

**SAN JUAN DE DIOS EDUCATIONAL FOUNDATION EMPLOYEES
UNION-ALLIANCE OF FILIPINO WORKERS; MA. CONSUELO
MAQUILING, LEONARDO MARTINEZ, ANDRES AYALA, VIRGINIA
ARLANTE, ROGELIO BELMONTE...**

G.R. No. 143341. May 28, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a petition for review on certiorari of the Decision[1] of the Court of Appeals in CA-G.R. SP No. 53768, affirming with modification the Decision of the National Labor Relations Commission (NLRC) in NCMB-NCR-NS-08-397-94 (NLRC-NCR-CC-000089-94); NLRC-NCR-00-09-07117-94 and NLRC-NCR-09-06557-95 and its Resolution denying the motion for reconsideration of the said decision.

The Antecedents

San Juan de Dios Educational Foundation, Inc. (hereinafter referred to as the Foundation) is a domestic foundation operating as a college and hospital with a two hundred bed capacity, complemented by four hundred hospital personnel, more or less. It retains approximately seventy medical consultants specializing in various fields of applied medicine and medical research. The Foundation rendered medical and nursing services to indigents from Pasay City, Las Piñas, Parañaque, Muntinlupa and Cavite.[2]

San Juan de Dios Educational Foundation Employees Union-Alliance of Filipino Workers (hereinafter referred to as the Union), is the sole and exclusive bargaining representative of the rank-and-file employees in the Foundation.

Rodolfo Calucin, Jr., then Executive Secretary of the Union, had been employed at the Foundation as a medical clerk for almost twelve years. In a Letter dated January 14, 1994, the Foundation, through its Personnel Officer Teresita D. Doringo, informed him that, per its records, he had incurred five (5) sets[3] of tardiness for 1993, in addition to the two other sets he had incurred in the year 1992, and that such tardiness had affected his efficiency. He was required to explain, in writing, within seventy-two hours from receipt of the letter, why his services should not be terminated for gross and habitual neglect of his duties, under Article 282 of the Labor Code of the Philippines.[4]

Calucin, Jr. expressed surprise over Doringo's directive. In his reply, he claimed that he had already served the maximum suspension of one week, from October 11 to 17, 1993, for his past tardiness. He furthered that he had not incurred tardiness for the past four months. Moreover, his superior had given him a performance rating of FAIR, as of October 1993.[5]

On July 27, 1994, the Foundation, through then Acting Vice-President for Health Services Sister Lourdes S. Sabidong, wrote Calucin, Jr. informing the latter that his employment had been terminated as of the month of March for gross and habitual neglect of duties under Article 282 (b) of the Labor Code.[6]

Calucin, Jr. filed a Complaint for Illegal Dismissal on August 1, 1994 before the National Arbitration Branch of the National Labor Relations Commission.[7] On the same date, the Union filed a Notice of Strike before the National Conciliation and Mediation Board (NCMB), docketed as NCMB NCR-NS-08-397-94 (certified as NLRC-NCR-CC-000089-94), grounded on the following: (a) illegal dismissal of Calucin, Jr., a union officer; (b) discrimination; (c) union busting; (d) harsh enforcement of the company's code of discipline; and, (e) violation of CBA provisions.[8] Officers and employees who were also members of the Union staged a strike.

The Foundation, through counsel, filed a motion for bill of particulars, anent the basis of the notice of strike filed by the Union. The Union specified the following as its basis for the said notice:

(a)

illegal dismissal of Rodolfo Calucin, Jr., executive secretary of the Union;

(b)

discriminations arising from the favorable actions of the Foundation to Editha H. Unlao who was not dismissed despite incurring similar number of absences as Calucin;

(c)

Union busting arising from contracting out regular services performed by union members, forcing Rodolfo Cachuela, an active union member, to resign for no apparent reason; forced resignation from the union by Francis Rellevo, Nestor Centeno, Nemia Abregoso and Grace Isidro upon the insistence of the sisters who recruited them to work at the Foundation; harsh enforcement of the company code of discipline motivated by the desire to persecute militant union members especially on Fe Calucin (for being a wife of Rodolfo Calucin, [Jr.] a union officer), Joan Balucos (assigned heavy workload), Edgar Bas (saddled with extra work), suspending employees who became pregnant before marriage for five to seven months even after getting married or until delivery;

(d)

violation of the CBA arising from the non-observance of friendly negotiations before enforcing management actions, refusal to activate grievance committee, refusal or failure to continue recreational activities.[9]

On August 26, 1994, then Department of Labor and Employment (DOLE) Secretary Ma. Nieves R. Confesor issued an Order[10] certifying the case to the NLRC, directing the striking employees to go to work, and directing the Foundation to accept all employees under the same terms and conditions prevailing before the strike.

Per the return of Sheriff Alfredo C. Antonio, copies of the order were served on the officers and striking members of the Union and its counsel.[11]

Nevertheless, the officers and striking members of the Union defied the order of the DOLE and continued with their strike.

In the meantime, the Foundation filed a petition before the NCMB to declare the strike illegal. The petition was certified to the NLRC and was re-docketed as NLRC Case No. 00-09-07117-94. The Foundation alleged therein that the Union and its officers committed prohibited acts during the strike staged on August 26 to 31, 1994.[12]

Since the members of the Union had not heeded the Return-To-Work Order (RTWO), the Secretary of Labor and Employment (SOLE) issued another RTWO on August 29, 1994.[13]

The Foundation and the Union entered into an agreement on August 30, 1994, on the following matters: (a) the propriety and legality of the dismissal of Calucin, Jr. and the hiring of agency employees shall be submitted to a

voluntary arbitrator chosen by the parties in accordance with the CBA; (b) the Union shall lift its picket line immediately after the signing of the agreement and report to work not later than August 31, 1994, except for Calucin, Jr.; (c) the Foundation would waive any legal action relating to the illegal strike and the illegal acts committed by the officers and members of the Union.[14]

In a Letter[15] dated August 31, 1994, the Union, through its President, Ma. Consuelo P. Maquiling, informed the Foundation that the night-shift duty (10:00 p.m. to 6:00 a.m.) would be reporting back to work. However, she requested that those whose duties fell on the 6:00 a.m. to 2:00 p.m., 8:00 a.m. to 5:00 p.m., and the 2:00 p.m. to 10 p.m. shifts, be required to return to work on September 1, 1994, considering that they had been in the picket line for the past few days.

The Foundation denied the Union's request. The twenty-seven employees who worked the said shifts were not allowed to go back to work. In response to the manifestations and motions filed by the Union, the SOLE, on September 14 and 21 of 1994, ordered the Foundation to accept the said employees. The Foundation refused.

On October 5, 1994, the SOLE issued an Order[16] directing the Foundation to comply with her September 14 and 21, 1994 directives. The dispositive portion of the order reads:

WHEREFORE, premises considered, the San Juan de Dios Hospital, Inc. is strictly enjoined to fully and faithfully comply with the return-to-work Orders dated 14 and 21 September 1994. More specifically, the Hospital is ordered to accept back to work the employees who were scheduled to report for work on 31 August 1994 and belonging to the 2:00 – 10:00 and 3:00 – 11:00 p.m. shifts without any condition or qualification under the same terms prevailing prior to the strike.

Sheriff Alfredo C. Antonio, this Department, is hereby directed to implement this Order without further delay. If necessary, he may seek the assistance of the Pasay City Philippine National Police which is hereby deputized to assist in the peaceful and orderly implementation of this Order.

The Foundation filed a petition with this Court assailing the October 5, 1994 Order of the SOLE. The petition was docketed as G.R. No. 117226. In the meantime, the Foundation allowed the payroll reinstatement of the twenty-seven (27) employees, effective only on October 10, 1994, subject to the outcome of its petition filed with this Court in G.R. No. 117226. The Union agreed with this arrangement.[17]

On March 27, 1995, the Court, issued a Resolution,[18] ruling that the SOLE did not act with grave abuse of discretion and affirmed her October 5, 1994 Order. The decretal portion of the resolution reads, viz:

ACCORDINGLY, finding that the public respondent has not committed grave abuse of discretion in issuing the order dated October 5, 1994, the same is hereby AFFIRMED, and the instant petition for certiorari with prayer for the issuance of a restraining order is hereby DISMISSED.

However, the Court held that, by voluntarily reinstating the striking employees in the payroll after they were deemed to have lost their employment status, the Foundation can no longer rely on the ruling in *St. Scholastica's College v. Torres*,[19] where it was held that employees who refused to go to work after the issuance of a return-to-work order were deemed to have abandoned their employment. The Court also made it clear that the reinstatement of the affected employees was only to maintain the status quo until the final determination of the pivotal issues were submitted before the NLRC.[20]

In the meantime, the Foundation accepted the twenty-seven employees, subject to the resolution of its motion for reconsideration.[21] The Court denied the said motion on March 27, 1995. Nevertheless, the Foundation refused to give the twenty-seven employees the equivalent of their salaries for the period they were refused reinstatement. This prompted the employees, through the Union, to file a complaint against the Foundation before the NLRC,

docketed as NLRC-NCR-00-09-06557-95.

On motion of the parties, NCMB-NCR-NS-08-397-94 (NLRC-NCR-CC-000089-94); NLRC-NCR-00-09-07117-94 and NLRC-NCR-09-06557-95 were consolidated.[22]

In its position paper, the Union alleged that the Foundation was guilty of (a) illegal dismissal of Union officers; (b) discrimination; and, (c) union-busting. It also alleged that its strike was legal and was conducted in a peaceful and orderly manner.

On February 9, 1999, the NLRC rendered a Decision, the dispositive portion of which is herein quoted:

WHEREFORE, premises considered, this Commission rules as follows:

(a) The Petition to declare the strike illegal is hereby granted, and the following officers of the union are deemed to have lost their employment status, to wit:

I. Ma. Consuelo Maquiling - President

II Leonardo O. Martinez - Vice-President,

External Affairs

III Andres Ayala - Vice-President,

Internal Affairs

IV Virginia Arlante - Secretary

V Tita Inovio - Treasurer

VI Rogelio Belmonte - P. R. O.

VII Ma. Elena Garcia - P. R. O.

(b)

The dismissal of Rodolfo Calucin [Jr.] is declared valid and all charges of the union of unfair labor practice are likewise dismissed for lack of merit;

(c)

The complaint for payment of the money claims of the 27 employees subject of the third captioned case is dismissed for lack of merit.[23]

The Commission held that the strike staged by the Union from August 26, 1994 to August 31, 1994 was, at its inception, legal and peaceful. However, the striking employees' defiance of the August 26, 1994 RTWO of the SOLE rendered the strike illegal. Consequently, under Article 264 (a) paragraph 2 of the Labor Code,[24] the officers and members of the Union who refused to return to work after the issuance of the certification/RTWO were deemed to have lost their employment status. It was also held that considering that the Union members did not know the consequences of their refusal to return to work, only the ranking officers of the Union, i.e., the president, vice-president, secretary, treasurer and PROs, should be deemed to have lost their employment status.

The NLRC dismissed the claim of unfair labor practice arising from the illegal dismissal of Rogelio Calucin, Jr. It ruled that Calucin, Jr.'s dismissal was based on his continued tardiness for the year 1992 to 1993, which affected his efficiency as reflected by his performance rating and, therefore, sanctioned by Article 282(b) of the Labor Code.

The NLRC found that the Union's claim of discrimination amounting to unfair labor practice was unsubstantiated, particularly on the following matters: a) the treatment in the tardiness of union and non-union members; b) the meal break of dietary personnel; c) the hazard pay of midwives; d) the dismissal of Cachuela; and, e) the forced resignation of Francisco Rellevo, Nestor Centeno, Nemia Abregoso and Grace Isidro from the Union. It also found the explanation of the Foundation meritorious. The Commission also ruled in favor of the Foundation on the Union's claim of the harsh enforcement of the Company Code of Discipline on Fe Calucin, Joan Balucos, Edgar Bas, Victor Estuya, the suspension of unmarried pregnant women, and the charge of violation of the CBA for failure to activate the grievance committee. However, the Commission found the Foundation's refusal to continue to sustain the recreational activities of the Union invalid.

As regards the Foundation's refusal to pay the money claims of the twenty-seven employees, the NLRC ruled that the same was sanctioned by law, considering that the aforesaid employees refused to return to work even after the SOLE already issued a RTWO effective August 31, 1994.[25]

The Union filed a motion for reconsideration from the said decision. The NLRC denied the motion on April 30, 1999.[26]

On June 18, 1999, the Union, represented by its president, Ma. Consuelo Maquiling, filed an Amended Notice of Strike[27] before the NCMB, docketed as NCMB-06-221-99, citing the following as grounds therefor: (a) bargaining deadlock on economic issues, arising from disagreements in wage increase, signing bonus, meal allowance, uniform allowance, hospital uniform, hazard pay, longevity pay, and retirement pay; (b) bargaining deadlock on non-economic issues arising from union shop; and, (c) unfair labor practice arising from discrimination and contracting out of jobs performed by union members.

Dissatisfied with the decision and resolution of the NLRC, the Union and its officers filed a petition for certiorari before the Court of Appeals on July 16, 1999, docketed as CA-G.R. SP No. 53768 alleging as follows:

I.

RESPONDENT NLRC GRAVELY ABUSED ITS DISCRETION IN RULING FOR THE VALIDITY OF SERVICE OF THE CERTIFICATION ORDER OF THE HONORABLE SECRETARY OF LABOR AND EMPLOYMENT DATED AUGUST 26, 1994.

II

RESPONDENT NLRC COMMITTED GRAVE ABUSE OF DISCRETION IN HOLDING PETITIONER-UNION'S STRIKE ILLEGAL WITH THE EXTREME SANCTION OF THE LOSS OF EMPLOYMENT OF THE FIVE (5) INDIVIDUAL PETITIONERS NAMED IN THE ABOVE-CAPTIONED CASE.

III.

RESPONDENT NLRC TOTALLY DISREGARDED THE LAW, GRAVELY ABUSED ITS DISCRETION AND ACTED CAPRICIOUSLY AND WITH MANIFEST PARTIALITY IN ADJUDGING THE TERMINATION OF PETITIONER CALUCIN [JR.] FROM EMPLOYMENT LEGAL.

IV.

RESPONDENT NLRC COMMITTED GRAVE ABUSE OF DISCRETION IN DISMISSING ALL CHARGES OF PETITIONER-UNION OF UNFAIR LABOR PRACTICE AGAINST THE RESPONDENT FOUNDATION IN UTTER DISREGARD OF SUBSTANTIAL EVIDENCE ON RECORD.

V.

RESPONDENT NLRC GRAVELY ABUSED ITS DISCRETION OR ACTED IN EXCESS OF

JURISDICTION IN DENYING THE MONEY CLAIMS OF THE TWENTY-SEVEN (27) STRIKING EMPLOYEE-UNION MEMBERS FOR PAYMENT OF THEIR WITHHELD SALARIES FOR THE PERIODS SEPTEMBER 2, 1994 – OCTOBER 9, 1994 AND APRIL 6, 1995 – JUNE 30, 1995.[28]

The Court of Appeals issued a Resolution directing the respondents to file their Comment on the Petition.

In the meantime, the Foundation and the Union executed a new CBA. Among the conditions for its approval was that the termination of the Union officers as adjudged by the NLRC would not be enforced. However, the Foundation reneged on this agreement and terminated the services of the Union officers immediately after the new CBA was signed and approved on August 12, 1999.[29]

On November 25, 1999, the CA rendered a Decision in CA-G.R. SP No. 53768, partially granting the petition, in that the money claims of the twenty-seven employees were granted. The decretal portion of the decision reads:

WHEREFORE, FOREGOING PREMISES CONSIDERED, this petition is partially granted and the assailed Decision released on February 9, 1994 and the Order promulgated on April 30, 1994 are hereby MODIFIED in the sense that the complaint for the payment of the money claims of the 27 employees are granted and private respondent is hereby ordered to pay the money claims of the twenty-seven (27) employees for the period covering September 2, 1994 to October 9, 1994 and April 6, 1995 to June 30, 1995 while the rest of the assailed decision is affirmed in all other respects. No pronouncement as to cost.[30]

The CA held that there was a valid service of the August 26, 1994 RTWO of the SOLE on the petitioners and their counsel, Atty. Alfredo Bentulan, as gleaned from the report of Sheriff Alfredo C. Antonio. It also ruled that for the Union officers' and members' failure to return to work as ordered, the strike was rendered illegal. Consequently, the said union officers and members were deemed to have lost their employment status.

The CA ruled that the petitioners failed to prove the allegation of unfair labor practice ascribed to the Foundation. It also declared that the evidence on record shows that Calucin, Jr. was dismissed for gross and habitual neglect of duties for his continued tardiness and inefficiency.

However, the appellate court ruled that the August 30, 1994 Letter of the petitioner, Ma. Consuelo Maquiling requesting that the 2:00-10:00 p.m. and 3:00-11:00 p.m. shifts be made to report on September 1, 1994 was justified; hence, the refusal of the respondent Foundation to pay the money claims of the twenty-seven employees was unjust and unfair.

Dissatisfied, the petitioners filed a motion for reconsideration of the decision of the CA. For its part, the respondent Foundation filed a partial motion for reconsideration of the decision, on the grant of the money claims of the twenty-seven employees. On May 11, 2000, the appellate court resolved to deny both motions.[31]

The Issues

On June 23, 2000, the petitioners filed a Petition for Review on certiorari under Rule 45 of the Rules of Civil Procedure assailing the decision and resolution of the CA, on the following grounds:

I

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN HOLDING THAT THERE WAS AN EFFECTIVE AND VALID SERVICE OF THE AUGUST 26, 1994 CERTIFICATION ORDER OF THE SECRETARY OF LABOR AND EMPLOYMENT;

II

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN DECLARING PETITIONER-UNION[‘S] STRIKE ILLEGAL WITH THE SUPREME PENALTY OF THE LOSS OF EMPLOYMENT STATUS OF THE SIX (6) INDIVIDUAL PETITIONERS WHICH WAS TAINTED WITH

BAD FAITH OR MALICE COMMITTED BY THE RESPONDENT FOUNDATION;

III

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN DISMISSING THE CHARGES OF UNFAIR LABOR PRACTICE AGAINST THE RESPONDENT FOUNDATION IN THE PRESENCE OF SUBSTANTIAL EVIDENCE ON THE SAID CHARGES ON RECORD;

IV

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN NOT RULING THAT UNLAWFUL DISCRIMINATION TAINTED PETITIONER CALUCIN'S TERMINATION FROM EMPLOYMENT.[32]

The issues for resolution are the following: (a) whether or not the petitioners were validly served with copies of the return to work order of the Secretary of the Department of Labor and Employment; (b) whether or not the strike staged by the officers and members of the Union was illegal; (c) whether the petitioner Union's officers were legally dismissed; and, (d) whether or not the respondent Foundation committed an unfair labor practice when it terminated the employment of petitioner Calucin, Jr.

The Court's Ruling

The petition is bereft of merit.

At the outset, we must stress that only errors of law are generally reviewed by this Court in petitions for review on certiorari of CA decisions.[33] Questions of fact are not entertained.[34] After all, this Court is not a trier of facts and, in labor cases, this doctrine applies with greater force. Factual questions are for labor tribunals to resolve.[35] The findings of fact of quasi-judicial bodies like the NLRC, are accorded with respect, even finality, if supported by substantial evidence. Particularly when passed upon and upheld by the Court of Appeals, they are binding and conclusive upon the Supreme Court and will not normally be disturbed.[36]

Even then, we have meticulously reviewed the records and find no reversible error committed by the Court of Appeals on the merits of the petition.

On the first, second, and third issues, the petitioners assert that the respondent Foundation failed to prove that the petitioners and their counsel were served with copies of the August 26, 1994 Return-to-Work Order issued by the Secretary of Labor and Employment and that, consequently, they could not have defied the same. Hence, they insist they were illegally dismissed by the respondent Foundation.

We do not agree. The return of Sheriff Alfredo C. Antonio irrefragably shows that copies of the Order were served on the striking employees and the petitioners. As gleaned from the Sheriff's Return, viz:

On 26 August 1994, the undersigned served copies of the Order issued in the above captioned case to both parties. The Hospital thru Counsel received a copy of the Order on 26 August 1994. On the other hand, the striking employees of the Hospital refused to acknowledge receipt of the copies of the said Order necessitating the distribution of the same to the striking workers at the picket line.[37]

...

A copy of the Order was served to Consuelo Maquiling at exactly 7:55 p.m. of 26 August 1994 but refused to receive officially. However, eight (8) copies of the Order was (sic) distributed by the undersigned to the officers and members of the striking workers.[38]

A copy of the order was also served on the petitioners' counsel, Atty. Alfredo Bentulan, but the latter refused to receive the same. This can be gleaned from the following notation made by the sheriff:

Served at his office at 11:05 a.m. of 27 August 1994 but his staff refused to receive the Order. A copy of the

order was left by the undersigned to his staff.[39]

It bears stressing that the sheriff's report is an official statement by him of his acts under the writs and processes issued by the court in obedience to its directive and in conformity with law.[40] In the absence of contrary evidence, a presumption exists that a sheriff has regularly performed his official duty.[41] To controvert the presumption arising therefrom, there must be clear and convincing evidence.[42] In this case, the petitioners failed to adduce clear and convincing evidence to overcome the presumption. The bare denial by the petitioners of receiving copies of the order will not suffice.

The petitioners' bare denial is even belied by their admission in their position paper before the NLRC and their motion for reconsideration of the decision of the NLRC, that while the sheriff served copies of the order on them, they refused to receive the same because they thought it was a "fake order." In such case, it behooved the petitioners to verify its validity from the Office of the Secretary of Labor and Employment. They failed to do so. The petitioners cannot, thus, feign ignorance of the said order.

Despite the receipt of an order from then SOLE to return to their respective jobs, the Union officers and members refused to do so and defied the same. Consequently, then, the strike staged by the Union is a prohibited activity under Article 264 of the Labor Code. Hence, the dismissal of its officers is in order.[43] The respondent Foundation was, thus, justified in terminating the employment of the petitioner Union's officers.

On the last issue, the petitioners failed to prove their claim that the respondent Foundation committed unfair labor practices and discrimination of its employees. We agree with the following discerning findings and encompassing disquisitions of the Court of Appeals on this issue:

However, the records of this case do not show any hint that Calucin's [Jr.'s] dismissal is due to his trade union activities. On the other hand, per findings of the public respondent, the Foundation was able to support with documents how Calucin [Jr.] declared himself irrelevant in the Foundation through his tardiness and shallow excuses such as fetching the water, cooking breakfast, seeing to it that his kids took breakfast before going to school, preparing packed lunch for himself and even the diversions from the usual route of jeepneys that he rode in on these days that he was absent are all lame excuses that amount to lack of interest in his work. His lackluster work attitude reached his highest point when he filed for a leave of absence of three months to join his brother's business venture. Furthermore, it is not true that his attendance improved in 1993 because the records show that in 1993, his tardiness worsened to the point that his repeated tardiness went beyond the maximum contemplated in the Foundation's Code of Discipline.

For the foregoing reasons, Calucin, Jr.'s dismissal is valid. (*Meralco Workers' Union vs. Meralco*, G.R. No. L-11896, May 29, 1959; *Laguna Transportation Employees' Union versus Laguna Transport Co., Inc.*, G.R. No. L-23266, April 25, 1968; *Cando v. NLRC*, G.R. [No.] 91344, September 14, 1990).

The rest of the charges on discrimination amounting to unfair labor practice acts specifically those affecting the alleged tardiness of Edith Unlao, the meal breaks of the dietary personnel, hazard pay for midwives, the salary of Carmen Herrera including hiring through agency, the resignation of Cachuela, Francisco Rellevo, Nestor Centeno, Nemia Abregoso and Grace Isidro are all dismissed on the ground that the explanation of the Foundation per records of this case were found to be meritorious.

The same holds true as regard the charges of unfair labor practice through alleged harsh enforcement of the Code of Discipline, affecting Fe Calucin, Joan Balucos, Edgar Bas, Victor Estuya and the suspension of unmarried pregnant women; including the alleged violation of CBA provisions such as paying employees through BPI, refusal to activate grievance committee and failure to maintain recreational activities.

The Foundation was able to explain and exculpate itself from the charges of unfair labor practice and discrimination as shown in their written replies to these charges which are all in the records of this case.

Consequently, all the charges of unfair labor practice acts are dismissed.

Thus, in the case of Castillo vs. NLRC, et al., L-104319, June 17, 1999, the Supreme Court ruled:

“As earlier pointed out, findings of the NLRC are practically conclusive on this Court. It is only when the NLRC’s findings are bereft of any substantial support from the records that the Court may step in and proceed to make its own independent evaluation of the facts. The Court has found none.”[44]

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. The Decision of the Court of Appeals in CA-G.R. SP No. 53768 is AFFIRMED. Costs against the petitioners.

SO ORDERED.

Quisumbing, (Acting Chairman), Austria-Martinez, and Tinga, JJ., concur.
Puno, (Chairman), J., on official leave.

[1] Penned by Associate Justice Mercedes Gozo-Dadole, with Associate Justices Ramon A. Barcelona (retired) and Demetrio G. Demetria, concurring. Promulgated on November 25, 1999, Rollo pp. 315-334.

[2] Rollo, p. 108.

[3] Equivalent to twenty (20) times.

[4] Annex “A,” Petition; Rollo, p. 89.

[5] Annex “B;” Id. at 90.

[6] Annex “C,” Id. at 91-92.

[7] Rollo, p. 14.

[8] Annex “D,” Petition; Rollo, p. 103.

[9] Annex “E;” Id.; Id. at 104-106.

[10] Rollo, pp. 108-109.

[11] Id. at 119.

[12] Id. at 189-190.

[13] Id. at 111.

[14] Id. at 112.

[15] Annex “I,” Petition; Rollo, p. 113.

[16] Rollo, pp. 115-117.

[17] Id. at 119.

[18] Id. at 120-124.

[19] 210 SCRA 565 (1992).

[20] Rollo, pp. 122-123.

[21] Id. at 126.

[22] Id. at 170-171.

[23] Id. at 195-196.

[24] ART. 264. (a)...

No strike or lockout shall be declared after assumption of jurisdiction by the President or Secretary or after certification or submission of the dispute to compulsory or voluntary arbitration or during the pendency of cases involving the same grounds for the strike or lockout....

[25] Id. at 189-195.

[26] Id. at 211-218.

[27] Id. at 297.

[28] Id. at 61.

[29] The new CBA covered the period from February 20, 1996 up to February 19, 2001.

[30] Id. at 334.

[31] Id. at 357-358.

[32] Id. at 24-25.

[33] Producers Bank of the Phils. v. Court of Appeals, 397 SCRA 651 (2003).

[34] Alfaro v. Court of Appeals, 363 SCRA 799 (2001).

[35] Hacienda Fatima v. National Federation of Sugarcane Workers-Food and General Trade, 396 SCRA 518 (2003).

[36] Shoppes Manila, Inc. v. The Hon. National Labor Relations Commission, G.R. No. 147125, January 14, 2004.

[37] Rollo, p. 26.

[38] Id. at 213.

[39] Id.

[40] Sy v. Yerro, 253 SCRA 340 (1996).

[41] Navale v. Court of Appeals, 253 SCRA 705 (1996).

[42] Umandap v. Sabio, Jr., 339 SCRA 243 (2000).

[43] Grand Boulevard Hotel v. Genuine Labor Organization of Workers in Hotel Restaurant and Allied Industrial (GLOWHRAIN); Grand Boulevard Hotel v. Edna B. Dacanay, G.R. Nos. 153664-65, July 18, 2003.

[44] Rollo, pp. 331-332.

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