

PAMPANGA SUGAR DEVELOPMENT COMPANY, PETITIONER, VS. THE COURT OF INDUSTRIAL RELATIONS, ET AL., RESPONDENTS.

G.R. No. 13178. March 25, 1961

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition to set aside an order entered by respondent court on July 9, 1957 assuming jurisdiction to take cognizance of the labor dispute certified to it by the President of the Philippines between the Pampanga Sugar Development Corporation and its employees under Section 10 of Republic Act No. 875.

It appears that previous to such certification a voluntary certification election was conducted by the Department of Labor wherein the PASUDECO Workers Union was chosen as the exclusive bargaining representative of all the employees of the company as against another union named Sugar Workers Association. Subsequently, a collective bargaining agreement with respect to the terms and conditions of employment was entered into between the winning union and the Pampanga Sugar Development Corporation, which agreement as well as the certification of the PASUDECO Workers Union as the exclusive bargaining representative was approved by the Court of Industrial Relations.

During the 1955-1956 milling season the members of the Sugar Workers Association the union that lost in the election, declared a strike at the sugar mill of the company at San Fernando, Pampanga, as a result of the refusal of said company to entertain the demands submitted to it by said union. And having been advised of said dispute which remained unsettled for sometime and affected the sugar industry, the President of the Philippines, on November 23, 1956, wrote respondent court stating that, pursuant to Section 10 of Republic Act No. 875, he certifies to said court "the labor dispute between the management of the Pasudeco and its employees, and requests the Court to take immediate steps in the exercise of its powers granted by law."

On December 7, 1956, the PASUDECO requested the court not to assume jurisdiction over the dispute as thus certified contending that since the Sugar Workers Association is merely a minority union which lost in the certification election it has no right to represent the employees of the company nor to present the demands it has submitted on December 14, 1955 and as such it cannot create a labor dispute that may give jurisdiction to the industrial court even if the same is certified by the President of the Philippines. Respondent court, however, declared itself with jurisdiction to act on the dispute regardless of the collective bargaining agreement entered into between the PASUDECO Workers Union and the Pampanga Sugar Development Corporation. Hence, the present petition for certiorari.

It appears that the Sugar Workers Association, a minority union, submitted to the management of the Pampanga Sugar Development Corporation a set of demands which eventually reached the industrial court involving, among others, payment for past overtime service, a general wage increase retroactive to December 1, 1954, reinstatement of all laid-off employees, retirement plan due to long service, old age and disability, termination of pay, and recognition of union check off, and because they were not heeded due perhaps to the fact that said union was not

the collective bargaining representative, its members went on strike. As the strike coincided with the milling season of 1955-1956 and affected an industry which is important to our national economy, the President certified the dispute to the Court of Industrial Relations for settlement pursuant to Section 10 of Republic Act No. 875, which we copy hereunder for reference:

"When in the opinion of the President of the Philippines there exists a labor dispute in an industry indispensable to the national interest and when such labor dispute is certified by the President to the Court of Industrial Relations, said Court may cause to be issued a restraining order forbidding the employees to strike or the employer to lockout the employees, pending an investigation by the Court, and if no other solution to the dispute is found, the Court may issue an order fixing the terms and conditions of employment."

It thus appears that when in the opinion of the President a labor dispute exists in an industry indispensable to national interest and he certifies it to the Court of Industrial Relations the latter acquires jurisdiction to act thereon in the manner provided for by law. Thus the court may take either of the following courses: it may issue an order forbidding the employees to strike or the employer to lockout its employees, or, failing in this, it may issue an order fixing the terms and conditions of employment. It has no other alternative. It cannot throw the case out on the assumption that the certification was erroneous.

This is the situation that obtains herein. A strike was declared by a good number of employees and workers of the PASUDECO coincidental with the milling season which threatens to impair an industry important to our national economy and considering the dispute as one that involves national interest he certified it to the industrial court for adjudication. Note that the certification only makes reference to a labor dispute between the company and its employees. It does not state that the dispute was caused by a major or a minor union. It is obvious that respondent court has acquired jurisdiction over the dispute and, contrary to petitioner's contention, it acted properly in declaring itself competent to act thereon.[1]

It is true, as petitioner contends, that the Sugar Workers Association is a minor union which lost in the certification election conducted by the Department of Labor wherein another union was chosen as the exclusive representative of all the employees of the company and that, under the law, the union thus selected is deemed to be the exclusive representative of said employees for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.[2] The fact, however, is that because of the strike declared by the members of the minority union which threatens a major industry the President deemed it wise to certify the controversy to the Court of Industrial Relations for adjudication. This is a power that the law gives to the President the propriety of its exercise being a matter that only devolves upon him. The same is not the concern of the industrial court. What matters is that by virtue of the certification made by the President the case was placed under the jurisdiction of said court.

The question whether a minority union may create a labor dispute cognizable by the Court of Industrial Relations in disregard of the representative chosen in a certification election and of the collective bargaining agreement entered into by said representative and the company is a legal matter that does not affect the jurisdiction of the court. This is an issue that the court should determine once the dispute is submitted for decision. Here may come in many other matters that are worth looking into, such as the right of a minority to be protected against the abuses of the majority, failure on the part of the union representative to secure the best terms and conditions of employment as the circumstances may demand, or whether the time has come to order a new certification election. As a matter of fact, there is an intimation of the government counsel that the collective bargaining agreement concluded between the company and PASUDECO Workers Union already expired of December 1, 1957 thereby implying that new terms and conditions of employment may be the subject of new negotiations. These are matters that come within the jurisdiction of the court.

Wherefore, petition is denied, without pronouncement as to costs.

Bengzon, Acting C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

[1] Philippine Association of Free Labor Union, et al. vs. Tan, 99 Phil., 854; 52 Off. Gaz., 5836; National Garments and Textiles Workers, Union, PAFLU vs. Caluag, L-9104, September 10, 1956; Allied Free Workers' Union vs. Apostol, 102 Phil., 296; SMB Box Factory Workers' Union-PAFLU vs. Victoriano, 102 Phil., 646; Benguet Consolidated Mining Company vs. Coco Labor Union (NLU), 105 Phil., 915; Chua Workers' Union (NLU) vs. City Automotive Company, et al., L-11655, April 29, 1959; Rizal Cement Co., Inc. vs. Rizal Cement Workers' Union (FFW), et al., 109 Phil., 34.

[2] Section 12(a), Republic Act 875.

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