

DANILO Q. MILITANTE, BERNARDINO O. TEJADA, MIGUEL C. SALONGA, ALEJANDRO FRANCISCO, EFREN AYAG, LORENZO ABAREDES, OSCAR ABLANIDA, REYNALDO ACIERTO, NORBERTO AFABLE, CESAR AGARAO,...

G.R. No. 113448. July 14, 1995

Ponente: QUIASON, J.

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QUIASON, J.:

This is a petition for certiorari to reverse the Decision of the National Labor Relations Commission (NLRC) in NLRC NCR CA No. 004908-93, affirming the order of the Labor Arbiter which dismissed, for having been barred by prior judgment, NLRC-NCR Cases Nos. 00-01-00618-93, 00-03--01784-93, and 00-03-02073-93.

I

The Golden Taxi Employees and Workers Union - ANGLO (GTEWU-ANGLO), represented by Ernesto Serrano, as union president, filed a case against respondent Golden Taxi Cab Co. (Company) and/or Lorenzo Zamora and Jose Zamora (NLRC--NCR Case No. 00-05-02875-90) for illegal lock-out, violation of B.P. Blg. 130, as amended by R.A. No. 6715, unfair labor practice, and payment of actual, moral and exemplary damages and attorney's fees. In his decision, Labor Arbiter Patricio P. Libo-on found that the closure of respondent company was illegal, and ordered private respondents to pay the members of GTEWU-ANGLO P22,947,200.00 as separation pay and the equivalent of 10% of the award as attorney's fees (Rollo, p. 48). Upon appeal, NLRC in NLRC NCR CA No. 003194-92, reversed the decision of the Labor Arbiter and in lieu thereof directed private respondents to pay, as financial assistance, the workers named in the list attached to its decision the amount of P5,646,699.50 plus P564,669.95 as attorney's fees (Rollo, p. 69).

On January 25, 1993, a complaint was filed by Danilo Q. Militante against Lorenzo Zamora, Dona Nena Zamora and Dona Pacing Zamora for illegal lockout, illegal dismissal, non-remittance of SSS deduction, deduction for burial benefits, non-payment of premium pay for rest day, thirteenth-month pay and separation pay with a prayer for reinstatement, upgrading of SSS payments, payment of separation pay, thirteenth-month pay and premium pay for rest day (NLRC NCR Case No. 00-01-00618-93).

On March 9, 1993, another complaint was filed by Miguel C. Salonga against respondent Company, Lorenzo Zamora, Dona Nena Zamora and Dona Pacing Zamora, for illegal dismissal and non-payment of retirement benefits with a prayer for payment of retirement benefits and other benefits (NLRC NCR Case No. 00-03-01784-93).

On March 15, 1993, private respondents filed a motion to dismiss the complaints on the grounds of res judicata and prescription, arguing that the NLRC decision in NLRC NCR CA No. 003194-92 barred these subsequent complaints.

On March 19, 1993, another complaint was filed against respondent company, Lorenzo Zamora, Dona Nena Zamora and Dona Pacing Zamora by Bernardino O. Tejada again for illegal lockout, illegal deductions of SSS and burial benefits, illegal dismissal, non-payment of separation pay, holiday pay and thirteenth-month pay, and payment of moral damages and attorney's fees with a prayer for upgrading of SSS payments, payment of separation pay, thirteenth-month pay, premium pay for rest day, attorney's fees, moral damages, holiday pay and reimbursement of illegal deductions (NLRC NCR CA No. 00-03-02073-93).

On April 28, 1993, Labor Arbiter Ramon V. C. Reyes issued an order dismissing the three consolidated cases on the ground of bar by prior judgment. Upon appeal (NLRC NCR CA No. 004908-93), NLRC rendered a decision dismissing the appeal for lack of merit. Hence, this petition.

II

Petitioners argue that NLRC acted with grave abuse of discretion, amounting to lack or excess of jurisdiction: (1) in holding that petitioner's causes of action are barred by the prior final judgment in NLRC NCR CA No. 003194-92 despite the lack of jurisdiction of NLRC over the complaint therein and the lack of identity of parties, subject matter, and cause of action between the two cases; (2) in not holding that the decision in the previous case did not prejudice but even entitled petitioners, who are members of the exclusive bargaining representative Philippine Agricultural Commercial and Industrial Workers Union - Trade Union Congress of the Philippines (PACIWU-TUCP), to the award of financial assistance; and (3) in failing to comply with its duty to use every and all reasonable means to ascertain speedily and without regard to technicalities of law or procedure the facts in each case.

III

We find no grave abuse of discretion committed by NLRC in applying the principle of res judicata in NLRC NCR CA No. 004908-93 (NCR No. 00-01-00618-93; 00-03-01784-93; 00-03-02073-93), subject of this petition by reason of the previous judgment rendered in NLRC NCR CA No. 003194-92 (NLRC NCR Case No. 00-05-02875-90).

Res Judicata has the following elements: (1) that the previous judgment has become final; (2) that the prior judgment was rendered by a court having jurisdiction over the subject matter and the parties; (3) that the first judgments was rendered on the merits; and (4) that there was substantial identity of parties, subject matter and causes of action, as between the prior and subsequent actions (*Diwa v. Donato*, 234 SCRA 608 [1994]).

It is undisputed that the NLRC decision in NLRC NCR CA No. 003194-92 was decided on the merits and has already become final.

Petitioners insist, however, that they, being members of the rival union PACIWU-TUCP, were not parties in the first case filed by GTEWU-ANGLO (Rollo, p. 12). Such claim is not supported by the records of the case. The Labor Arbiter's decision in the subsequent consolidated cases, which was affirmed by NLRC, states:

"It is not disputed that on May 27, 1990, the date the company filed its notice of closure with the Department of Labor and Employment, copy furnished the complainant Union, the said Union was already 'certified' (in fact more than a year earlier after winning the March 17, 1989 Consent election) as 'the exclusive bargaining agent of all the rank and file employees' of respondent company. The effect of such a certification brought about the legal mandate that henceforth, complainant Union 'shall be the exclusive representative' (Art. 255, Labor Code) of all the 'rank and file employees (take note, not just the union members) of respondent company not only for the purpose of entering into a collective bargaining agreement' on 'terms and conditions of employment' (Arts. 251, 252, *ibid*), but also in the matter of 'rights, benefits and welfare' (Art. 255, *ibid*) of

the said represented workers. xxx" (Rollo, p. 41).

In their opposition to respondents' motion to dismiss filed in NLRC NCR Case No. 00-01-00618-93, petitioners apprised the Labor Arbiter thus:

"For the information of the Honorable Labor Arbiter, the herein mentioned case was initiated by Ernesto Serrano who was the union president of GTEWU-ANGLO for and in behalf of all the workers and employees of the Golden Taxi Co. numbering about 1649, whether or not the worker is a member of the union as the law on this point is clear that as the winner of the certification/consent Election on March 17, 1989, GTEWU-ANGLO, became the exclusive bargaining agent of all the rank and file employees of the respondent company. xxx" (Rollo, p. 103).

Petitioners further explained in said opposition:

"What happened in this case was that, while the herein mentioned case was first filed before the Arbitration Branch of this Honorable Commission and assigned to the Honorable Labor Arbiter PATRICIO LIBO-ON, all the workers of respondent company were complainants until the case was decided in complainants' favor, but when the herein mentioned case was elevated on appeal by respondent company to the First Division of the Honorable Commission and was decided on 20 November 1992, the complainants in this instant case were no longer included, hence, this instant complaint" (Rollo, p. 104).

In the first case (NLRC NCR CA No. 003194-92), NLRC resolved two issues insofar as the award is concerned: (1) the determination of the employees who are to receive financial assistance; and (2) the amount they are entitled to receive. In conclusion, NLRC took out those who no longer worked with respondent company before its closure, and favored only those who actively pursued the case. It limited the award of financial assistance only to those mentioned in the list attached to its decision resulting in the exclusion from the benefits of petitioners.

We cannot simply disregard these factual findings made by the Labor Arbiter, as well as the conclusion arrived at by NLRC, inasmuch as the same are supported by the records of the case and in accord with law and jurisprudence. In *Five J Taxi v. National Labor Relations Commission*, 235 SCRA 556 (1994), we ruled:

"This Court has repeatedly declared that the factual findings of quasi-judicial agencies like the NLRC, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect but, at times, finality if such findings are supported by substantial evidence. Where, however, such conclusions are not supported by the evidence, they must be struck down for being whimsical and capricious and, therefore, arrived at with abuse of discretion" (at p. 560).

The legal conclusion of the Labor Arbiter and NLRC on the binding effect of the judgment in the NLRC NCR CA No. 003194-92 on petitioners finds support in Article 255 of the Labor Code of the Philippines, as amended. Said article provides:

"Exclusive bargaining representation and workers participation in policy and decision making.— The labor organization designated or selected by the majority of the employees in an appropriate collective bargaining unit shall be the exclusive representative of the employees in such unit for the purpose of collective bargaining. xxx."

Inasmuch as GTEWU-ANGLO was certified as the exclusive bargaining agent in the consent election conducted on March 17, 1989, petitioners cannot now claim that they were not parties in the first case filed by GTEWU-ANGLO, which represented not only PACIWU-TUCP but also GTEWU-ANGLO. Hence, all the requisites of *res judicata* being present, said principle should be made to apply, thus barring any subsequent action such as the consolidated cases subject of this petition.

The Solicitor General, in his comment filed for NLRC, observes that with the exception of the complaint docketed

as NLRC NCR No. 00-03-01784-93, charging private respondents with illegal dismissal and non-payment of retirement benefits, the other two complaints contained monetary claims such as non-remittance of SSS deduction and deductions for burial benefits, non-payment of holiday pay and thirteenth-month pay. However, inasmuch as these claims were neither raised nor determined in the first case, even indirectly, petitioners cannot be said to be precluded from filing and pursuing these claims. We agree with the Solicitor General.

WHEREFORE, the petition is DISMISSED, without prejudice to petitioners' right to submit before the Labor Arbiter all the unresolved money claims.

SO ORDERED.

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

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