

ASSOCIATED LABOR UNIONS (ALU)-TUCP IN BEHALF OF ITS MEMBERS AT AMS FARMING CORPORATION, PETITIONER, VS. VOLUNTARY ARBITRATOR ROSALINA LETRONDO-MONTEJO AND AMS FARMING CORPORATIO...

G.R. No. 111988. October 14, 1994

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-111988/>

MENDOZA, J.:

This is a petition for certiorari to set aside the decision dated July 19, 1993 of public respondent Voluntary Arbitrator Rosalina Letrondo-Montejo insofar as it dismissed the claim of petitioner's members for holiday pay for December 4, 1992, which had been declared a special day for the holding of Sangguniang Kabataan election.

The facts are as follows:

On December 27, 1990, petitioner Associated Labor Unions (ALU)-TUCP and private respondent AMS Farming Corporation entered into a five-year Collective Bargaining Agreement beginning November 1, 1990 and ending midnight of October 31, 1995. The CBA covers the regular daily-paid rank-and-file employees of private respondent AMS Farming Corp. at Sampao, Kapalong, Davao del Norte and Magatos, Asuncion, Davao del Norte.

Art. VII, sec. 3 of the CBA provides:

New Year, Maundy Thursday, Good Friday, Araw ng Kagitingan, 1st of May, 12th of June, Araw ng Dabaw, 4th of July, Last Sunday of August, 1st of November, 30th of November, 25th of December, 30th of December and the days designated by law for holding referendum and local/national election shall be considered paid regular holidays. Consequently, they shall receive their basic pay even if they do not work on those days. Any employee required to work on these holidays shall be paid at least TWO HUNDRED PERCENT (200%) of his daily wage. Covered employees performing overtime work on these days shall be entitled to another THIRTY PERCENT (30%) overtime pay. It is understood however, that any covered employee who shall be absent for more than one day immediately preceding the paid holiday shall not be entitled to the holiday pay.

The President of the Philippines declared December 4, 1992 a "special day" for the holding of election for Sangguniang Kabataan (SK) throughout the nation. Employees covered by the CBA subsequently filed claims for the payment to them of holiday pay for that day. Private respondent, however, refused their claims on the ground that December 4, 1992 was not a regular holiday within the contemplation of the CBA.

The matter was eventually submitted to voluntary arbitration. At the conference held on February 19, 1993, the parties agreed, among other things, to submit the following issue:

Is the Sangguniang Kabataan Election Day considered a regular holiday for purposes of said Section 3, Article VII of the CBA?

In connection with this issue, they agreed that the Sangguniang Kabataan Election Day was a holiday as decreed

by the President of the Philippines.

The parties presented position papers and thereafter submitted the case for resolution.

On July 19, 1993, public respondent rendered an "Award"[1] in which, while holding employees who had become regular employees on November 1, 1990 entitled to salary increases under the CBA, nonetheless dismissed their claim for holiday pay for December 4, 1992 on the ground that the Sangguniang Kabataan election "by any stretch of the imagination cannot be considered as a local election within the meaning of CBA because not all people can vote in the said election but only the qualified youths." According to the Voluntary Arbitrator, "A 'local election' is generally understood to mean the election by the people of their local leaders like the governors, mayors, members of the provincial and municipal councils, and barangay officials. And when a local election is held, the day is declared a non-working holiday. This is our experience in local and national elections. In the case of the Sangguniang Kabataan (SK) elections, it was a working holiday. Except for the qualified youthful voters, not everybody noticed said election as not everyone voted in the said election."

Hence this petition, the only issue in which is whether the election for the Sangguniang Kabataan on December 4, 1992 was a "local/national election" within the contemplation of Art. VII, sec. 3 of the CBA so as to entitle petitioner's members, who are employed at the AMS Farming Corp. to the payment of holiday pay for that day.

We hold that it is and that, in denying petitioner's claim, respondent Voluntary Arbitrator denied members of petitioner union substantial justice as a result of her erroneous interpretation of the CBA, thereby justifying judicial review.[2]

First. The Sangguniang Kabataan (SK) is part of the local government structure. The Local Government Code (Rep. Act. No. 7160) creates in every barangay a Sangguniang Kabataan composed of a chairman, seven (7) members, a secretary and a treasurer.[3] The chairman and the seven members are elected by the Katipunan ng Kabataan, which is composed of citizens of the Philippines residing in the barangay for at least six (6) months, who are between the ages of 15 and 21 and who are registered as members.[4] The chairman of the SK is an ex officio member of the Sangguniang Barangay with the same powers duties, functions and privileges as the regular members of the Sangguniang Barangay.[5] The president of the Pederasyon ng mga Sangguniang Kabataan, which is composed of the SK chairmen of the sangguniang kabataan of the barangays in the province, city, or municipality, is an ex officio member of the Sangguniang Panlalawigan, Sangguniang Panlungsod, and Sangguniang Bayan.[6]

Hence, as the Solicitor General points out, the election for members of the SK may properly be considered a "local election" within the meaning of Art. VII, sec. 3 of the CBA and the day on which it is held to be a holiday, thereby entitling petitioner's members at the AMS Farming Corp. to the payment of holiday on such day.

Second. The Voluntary Arbitrator held, however, that the election for members of the SK cannot be considered a local election as the election for Governors, Vice Governors, Mayors and Vice Mayors and the various local legislative assemblies (sanggunians) because the SK election is participated in only by the youth who are between the ages of 15 and 21 and for this reason the day is not a nonworking holiday.

To begin with, it is not true that December 4, 1992 was not a nonworking holiday. It was a nonworking holiday and this was announced in the media.[7] In Proclamation No. 118 dated December 2, 1992 President Ramos declared the day as "a special day throughout the country on the occasion of the Sangguniang Kabataan Elections" and enjoined all "local government units through their respective Chief Local Executives [to] extend all possible assistance and support to ensure the smooth conduct of the general elections."

A "special day" is a "special holiday," as provided by the Administrative Code of 1987.[8] On the other hand, the

term "general elections" means, in the context of SK elections, the regular elections for members of the SK, as distinguished from the special elections for such officers.[9]

Moreover, the fact that only those between 15 and 21 take part in the election for members of the SK does not make such election any less a regular local election. The Constitution provides, for example, for the sectoral representatives in the House of Representatives of, among others, women and youth.[10] Only voters belonging to the relevant sectors can take part in the election of the representatives. Yet it cannot be denied that such election is a regular national election and the day set for its holding, a holiday.

Third. Indeed, the CBA provision in question merely reiterates the legal provision on paid holidays. Thus, the Labor Code provides:

ART. 94. Right to holiday pay. -- (a) Every worker shall be paid his regular daily wage during regular holidays except in retail and service establishments regularly employing less than ten (10) workers;

(b) The employer may require an employee to work on any holiday but such employee shall be paid a compensation equivalent to twice his regular rate; and

(c) As used in this Article, "holiday" includes: New Years Day, Maundy Thursday, Good Friday, the ninth of April, the first of May, the twelfth of June, the fourth of July, the thirtieth of November, the twenty-fifth and the thirtieth of December, and the day designated by law for holding a general election.

As already explained, the phrase "general election" means regular local and national elections.

Consequently, whether in the context of the CBA or the Labor Code, December 4, 1992 was a holiday for which holiday pay should be paid by respondent employer.

WHEREFORE, the decision dated July 19, 1993 of public respondent Rosalina Letrondo-Montejo, insofar as it dismissed petitioner's claim for holiday pay, is SET ASIDE and private respondent is ORDERED to pay petitioner's members their regular holiday pay for December 4, 1992 in accordance with Art. VII, sec. 3 of the Collective Bargaining Agreement.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado, and Puno, JJ., concur.

[1] Rollo, p. 22.

[2] *Maranaw Hotel and Resorts Corporation v. Court of Appeals, et al.*, G.R. No. 103215, November 6, 1992, 215 SCRA 501, 505.

[3] § 423 (a).

[4] *Id.*, § 424.

[5] *Id.*, § 430.

[6] *Id.*, § 438(a).

[7] E.g., "Except in Manila, Bulacan All's Set for SK elections," *The Philippine Star*, pp. 1 & 12, Dec. 3, 1992.

[8] Bk. I, Ch. 7, § 26(2).

[9] Cf. *Yñiguez v. COMELEC*, 30 SCRA 328, 331 (1969).

[10] CONST., ART. VI, § 5(1)(2).

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.