boards of NACUSIP and PACIWU questioning the validity of his removal from the positions he held in the two unions.

While the FIRST case was pending with the Med-Arbiter, petitioner filed on May 16, 1991 a second complaint[10] (hereafter referred to as SECOND) against private respondent Atty. Zoilo V. de la Cruz, Jr., and the National Treasurer of NACUSIP and PACIWU, Sofia P. Mana-ay. He accused them of three (3) offenses, namely: (a) wanton violation of the Constitution and By-Laws of both organizations, NACUSIP and PACIWU; (b) unauthorized and illegal disbursement of union funds of both organizations; (c) and abuse of authority as national officers of both organizations.

On August 2, 1991, an Order[11] was issued in the FIRST case declaring that petitioner's removal from the positions he held is null and void. Private respondents appealed[12] this decision to the public respondent DOLE.

In view of the pendency of their appeal in the FIRST case, private respondents filed a Motion to Dismiss[13] dated October 21, 1991 in the SECOND case.

In an Order[14] dated November 5, 1991, the Med-Arbiter dismissed the SECOND case on the ground of lack of personality of petitioner to file the complaint in view of his removal from the offices he held.

On December 27, 1991, public respondent Laguesma, acting as the then Undersecretary of DOLE, decided on the FIRST case on appeal and issued a Resolution[15] which affirmed the assailed Order dated August 2, 1991 declaring as null and void petitioner's removal from the positions he held.

In view of the adverse Order dated November 5, 1991 dismissing the SECOND case, petitioner appealed[16] to the public respondent DOLE. Public respondent Laguesma, issued the assailed Order[17] dated December 29, 1992, holding that petitioner's failure to show in his complaint that the administrative remedies provided for in the constitution and by-laws of both unions, have been exhausted or such remedies are not available, was fatal to petitioner's cause.[18] Resultantly, he affirmed[19] the dismissal of the complaint.

Petitioner sought[20] reconsideration of the Order dated December 29, 1992. However, public respondent in his Order[21] dated January 25, 1993 denied petitioner's motion for reconsideration.

Hence, this petition.

Petitioner anchors his petition on two (2) grounds, to wit:

"I

PUBLIC RESPONDENT HONORABLE BIENVENIDO V. LAGUESMA HAS ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT DISMISS [sic] THE APPEAL INTERPOSED FROM THE ORDER OF THE MED ARBITER MENESIS [sic] T. CRUZ, AND WHEN IT DENIED THE MOTION FOR RECONSIDERATION ON FLIMSY GROUNDS.

II.

THE CASE OF THE PETITIONER IS QUITE MERITORIOUS AND TO DISREGARD THE SAME WOULD [sic] TANTAMOUNT TO WILLFULLY [sic] CLOSING OUR EYES TO AVOID SEEING AND REALIZING THE NAKED TRUTH." [22]

Petitioner emphatically stresses that the only issue on appeal before the DOLE was petitioner's alleged lack of personality to file the complaint. When public respondent "switched" the ground for dismissal of the complaint from "lack of personality of the [petitioner] to file the complaint" to "non-exhaustion of administrative remedies," he staunchly claims that the latter committed grave abuse of discretion amounting to lack or excess of jurisdiction.[23] For, in doing so, the challenged orders "went outside the issues and purported to adjudicate something upon which the parties were not heard." [24]

The petition lacks merit.

Generally, an appellate court may only pass upon errors assigned.[25] However, this rule is not without exceptions.[26] In the following instances,[27] the Supreme Court ruled that an appellate court is accorded a broad discretionary power to waive the lack of assignment of errors and consider errors not assigned:

- (a) Grounds not assigned as errors but affecting the jurisdiction of the court over the subject matter;
- (b) Matters not assigned as errors on appeal but are evidently plain or clerical errors within contemplation of law;
- (c) Matters not assigned as errors on appeal but consideration of which is necessary in arriving at a just decision and complete resolution of the case or to serve the interests of a justice or to avoid dispensing piecemeal justice;

(d) Matters not specifically assigned as errors on appeal but raised in the trial court and are matters of record having some bearing on the issue submitted which the parties failed to raise or which the lower court ignored; Supreme

(e) Matters not assigned as errors on appeal but closely related to an error assigned;

(f) Matters not assigned as errors on appeal but upon which the determination of a question properly assigned, is dependent.

There is no reason why this rule should not apply to administrative bodies as well, like the case before us, for the instant controversy falls squarely under the exceptions to the general rule.

In the instant case, not only did petitioner fail to comply with Section 2, Rule VIII, Book V of the Implementing Rules and Regulations of the Labor Code as amended[28] but also the record reveals that neither did he exhaust the remedies[29] set forth by the Constitution and by-laws of both unions. In the National Convention of PACIWU and NACUSIP held on August 10 and 11, 1991, respectively, nothing was heard of petitioner's complaint against private respondents on the latter's alleged unauthorized and illegal disbursement of union funds. In fact, what the National Convention resolved was to approve and adopt the resolution of the National Executive Board removing petitioner from the positions he held.[30] His failure to seek recourse before the National convention on his complaint against private respondents taints his action with prematurity. Court

When the Constitution and by-laws of both unions dictated the remedy for intra-union dispute, such as petitioner's complaint against private respondents for unauthorized or illegal disbursement of unions funds, this should be resorted to before recourse can be made to the appropriate administrative or judicial body, not only to give the grievance machinery or appeals' body of the union the opportunity to decide the matter by itself, but also to prevent unnecessary and premature resort to administrative or judicial bodies. Thus, a party with an administrative remedy must not merely initiate the prescribed administrative procedure to obtain relief, but also pursue it to its appropriate conclusion before seeking judicial intervention.[31] This rule clearly applies to the instant case. The underlying principle of the rule on exhaustion of administrative remedies rests on the presumption that when the administrative body, or grievance machinery, as in this case, is afforded a chance to pass upon the matter, it will decide the same correctly.[32] Petitioner's premature invocation of public respondent's intervention is fatal to his cause of action.[33]

Evidently, when petitioner brought before the DOLE his complaint charging private respondents with unauthorized and illegal disbursement of union funds, he overlooked or deliberately ignored the fact that the same is clearly dismissible for non-exhaustion of administrative remedies. Thus, public respondent Bienvenido E. Laguesma, in dismissing petitioner's complaint, committed no grave abuse of discretion.

WHEREFORE, the petition is hereby DISMISSED, and the twin Orders dated December 29, 1992 and January 25, 1993 by public respondent Bienvenido E. Laguesma affirming dismissal of the complaint dated May 15, 1991 filed by petitioner against private respondents are AFFIRMED. No costs.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and Buena, JJ., concur.

Quisumbing, J., no part, close relation to the party.

[1] The petitioner in his petition spelled "Manases" as "Menesis".

[2] Annex "H" of the Petition, Rollo, pp. 90-94.

- [3] Annex "K" of the Petition, Rollo, p. 103.
- [4] Order dated November 5, 1991 and penned by Med-Arbiter Manases T. Cruz, Annex "D" of the Petition, Rollo, pp. 74-76.
- [5] Sub-Annexes "B" and "B-1" of Annex "A" of the Petition, Rollo, 32-33.
- [6] Record, pp. 48-52.
- [7] The decisions of the National Executive Boards of NACUSIP and PACIWU were duly ratified and confirmed by the National Conventions of both Unions held August 10, 1991 and August 11, 1991, Record at pp. 53-54.
- [8] Annexes "F", "F-1" and "G" of the Reply, Rollo, pp. 204, 205, 206-215.
- [9] Docketed as NCR-OD-M-91-04-053, annex "A" of the Reply, Rollo, pp. 157-163.
- [10] The case, docketed as NCR-OD-M-91-05-052, was referred to the Med-Arbitration Branch and assigned to Med-Arbiter Manases T. Cruz, Annex "a" of the Petition, Rollo, pp. 18-26.
- [11] Annex "C" of the Reply, Rollo, pp. 177-183.
- [12] Docketed as Case No. OS-A-9-290-91, appeal of Case No. NCR-OD-M-91-04-053.
- [13] Annex "B" of the Petition, Rollo at pp. 64-72.
- [14] See Note No. 4, *supra*. at 75.
- [15] Annex "H" of the Reply, Rollo, pp. 216-225.
- [16] Docketed as Case No. OS-MA-A-1-18-92, appeal of Case No. NCR-OD-M-91-05-052, Annex "E" of the Petition, Rollo, pp. 77-85.
- [17] See Note No. 2, *supra*.
- [18] *Ibid*.
- [19] See Note No. 2, *supra* at pp. 93-94.
- [20] Annex "I" of the Petition, Rollo, pp. 95-101.
- [21] See Note No. 3, *supra*.
- [22] Petition, Rollo, p. 10.
- [23] *Id.*, p. 12.
- [24]
- [25] *Roman Catholic Archbishop of Manila v. Court of Appeals*, 269 SCRA 145, 153 [1997].
- [26] *Logronio v. Taleseo*, G.R. No. 134602, August 6, 1999; *Dando v. Frazer* 227 SCRA 126, 133 [1993]; *Espina v. Court of Appeals*, 215 SCRA 484, 488 [1992]; *Carillo v. De Paz*, 18 SCRA 467, 471 [1966]; *Hernandez v. Andal*, 78 Phil 196, 209-210 [1947].
- [27] *Catholic Bishop of Balanga v. Court of Appeals*, 264 SCRA 181, 191-192 [1996].
- [28] Section 2, Rule VIII, Book V of the Implementing Rules and Regulations of the Labor Code as amended states:

"Sec. 2. Who may file. If the issue involves the entire membership of the union, the complaint shall be signed by at least 30% of the membership of the union.

In addition to the above requirement, the petition on its face must show that the administrative remedies provided for in the constitution and by-laws have been exhausted or such remedies are not readily available to the complaining members through no fault of their own. x x x" (*italics supplied*)

- [29] Section 4, Article VII of the Constitution and By-Laws of NACUSIP states:

"Section 4. – The actions of the National Executive Board shall be subjected [sic] to review only by the National Convention and/or the General Council." (*Italics supplied, Record, p. 23.*)

Article XII of the Constitution and By-Laws of PACIWU states:

"Article XII – PROCEDURE FOR SETTLING INTERNAL DISPUTE

Section 1. - In consonance with Article IV, Section d, in relation to Article VII, paragraph F if, any officer or member of the Union will be tried in accordance with the following trial procedures:

- a) The accusation may be brought by any officer or member in the form of a written complaint duly signed and attested by two (2) witnesses, addressed to the National president of the Union. The complaint shall state the date and place of the commission of act or acts done or committed by the offenders with specifications of the part or the provision of the Constitution violated;
- b) The National President, upon receipt of said complaint shall immediately appoint an investigating committee who shall conduct an immediate investigation of the charges;
- c) The Investigating Committee thus appointed shall then investigate the charges by requiring the accuser and/or complainant as well as the accused and all the witness to appear in person. Failure of any party to appear shall be construed as a waiver of his/her right to be present in such investigation. After the investigation, the Committee shall then submit its report or recommendation to the executive Board for the latter's review of the decision rendered;
- d) The Executive Board may conduct a re-investigation or re-hearing of the case should it find compelling reasons therefor, and the decision of the Executive Board shall be final." (Record, p. 6.)

[30] See Note 7, *supra*.

[31] *Carale v. Abarintos*, 269 SCRA 132, 141 [1997].

[32] *Union Bank of the Philippines v. Court of Appeals*, 290 SCRA 198, 219 [1998]; *University of the Philippines v. Catungal, Jr.*, 272 SCRA 221, 240 [1997].

[33] *Paat v. Court of Appeals*, 266 SCRA 167, 175 [1997], *National Development Company v. Hervilla*, 151 SCRA 520, 529 [1987].

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.