

**PASVIL/PASCUAL LINER, INC., WORKERS UNION – NAFLU, AND
DONATO BUGTONG, PEDRO FERNANDO, RODANTE AMBAS,
RODOLFO PASCUAL, FELIZARDO GASPAR, CONRADO CLEMENTE,
PONCIANO GABRIEL SR., ...**

G.R. No. 124823. July 28, 1999

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

THE RIGHT TO STRIKE is one of the rights recognized and guaranteed by the Constitution as an instrument of labor for its protection against management exploitation. By virtue of this right the workers are able to press their demands for better terms and conditions of employment with more energy and persuasiveness, poising the threat to strike as their reaction to their employer's intransigence. The strike is indeed a powerful weapon of the working class. But precisely, if not because of this, it must be handled carefully, like a sensitive explosive, lest it blows up in the workers' own hands.[1] Simply put, a strike is recognized and protected by our labor laws only when waged on account of a labor dispute. In the absence thereof, the employees who engage themselves in work stoppage commit an illegal strike and should face the consequences thereof.

On 3 August 1994 petitioner PASVIL/Pascual Liner, Inc., Workers Union - NAFLU (UNION for short)[2] filed a notice of strike with the National Conciliation and Mediation Board - National Capital Region (NCMB-NCR for short) against private respondent PASVIL/Pascual Liner, Inc., (PASVIL for short) for unfair labor practices consisting in union busting, discrimination and discouraging union membership.[3] On 24 January 1995 the NCMB-NCR notified UNION President Donato Bugtong thus -

During the conciliation meetings conducted by this Office, it was clearly established that the real issues raised are the dismissal of the Union President (referring to Bugtong himself) which is pending adjudication before Labor Arbiter Melquiades Del Rosario of the NLRC-NCR, and the certification election case which is pending resolution before the Office of the Secretary. The issues raised are therefore not proper subjects of a Notice of Strike but are appropriate for Preventive Mediation.[4]

A series of conciliation conferences was thereafter conducted by the NCMB-NCR which failed however to amicably settle the dispute. As a consequence, on 18 February 1995 petitioner UNION staged a strike. Further efforts to effect settlement achieved nothing and the strike continued.

On 21 February 1995, upon petition of private respondent PASVIL, then Secretary of Labor and Employment Ma. Nieves R. Confesor, pursuant to Art. 263, par. (g), of the Labor Code, assumed jurisdiction over the dispute and certified it to public respondent National Labor Relations Commission (NLRC) for compulsory arbitration. Secretary Confesor justified her direct intervention -

The Company is engaged in the transportation business and has in its employ more or less 900 workers. It services the needs of thousands of commuters in Metro Manila mostly students, professionals, government and private employees, as well as traders and merchants. A prolonged work stoppage, therefore, at the Company

would not only cause unnecessary inconvenience and adverse effects to the riding public but also to the livelihood of its direct employees not to mention their families and those indirectly dependent upon the continued operation of the Company.

At this critical time when efforts of the present administration is (sic) seriously focused on sustaining the economic gains already achieved and putting in place the much needed social reforms, it is the utmost concern of this Office to avert unnecessary work stoppages that might result into untold dire consequences.[5]

Secretary Confesor directed all striking workers to return to work within twenty-four (24) hours from receipt thereof and for PASVIL to accept them back under the same terms and conditions of employment prevailing before the strike. Furthermore, she directed the parties to cease and desist from committing acts that would prejudice the other party or exacerbate the situation. The directive was published in Daily Balita[6] and Bulgar.[7]

Notwithstanding receipt of the aforementioned order, Secretary Confesor found that petitioner UNION continued to picket and barricade PASVIL's premises thereby preventing the workers wanting to report back to work from entering the premises. On 24 February 1995 she reiterated her directive in the previous return-to-work order and deputized the Station Commander of the Novaliches Police Station to assist in the orderly and peaceful enforcement of her order including the removal of all forms of obstruction and barricades to ensure free ingress to or egress from the premises of PASVIL.[8]

The conciliation conferences were then scheduled by the NLRC on 28 March and 19 April 1995 but only representatives of PASVIL appeared. On this account, an order was issued on 12 May 1995 directing the parties to submit their Position Papers. The parties complied.

On 21 August 1995 PASVIL moved for the early resolution of the case on the ground that the strike was still ongoing thus causing it vast revenue losses. A hearing was set for 29 August 1995 to determine whether a formal hearing on the merits was necessary or whether PASVIL's motion should be granted. However, both parties failed to appear so a second hearing was set on 11 October 1995. On this date, the parties were asked if they wished to have the case submitted for resolution. Petitioner UNION, through Board Member Ponciano Gabriel Sr., requested and was granted up to 23 October 1995 to notify the NLRC regarding its intention with respect to the proceedings. On the deadline, petitioner UNION moved for a formal trial on the merits. A hearing on the motion was set on 6 November 1995. However, only PASVIL's counsel attended the hearing and was given until 15 November 1995 to comment on the motion. In the comment subsequently filed, PASVIL alleged that all questions raised by petitioner UNION had been traversed by the documents already submitted in evidence. Another hearing was scheduled for 7 December 1995. Again, only PASVIL appeared.

On the belief that petitioner UNION's motion for a formal trial on the merits was a mere dilatory move and on the consideration that the evidence on hand would sufficiently allow it to reach a conclusion, the NLRC denied the motion for a formal trial and proceeded to resolve the legality of petitioner UNION's purposes for staging the strike, i.e., that twenty-four (24) airconditioned buses were surreptitiously removed from the company premises to deprive UNION officers and members of their jobs, and that Bugtong was arbitrarily dismissed from employment due to Union activities. PASVIL countered that the buses were sold to E & J Transport and Mayami Transit the proceeds of which were applied to the payment of interest on its principal obligations and that Bugtong was dismissed due to gross and habitual neglect of duty/willful disobedience.

On 15 January 1996 the NLRC declared the still-ongoing strike illegal and consequently deemed the UNION officers who acted as leaders thereof, petitioners herein, to have lost their employment status, namely, President Donato Bugtong, Vice President Pedro Fernando, Secretary Rodante Ambas, Treasurer Rodolfo Pascual, Auditor Felizardo Gaspar, Spokesman Conrado Clemente and Board Members Ponciano Gabriel Sr., Roberto Espejon,

Marcelo Mojar Jr., Arnulfo German, Jose Ogao, Arnel Fortaleza, Merlito Dela Cruz, Rommel Buenavente, Manuel Trinidad, Joselito Mendiola, Pedro Ociones, Guillermo Naranjo and Fredenill Lazo. However, the charge of unfair labor practice was dismissed for lack of merit.[9]

In support of its ruling, the NLRC ratiocinated that although PASVIL did not prove that the sale of the buses actually materialized there was evidence showing that even without those buses there was a sufficient number of buses remaining for the employees to continue working and that PASVIL even exhorted its drivers and dispatchers to accept their respective assignments and operate the buses.[10] Yet petitioners did not explain why they failed to man the remaining buses. The NLRC also found that petitioners did not specify the wage benefits they were entitled to that were not granted by PASVIL nor did they clarify the particular working conditions existing at their workplace which they could not tolerate. At any rate, the NLRC opined that the issue of underpayment or non-payment of wage benefits should have been addressed to the Labor Arbiter, whereas that of poor working conditions should have been brought to the attention of the Department of Labor and Employment or, if related to the condition of the buses themselves, to the Department of Transportation and Communication which had the authority to suspend or cancel the franchise of PASVIL.

With regard to the dismissal from employment of petitioner Bugtong, the NLRC found that as previously ruled by the NCMB-NCR, a complaint therefor has been filed before Labor Arbiter Melquiades Sol D. Del Rosario who on 25 May 1995 held that the totality of infractions committed by Bugtong justified his dismissal.[11] Still another rationale for the NLRC's ruling against petitioners was its finding that the strikers did not comply with Secretary Confesor's directive for them to return to work. To sum up, the NLRC ruled that there was no legitimate reason for petitioners to strike. On 31 January 1996 reconsideration was denied.

Did the NLRC act with grave abuse of discretion in: (a) ruling on the illegality of the strike thus violating the doctrine laid down in *Philippine Airlines, Inc. v. Secretary of Labor and Employment*[12] that the Labor Secretary's authority to resolve a labor dispute over which he has assumed jurisdiction encompasses only the issues involved therein, not the legality or illegality of the strike; (b) refusing to hold a formal trial; (c) holding that PASVIL was not guilty of unfair labor practice; and, (d) declaring the strike illegal and considering petitioners to have lost their employment status?

Petitioners allege that on the basis of Art. 217 of the Labor Code which explicitly provides that Labor Arbiters shall have original and exclusive jurisdiction to hear and decide cases involving the legality of strikes and lock-outs, the NLRC was not clothed with authority to decide on the legality of the strike. Moreover, they stress that the dispute did not involve any complaint for illegal strike but for unfair labor practice such that in *Philippine Airlines* involving the same factual milieu this Court held that the Secretary of Labor and Employment acted without or in excess of jurisdiction when he ruled on the legality of the strike.

There is no grave abuse of discretion. Article 217 of the Labor Code categorically provides that Labor Arbiters shall have original and exclusive jurisdiction to hear and decide cases involving the legality of strikes and lock-outs. But the opening phrase of the law is as categorical in mentioning an exception thereto. Thus -

Art. 217. Jurisdiction of Labor Arbiters and the Commission. - (a) Except as otherwise provided under this Code, the Labor Arbiters shall have original and exclusive jurisdiction to hear and decide, within thirty (30) calendar days after the submission of the case by the parties for decision without extension, the following cases involving all workers, whether agricultural or non-agricultural x x x 5. Cases arising from any violation of Article 264 of this Code, including questions on the legality of strikes and lock-outs x x x (underscoring supplied).

An exception to the original and exclusive jurisdiction lodged in the Labor Arbiters is found in Art. 263, par. (g),

of the same Code -

Art. 263. Strikes, picketing, and lockouts. - x x x x (g) When, in his opinion, there exists a labor dispute causing or likely to cause a strike or lockout in an industry indispensable to the national interest, the Secretary of Labor and Employment may assume jurisdiction over the dispute and decide it or certify the same to the Commission for compulsory arbitration. Such assumption or certification shall have the effect of automatically enjoining the intended or impending strike or lockout as specified in the assumption or certification order. If one has already taken place at the time of assumption or certification, all striking or locked out employees shall immediately return to work and the employer shall immediately resume operations and readmit all workers under the same terms and conditions prevailing before the strike or lockout. The Secretary of Labor and Employment or the Commission may seek the assistance of law enforcement agencies to ensure compliance with this provision as well as with such orders as he may issue to enforce the same x x x x

In 1992 we clarified this point in *International Pharmaceuticals, Inc. v. Secretary of Labor and Employment*[13] thus -

x x x [T]he Secretary was explicitly granted by Article 263 (g) of the Labor Code the authority to assume jurisdiction over a labor dispute causing or likely to cause a strike or lockout in an industry indispensable to the national interest, and decide the same accordingly. Necessarily, this authority to assume jurisdiction over the said labor dispute must include and extend to all questions and controversies arising therefrom, including cases over which the Labor Arbiter has exclusive jurisdiction (underscoring supplied).

In the same manner, when the Secretary of Labor and Employment certifies the labor dispute to the NLRC for compulsory arbitration the latter is concomitantly empowered to resolve all questions and controversies arising therefrom including cases otherwise belonging originally and exclusively to the Labor Arbiter.

In *Philippine Airlines* we ruled that the jurisdiction of the Secretary of Labor and Employment in assumption and/or certification cases is limited to the issues that are involved in the disputes or to those submitted to him for resolution. Since the legality or illegality of the strike was never submitted to him for resolution he was thus found to have exceeded his jurisdiction when he restrained the employer from taking disciplinary action against the employees who staged an illegal strike. The *Philippine Airlines* case finds no application to the present case because, as distinguished therefrom and as properly observed by the Office of the Solicitor General, the certification by Secretary Confesor to the NLRC of the issues sought to be settled involved the strike of petitioners. The certification stated -

On 3 August 1994, the PASVIL/Pascual Liner, Inc. Workers Union - NAFLU, hereinafter referred to as the Union, filed a Notice of Strike with the National Conciliation and Mediation Board - National Capital Region (NCMB-NCR) against PASVIL/Pascual Liner, Inc., hereinafter referred to as the Company, on grounds of unfair labor practice acts. Series of conciliation conferences conducted by the Board failed to arrive at an amicable settlement on the alleged specific acts committed by the Company.

On 18 February 1995, the Union struck. Further efforts to effect settlement yielded negative results. In the meantime, the strike continues with no settlement in sight.[14]

Clearly, what was certified to the NLRC was the entire labor dispute including the strike which was then ongoing. It was thus necessary for the NLRC to rule on the matter. In *St. Scholastica's College v. Torres*[15] where petitioner questioned the assumption by the Secretary of Labor and Employment of jurisdiction to decide on termination disputes, likewise maintaining that such jurisdiction was vested instead in the Labor Arbiter pursuant to Art. 217 of the Labor Code and invoking *Philippine Airlines*, we emphasized that -

Before the Secretary of Labor and Employment may take cognizance of an issue which is merely incidental to the labor dispute, therefore, the same must be involved in the labor dispute itself, or otherwise submitted to

him for resolution. If it was not, as was the case in *PAL v. Secretary of Labor and Employment*, supra, and he nevertheless acted on it, that assumption of jurisdiction is tantamount to a grave abuse of discretion. Otherwise, the ruling in *International Pharmaceuticals, Inc. v. Secretary of Labor and Employment*, supra, will apply.

Petitioners assert that since the NLRC did not act as an appellate body in resolving the dispute it should have been guided by Rule V, Sec. 5, par. (b), of its New Rules of Procedure mandating that -

Sec. 5. Period to Decide Case x x x (b) If the Labor Arbiter finds no necessity of further hearing after the parties have submitted their position papers and supporting documents, he shall issue an Order to that effect and shall inform the parties, stating the reasons therefor x x x

Petitioners advance that conformably therewith the NLRC should have issued a separate ruling on their motion for formal trial, instead of having merely incorporated its ruling in its assailed decision, so that they could have supplied or completed whatever deficiencies there might be in their evidence. They add that there were factual issues which could not be resolved by documentary evidence, i.e., blockade of the free ingress to and egress from the company premises and non-compliance with the return-to-work order.

We are not persuaded. The purpose of the rule requiring the issuance of an order submitting the case for decision is to provide a period from which to reckon the time frame within which to decide the case. We discern this purpose from a reading of Rule V, Sec. 5, par. (a), of the same rules which commands the Labor Arbiter to render his decision within thirty (30) calendar days, without extension, after submission of the case for decision. We find that the NLRC did not commit a serious violation of its own rules when it incorporated its ruling on petitioners' motion for formal trial in its decision. Determining the reckoning period to decide the case was no longer necessary since, after all, the NLRC had already prepared a decision. It was enough that it acted on the motion in its decision stating the following as reasons for denial -

Considering the fact, however, that the Union's counsel has not bothered to appear at any of the previous hearings called by this Office, which number at least five, We sincerely doubt his sincerity in wanting to proceed with a formal trial of this case.

Indeed, his (sic) counsel's seeming hide-and-seek attitude tends to make Us believe this request for a trial on the merits is merely a dilatory tactic resorted to, to delay the resolution of this certified case.

Besides, after painstakingly reviewing the documents and supporting proofs on record, we are convinced that there is sufficient evidence to allow Us to reach a conclusion in this case x x x [16]

Petitioners' theory - that had the NLRC issued a separate ruling on their motion they could have rectified whatever deficiencies there might have been in their evidence - is outrightly fallacious. Rule V, Sec. 3, of the same Rules is specific -

Sec. 3. Submission of Position Papers/Memorandum. - x x x These verified position papers shall x x x be accompanied by all supporting documents including the affidavits of their respective witnesses which shall take the place of the latter's testimony. The parties shall thereafter not be allowed to allege facts, or present evidence to prove facts, not referred to and any cause or causes of action not included in the complaint or position papers, affidavits and other documents x x x (underscoring supplied).

We deduce from petitioners' theory that only upon a denial of their motion will the occasion arise for them to augment their evidence. Here lies the fallacy. The opportune time to do so was when they submitted their position papers. They should have attached thereto all the documents that would have proved their claim.[17] In *PMI Colleges v. NLRC*[18] we made it clear that -

x x x The absence of a formal hearing or trial before the Labor Arbiter is no cause for petitioner to impute

grave abuse of discretion. Whether to conduct one or not depends on the sole discretion of the Labor Arbiter, taking into account the position papers and supporting documents submitted by the parties on every issue presented. If the Labor Arbiter, in his judgment, is confident that he can rely on the documents before him, he cannot be faulted for not conducting a formal trial anymore, unless it would appear that, in view of the particular circumstances of a case, the documents, without more, are really insufficient.

Applying the ruling to the present case and dwelling on the more important consideration of the NLRC in not granting petitioners' motion for a formal trial, i.e., the existence of sufficient evidence allowing it to reach a conclusion, we fully agree in the denial of petitioners' motion. PASVIL's evidence adequately proved that it was not guilty of unfair labor practice; consequently, there was no legitimate reason for petitioners to hold a strike and thereafter defy the return-to-work order of Secretary Confesor.

Petitioners maintain that PASVIL committed unfair labor practice when it surreptitiously pulled out twenty-four (24) buses from its garage, then manned by active UNION members, thereby substantially affecting their jobs. In the alternative, they argue that, citing *People's Industrial and Commercial Employees and Workers Organization (FFW) v. People's Industrial and Commercial Corporation*,^[19] a strike may be considered legal where the union believed that the company committed unfair labor practices and the circumstances warranted such belief in good faith although subsequently such allegations are found to be untrue. They insist also that, as averred in their affidavit, they wanted to comply with the return-to-work order of Secretary Confesor but that the bus company refused to reinstate them.

Factual findings of the NLRC are entitled to respect and finality in the absence of proof, as herein, that they were arrived at arbitrarily or capriciously.^[20] Although PASVIL failed to prove that the sale of the buses pushed through, we agree with the NLRC that there is evidence showing that a sufficient number of units remained for the employees to continue working. PASVIL, in its letter of 2 August 1994, exhorted its drivers and dispatchers individually to accept their respective assignments and operate the buses thus -

Ikaw ay sinasabihan na magpa-schedule sa Dispatcher upang maibiyahin ang bus.

Maraming bus ang kumpanya kaya marami ang nakahilera lang sa ready line. Wala namang sira ang mga bus kaya kailangang maibiyahin ang mga ito.^[21]

Moreover, the NCMB-NCR conducted on 7 September 1994 an ocular inspection of PASVIL's facilities and determined that there were thirty-seven (37) buses "ready for trip" but that these remained unmanned.^[22] Petitioners did not bother to explain why they failed to operate the remaining buses.

Good faith is still a valid defense against the claim of illegality of a strike. However, petitioners cannot find refuge in *People's Industrial & Commercial Employees and Workers Organization (FFW)* because, on the basis of PASVIL's letters to its individual employees and the ocular inspection by the NCMB-NCR, we do not find even a semblance of good faith on the part of petitioners.^[23] The NLRC was correct in dismissing the charge of unfair labor practice against PASVIL and in declaring the strike illegal. Article 264, par. (a), of the Labor Code provides the sanction of loss of employment status for any union officer who knowingly participates in an illegal strike. The NLRC found that petitioners led the illegal strike against PASVIL. This is not disputed by petitioners. We thus sustain the NLRC's declaration that petitioners lost their employment status with PASVIL.

Petitioners lay the blame on PASVIL's alleged refusal to accept them back to its fold for their failure to comply with the directive of Secretary Confesor to return to work. They invite our attention to an averment in their affidavit -

28. Na ang ilan sa mga manggagawa naman na gusto sanang bumalik din at sumunod sa Return to Work Order ngunit ayaw talagang pabalikin ng manedsmnt (sic) at ni ayaw papasukin sa loob ng garahe ay ang mga

sumusunod x x x x[24]

As thus worded, it is unclear as to which orders of Secretary Confesor petitioners allegedly displayed willingness to obey. Exploring the other averments in their affidavit we note that they actually referred to the first order of Secretary Confesor. We took into account their previous averments -

23. Na nagsimula kaming mag-strike noong Pebrero 18, 1995 ngunit noong Pebrero 21, 1995 ay nagbaba ng return to work order ang Secretary of Labor na nagsasaad na ang aming strike ay doon na lang didinggin sa NLRC para sa Compulsory Arbitration at inaatasan kaming bumalik sa aming trabaho;

24. Na tumalima naman ang mga miyembro ng unyon sa Order ng DOLE Secretary at bumalik na nga kami sa aming mga trabaho ngunit himdi kami lahat ng (sic) kanilang tinanggap x x x x[25]

Yet it is hard to believe that such was the situation. If this were so and that they wanted to resume their jobs but PASVIL did not reciprocate, a second recourse to Secretary Confesor would not have been undertaken by PASVIL. This second recourse paved the way for Secretary Confesor to arrive at the finding that -

Notwithstanding due receipt of the (21 February 1995) Order, the Union continues to picket and barricade the premises of the Company, thereby preventing those workers who would want to report back to work from entering the Company x x x x[26]

Secretary Confesor thus reiterated her previous return-to-work order. Pitted against the aforementioned finding, petitioners' averments cannot be sustained. Unless there are cogent reasons, and we do not find any, this Court will not alter, modify or reverse the factual findings of the Secretary of Labor and Employment because by reason of her official position she is considered to have acquired expertise as her jurisdiction is confined to specific matters.[27]

A stronger proof that petitioners and other UNION members defied the return-to-work order of Secretary Confesor is the letter of petitioner Bugtong himself to the Social Security System of 3 August 1995 certifying that "employees of PASVIL/PASCUAL LINER, INC. is (sic) on strike effective last February 18, 1995 up to the present." [28] This certification effectively binds petitioners and relegates to insignificance their pretension to the contrary.

Under the same Art. 264, par. (a), St. Scholastica's College expressed in no uncertain terms that from the moment a worker defies a return-to-work order he is deemed to have abandoned his job. It is already in itself knowingly participating in an illegal act. The present case is one instance when, sadly, the law cannot interpose its hand to protect the employees from the consequences of their misbehavior.[29]

WHEREFORE, the petition is DISMISSED. The decision of public respondent National Labor Relations Commission of 15 January 1996 declaring illegal the strike staged by petitioners PASVIL/Pascual Liner, Inc., Workers Union - NAFLU and its officers and members on 18 February 1995 against respondent PASVIL/Pascual Liner, Inc.; declaring petitioners Donato Bugtong, Pedro Fernando, Rodante Ambas, Rodolfo Pascual, Felizardo Gaspar, Conrado Clemente, Ponciano Gabriel Sr., Roberto Espejon, Marcelo Mojar Jr., Arnulfo German, Jose Ogao, Arnel Fortaleza, Merlito dela Cruz, Rommel Buenavente, Manuel Trinidad, Joselito Mendiola, Pedro Ociones, Guillermo Naranjo and Fredenill Lazo as having lost their employment status as a consequence; and, dismissing the charge of unfair labor practice against private respondent company PASVIL/Pascual Liner, Inc., is AFFIRMED. The resolution of 30 January 1996 denying reconsideration is likewise AFFIRMED.

SO ORDERED.

Puno, Mendoza, Quisumbing, and Buena, JJ., concur.

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- [1] Batangas Laguna Tayabas Bus Company v. NLRC, G.R. No. 101858, 21 August 1992, 212 SCRA 792.
- [2] UNION members concerned include petitioners Donato Bugtong, Pedro Fernando, Rodante Ambas, Rodolfo Pascual, Felizardo Gaspar, Conrado Clemente, Ponciano Gabriel Sr., Roberto Espejon, Marcelo Mojar Jr., Arnulfo German, Jose Ogao, Arnel Fortaleza, Merlito dela Cruz, Rommel Buenavente, Manuel Trinidad, Joselito Mendiola, Pedro Ociones, Guillermo Naranjo and Fredenill Lazo.
- [3] Annex "A," Position Paper of petitioner UNION; Records, p. 594.
- [4] Annex "B," Position Paper of respondent PASVIL; id., p. 330.
- [5] Annex "C," Position Paper of respondent PASVIL; id., p. 367.
- [6] Annex "N," Position Paper of respondent PASVIL; id., p. 369.
- [7] Annex "N-1," Position Paper of respondent PASVIL; id., p. 370.
- [8] Annex "D," Position Paper of respondent PASVIL; id., pp. 644-645.
- [9] Decision penned by Commissioner Victoriano R. Calaycay with the concurrence of Presiding Commissioner Raul T. Aquino and Commissioner Rogelio I. Rayala; Rollo, pp. 52 and 53.
- [10] Annexes "I" to "I-4" and "L" to "L-2," Position Paper of respondent PASVIL; Records, pp. 351-355, 363-365.
- [11] Annex "H," Position Paper of respondent PASVIL; id., p. 350.
- [12] G. R. No. 88210, 23 January 1991, 193 SCRA 223.
- [13] G.R.. Nos. 92981-83, 9 January 1992, 205 SCRA 59.
- [14] See Note 5.
- [15] G. R. No. 100158, 29 June 1992, 210 SCRA 565.
- [16] Rollo, p. 45.
- [17] Pacific Timber Export Corp. v. NLRC, G.R. No. 106170, 30 July 1993, 224 SCRA 860; Shoemart, Inc. v. NLRC, G.R. Nos. 90795-96, 13 August 1993, 225 SCRA 311.
- [18] G. R. No. 121466, 15 August 1997, 277 SCRA 462.
- [19] No. L-37687, 15 March 1982, 112 SCRA 441.
- [20] Guinnux Interiors, Inc. v. NLRC, G.R. No. 115569, 27 May 1997, 272 SCRA 689.
- [21] See Note 10.
- [22] Annex "M," Position Paper of respondent PASVIL; Records, p. 449.
- [23] Reliance Surety and Insurance Co., Inc. v. NLRC, G.R. Nos. 86917-18, 25 January 1991, 193 SCRA 365.
- [24] Annex "D," Position Paper of petitioner UNION; Records, p. 580.

[25]Ibid.

[26] See Note 8.

[27] Capitol Wireless, Inc. v. Confesor, G.R. No. 117174, 13 November 1996, 264 SCRA 68.

[28] Annex "S," Position Paper of respondent PASVIL; Records, p. 299.

[29]Tiu v. NLRC, G. R. No. 123276, 18 August 1997, 277 SCRA 680.

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