

**MANILA HOTEL EMPLOYEES ASSOCIATION AND ITS MEMBERS,
PETITIONERS, VS. MANILA HOTEL CORPORATION, RESPONDENT.***G.R. NO. 154591. March 05, 2007*

Ponente: CHICO-NAZARIO, J.

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This is a petition for review on certiorari under Rule 45 of the Rules of Court, assailing the Decision,[1] dated 31 October 2001, promulgated by the Court of Appeals, affirming the Decision of the National Labor Relations Commission (NLRC), dated 5 April 2000, declaring that the strike held by the petitioner Manila Hotel Employees Association (MHEA), herein represented by Ferdinand Barles, is illegal. The Court of Appeals, in its assailed Decision, modified the Decision rendered by the NLRC and ruled that both incumbent officers and members of MHEA involved in the illegal strike lost their employment status.

On 11 November 1999, the MHEA filed a Notice of Strike with the National Conciliation and Mediation Board (NCMB) in its National Capital Region office against Manila Hotel on the grounds of unfair labor practices.[2] Upon the petition of Manila Hotel, the Secretary of Labor and Employment (SOLE) certified the labor dispute to the NLRC for compulsory arbitration pursuant to Article 263(g) of the Labor Code on 24 November 1999. Specifically, the Order enjoined any strike or lockout and the parties were ordered to cease and desist from committing any acts that may exacerbate the situation.[3] The parties and their counsels were served copies of the said Order.[4] MHEA filed a Motion for Reconsideration dated 29 November 1999 assailing the validity of said Order.

The case was set for mandatory conference on 8 February 2000 before Presiding Commissioner Rogelio I. Rayala. During the conference, the parties were advised of the certification order, which prohibited them from taking any action that would exacerbate the situation. At the instance of the MHEA officers, the hearing of the case was reset to 29 February 2000 due to the absence of the counsel for MHEA.[5]

On 10 February 2000, the MHEA conducted a strike despite the clear terms of the Order issued by the SOLE on 24 November 1999, and despite the repeated reminders thereof.[6] On the same day, Commissioner Rayala called for a mandatory conference.[7] Thereafter, several conferences were conducted by the NLRC, wherein both parties were warned against aggravating the already volatile situation. During its hearing on 8 March 2000, the NLRC sought to have both parties identify the issues and stipulate the facts, despite their reluctance. It also allowed the parties sufficient time to file their position papers, with which both parties failed to comply.[8]

After the strike was conducted, both parties filed various motions and pleadings before the NLRC. Manila Hotel filed a complaint with Prayer for Injunction and/or Temporary Restraining Order on 11 February 2000, alleging that MHEA conducted an illegal strike, blocked all ingress and egress of the hotel premises, harassed and intimidated company officers, non-striking employees, customers and suppliers. In addition, it sought a declaration that the strike was illegal and that, consequently, the striking employees lost their employment.[9]

The NLRC issued an Order dated 11 February 2000 directing the striking workers to return to work immediately

and the hotel to accept them back under the same terms and conditions of employment. The NLRC further instructed the parties to submit proof of compliance with the instant order immediately after the lapse of twenty-four hours.[10] The parties, through their counsels, received the said Order before 4:00 pm of the same day. In their Urgent Manifestation and Motion to Set Aside Order dated 14 February 2000, and Motion for Reconsideration dated 11 April 2000, MHEA admitted that a copy of the order was served on the picket lines at 5:00 pm of 11 February 2000.[11]

The NLRC received a copy of the Compliance filed by Manila Hotel on 14 February 2000, manifesting that only six striking employees complied with the return-to-work Order and were reinstated. The other striking employees had openly defied the said Order.[12]

In response to the NLRC's return-to-work order, dated 11 February 2000, the MHEA filed an Urgent Manifestation and Motion to Set Aside Order on 14 February 2000. It alleged that the Motion for Reconsideration, dated 29 November 1999, questioning the validity of the Order of the SOLE, dated 24 November 1999, which certified the case to the NLRC, was still pending with the SOLE. The said motion had prevented the said Order of the SOLE from becoming final and executory. Thus, it alleged that the NLRC had not acquired jurisdiction over the labor dispute pending the resolution of the Motion for Reconsideration filed before the SOLE.[13] On 17 February 2000, the NLRC denied MHEA's Urgent Manifestation and Motion to Set Aside Order.[14]

The NLRC also issued another Order on 17 February 2000, ordering MHEA to refrain from putting up a blockade or barricade or any mode of preventing the free ingress to and egress from the hotel. Parenthetically, it also ordered Manila Hotel to respect the right of the striking workers to peacefully picket in a designated area outside the hotel. [15] Manila Hotel moved for the Reconsideration of the said Order on the ground that the picket, which they were ordered to respect, was an unlawful activity.[16]

Pending the resolution of its motion, MHEA filed a Motion to Inhibit, dated 10 March 2000, seeking to inhibit Commissioner Rayala,[17] who voluntarily inhibited himself.[18] Likewise, the MHEA, through a Supplemental Motion, dated 22 March 2000, sought the inhibition of all the members of the First Division of the NLRC.[19] Commissioner Veloso also voluntarily inhibited himself. On 31 March 2000, the case was re-raffled to the members of the Second and Third Divisions. The Commissioners thus convened and agreed to resolve the case per curiam. [20]

In the Decision promulgated on 5 April 2000, the NLRC ruled that the 10 February 2000 strike held by MHEA was illegal for its defiance of the return-to-work order. However, it determined that only the union officers were deemed to have lost their employment. It ruled that there was no evidence showing who among the striking employees were actually notified of the return-to-work order, and therefore, such employees have not forfeited their employment. But in view of the antagonism on both sides, the NLRC awarded a severance pay equivalent to one-month salary to the returning union members for every year of service, instead of ordering Manila Hotel to reinstate them.[21] In the dispositive part of the Decision,[22] the NLRC decreed that:

WHEREFORE, premises considered, the strike is declared illegal. Accordingly, the incumbent officers of the union are declared to have forfeited their employment status. Further, no relief may be granted the union with respect to their demands, in view of the absence of a decision thereon by a Voluntary Arbitrator.

In lieu of an order for the Hotel and members of the union to maintain their respective status previous to the strike, Manila Hotel, Inc. is hereby ORDERED to pay the returning union members, as an alternative relief to continued employment, severance compensation in an amount equivalent to one (1) month salary for every year of service, a fraction thereof, being considered as one whole year. No entitlement to backwages is however decreed, pursuant to the no-work-no-pay principle in strike cases.

Both parties filed their respective Motions for Reconsideration. Manila Hotel filed a Motion for Partial Reconsideration which sought the deletion of the award of severance compensation to the union members who participated in the illegal strike.[23] MHEA, on the other hand, sought the reversal of the Decision on the ground that the NLRC had no jurisdiction over the case and that they were deprived of due process.[24] The NLRC denied both motions in a Resolution dated 17 May 2000.[25]

On 6 July 2000, Manila Hotel filed a Petition for Certiorari under Rule 65 before the Court of Appeals to assail the Decision dated 5 April 2000, and the Resolution dated 17 May 2000, both issued by the NLRC.[26] In a Decision[27] dated 31 October 2001, the Court of Appeals granted the petition, to wit:

WHEREFORE, finding merit in the petition, the same is GRANTED. The assailed Decision is MODIFIED in that both the incumbent officers and members of the Union involved in the illegal strike are declared to have lost their employment status. The award of severance compensation to the striking members of the union is consequently DELETED.

On 26 November 2001, MHEA filed a Motion for Reconsideration, which the Court of Appeals denied in a Resolution, dated 1 August 2002.[28]

MHEA filed a petition for review on certiorari before this Court questioning the assailed decision of the Court of Appeals dated 31 October 2000. Thereafter, the Court ordered MHEA to submit proof that the Chairman/President of MHEA, Fernando Barles, had been duly authorized to sign the verification of the petition and certification of forum shopping.[29] In compliance thereof, MHEA submitted eight (8) special powers of attorney (SPAs) executed by 138 union members authorizing Atty. Potenciano Flores and Ferdinand Barles to represent them in the case Manila Hotel Employees Association v. NLRC, CA-G.R. S.P No. 59601.[30] Manila Hotel sought the dismissal of the present petition on the ground that petitioner Ferdinand Barles was not authorized to file it. Manila Hotel alleged that Barles was no longer the Chairman of MHEA and attached a certification[31] dated 5 March 2003 of the union Secretary General, stating that Eduardo M. Saplan was the Chairman of the union, and that he succeeded Antonio Dumpit who held the position of Chairman from 5 July 2000 to 19 December 2002. It further alleged that the SPAs attached to the Compliance authorizing Barles and Potenciano to represent the union pertained to a different case, and not the present case.[32] MHEA, however, insisted that it was the same case since it involved the same parties, facts, and issues.[33]

In the present petition, MHEA raises the following issues[34]:

I

WITH DUE RESPECT, THE HONORABLE COURT OF APPEALS AND THE RESPONDENT COMMISSION HAD ACTED WITH GRAVE ABUSE OF DISCRETION AND THEY HAD COMMITTED REVERSIBLE ERRORS IN THEIR QUESTIONED DECISIONS AND RESOLUTIONS WHEN, OBVIOUSLY, BY LAW AND SETTLED JURISPRUDENCE, THE INDIVIDUAL PETITIONERS, WHO ARE MERE ORDINARY MEMBERS OF THE UNION, ARE ENTITLED TO BE REINSTATED BACK (sic) TO WORK WITHOUT LOSS OF SENIORITY OR OTHER EMPLOYEES' RIGHTS AND BENEFITS AND WITH FULL BACKWAGES FROM DATE OF DISMISSAL UNTIL ACTUAL REINSTATEMENT.

II

WITH DUE RESPECT, THE COURT BELOW AND THE RESPONDENT COMMISSION HAD COMMITTED REVERSIBLE ERROR IN APPLYING THE DOCTRINE OF STRAINED RELATIONSHIP IN THE CASE AT BAR.

This petition is devoid of merit.

Before discussing the substantial issues of this case, this Court takes notice of a serious procedural flaw. Ferdinand Barles is not authorized to sign the verification and certification of non-forum shopping in the present case. The General Membership Resolution, dated 23 December 1998, affirmed that he was appointed as the Chairman of MHEA, in place of Gonzalo Irabon.[35] Nevertheless, Barles failed to refute the facts that were ascertained by the certification of the secretary-general of MHEA: that at the time this petition was filed - on 26 September 2002, and even at the time the petition was filed before the Court of Appeals by Manila Hotel - on 10 July 2000, Ferdinand Barles was no longer the Chairman of MHEA. The certification clearly stated that Antonio Dumpit was the union Chairman from 5 July 2000 to 19 December 2000, and that he was succeeded by Eduardo Saplan. Moreover, the SPAs that were submitted to the Court in order to prove that Barles was authorized to sign the verification and certification of non-forum shopping in this case failed to establish that crucial fact. The SPAs had in fact authorized Barles to represent the 138 members who signed the SPA to represent them in a different case, Manila Hotel Employees Association v. National Labor Relations Commission, CA-G.R. S.P No. 59601, which was raised on appeal before the Supreme Court under G.R. No. 144879. The MHEA's assertion that there were the same parties and issues involved in the two cases is self-defeating, not only because these are clearly two distinct cases, but because such will likewise violate the rule against non-forum shopping.

The provisions of Supreme Court Circular Nos. 28-91 and 04-94 require a Certification of Non-Forum Shopping in any initiatory pleading filed before the Supreme Court and the Court of Appeals. In the case of Teoville Homeowner's Association v. Ferreira,[36] the Court emphatically underscored the need to show to the satisfaction of the Court that the person signing the verification and certification against non-forum shopping had been specifically authorized to do so. In other similar cases,[37] it has been ruled that it is the party-pleader, and not the counsel, who must execute the certificate against forum shopping. The rationale for the rule is that the counsel may be unaware of any similar actions pending with other courts on the same matter. In this case, Ferdinand Barles was no longer an officer of the union at the time this petition was filed, and therefore was no longer privy to the cases that may have been filed by MHEA. Absent the specific authorization from the MHEA members that he sought to represent, any statement he may make cannot bind the MHEA herein named. For the foregoing reasons alone, this petition should be dismissed.

Aside from its procedural defects, the petition is also substantially infirm. MHEA members seek their reinstatement after participating in an illegal strike, that is, a strike that was conducted after receiving an Order of assumption[38] by the SOLE certifying the dispute to the NLRC for compulsory arbitration. Worse still, the strikers failed to comply with the 11 February 2000 return-to-work Order, issued by the NLRC, despite receipt thereof. The law explicitly prohibits such acts.

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 the 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.

ART. 264. PROHIBITED ACTIVITIES

(a) x x x x

No strike or lockout shall be declared after assumption of jurisdiction by the President or the Minister 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.

More to the point, the Court has consistently ruled in a long line of cases spanning several decades that once the SOLE assumes jurisdiction over a labor dispute, such jurisdiction should not be interfered with by the application of the coercive processes of a strike or lockout. Defiance of the assumption order or a return-to-work order by a striking employee, whether a union officer or a member, is an illegal act and, therefore, a valid ground for loss of employment status.[39]

The assumption of jurisdiction by the SOLE over labor disputes causing or likely to cause a strike or lockout in an industry indispensable to the national interest is in the nature of a police power measure.[40] In this case, the SOLE sufficiently justified the assumption order, thus:

The Hotel is engaged in the hotel and restaurant business and one of the de luxe hotels operating in Metro Manila catering mostly to foreign tourist groups and businessmen. It serves as venue for local and international conventions and conferences. The Hotel provides employment to more than 700 employees as well as conducts business with entities dependent on its continued operation. It also provides substantial contribution to the government coffers in the form of foreign exchange earnings and tax payments. Undoubtedly, a work stoppage thereat will adversely affect the Hotel, its employees, the industry, and the economy as a whole.

At this critical time when efforts of the present administration are seriously focused on preserving the economic gains achieved and ensuring that existing jobs are maintained, it is the utmost concern of this Office to avoid work disruption that might result to the firm's closure particularly so when an alternative mechanism obtains to resolve the parties' differences.[41]

The allegation[42] that the strikers relied on their honest belief that the filing of a Motion for Reconsideration of the Order, issued by the SOLE on 24 November 1999, entitled them to participate in a strike, cannot be sustained. In the case of *St. Scholastica's College v. Torres*,[43] the Court reiterated the rule that a return-to-work order is immediately executory notwithstanding the filing of a motion for reconsideration. It must be strictly complied with even during the pendency of any petition questioning its validity. Citing the case *Philippine Airlines Employees' Association v. Philippine Airlines, Inc.*,[44] it accounted for the rationale of this rule, as thus:

The very nature of a return-to-work order issued in a certified case lends itself to no other construction. The certification attests to the urgency of the matter, affecting as it does an industry indispensable to the national interest. The order is issued in the exercise of the court's compulsory power of arbitration, and therefore must be obeyed until set aside. To say that its [return-to-work order] effectivity must await affirmance on a motion for reconsideration is not only to emasculate it but indeed to defeat its import, for by then the deadline fixed for the return to work would, in the ordinary course, have already passed and hence can no longer be affirmed insofar as the time element it concerned.

Returning to work in this situation is not a matter of option or voluntariness but of obligation. The worker must return to his job together with his co-workers so the operations of the company can be resumed and it can continue serving the public and promoting its interest.[45] This extraordinary authority given to the Secretary of Labor is aimed at arriving at a peaceful and speedy solution to labor disputes, without jeopardizing national interests. Regardless therefore of their motives, or the validity of their claims, the striking workers must cease and/or desist from any and all acts that tend to, or undermine this authority of the Secretary of Labor, once an assumption and/or certification order is issued. They cannot, for instance, ignore return-to-work orders, citing

unfair labor practices on the part of the company, to justify their action.[46]

MHEA claims that the Court should consider as a mitigating circumstance the fact that they held the strike three months after filing their notice of strike. Such detail is irrelevant. What is crucial is that they were apprised of the assumption order of the SOLE wherein they were enjoined from carrying out a strike. They were again reminded to refrain from conducting a strike during the mandatory conference on 8 February 2000. Pending the proceedings for compulsory arbitration and for no apparent reason, they staged the strike two days later and refused to obey the return-to-work order issued on 11 February 2000. In the case of *Grand Boulevard Hotel v. Genuine Labor Organization of Workers in Hotel, Restaurant and Allied Industries (GLOWHRAIN)*,[47] the Court cautioned against the unreasonable and indiscriminate exercise of the right to strike:

[T]he decision to wield the weapon of strike must therefore rest on a rational basis, free from emotionalism, unswayed by the tempers and tantrums of a few hotheads, and firmly focused on the legitimate interest of the union which should not however be antithetical to the public welfare. In every strike staged by a union, the general peace and progress of society and public welfare are involved. x x x.

MHEA alleges that the union members were not served a copy of the assumption order issued by SOLE.[48] Such allegation is absurd considering that MHEA repeatedly alluded in its Motion for Reconsideration dated 29 November 1999 to the assumption order, which they now deny having received. The records also state that petitioners and their counsels received a copy of the order on 24 November 1999 and 26 November 1999, respectively. On 8 February 2000, two days before the strike was undertaken, MHEA officers had attended a mandatory conference before the NLRC wherein they were advised not to take any action to exacerbate the situation. They had even moved for the postponement of the hearing to 29 February 2000 due to the absence of their counsel. It is only too obvious that MHEA conducted the 10 February 2000 strike knowing fully that an assumption order had been issued.

They, likewise, imply that they were not served a copy of the return-to-work order.[49] Such allegation loses credence because MHEA, in its Urgent Manifestation and Motion to Set Aside Order dated 14 February 2000, and Motion for Reconsideration dated 11 April 2000, admitted that a copy of the return-to-work order was served on the picket lines. Records show that their counsel was likewise served a copy thereof during the 11 February 2000 conference and that he refused to acknowledge receipt.[50] During the 16 February 2000 conference, MHEA's counsel stated that the reason that some of the strikers were unable to return to work was the fact that the picket lines were violently dispersed a few hours after the twenty-four hour period expired.[51] This implies that during the twenty-four hour period that they were allowed to be fully reinstated, they failed to report to work.

MHEA cannot lean on the doctrine in the case of *PNOC Dockyard and Engineering Corporation v. National Labor Relations Commission*. [52] The Court, in the aforecited case, ruled that there was no valid service of the certification order which prohibited any strike or lockout since the said order was served on the guard on duty instead of the president of the union who was authorized to receive the same. As a result, the strike undertaken after the issuance of the said order was considered legal, hence cannot effectively terminate the employment of workers who joined the strike. In the present case, not only were the union officers apprised of the order, a copy of the same was served on the picket lines.

MHEA, likewise, assails the Decision of the NLRC for having been determined without conducting any preliminary hearings nor requiring the submission of position papers.[53] Again, the records belie these statements. During the mandatory conference held on 8 March 2000, the parties had in fact identified the issues and made stipulations of facts.[54] During the same hearing, the Presiding Commissioner required both parties to file their position papers.[55] The parties, however, failed to present evidence or file the position papers after they had been given ample opportunity to do so.

MHEA propounds the theory^[56] that both parties had acted in *pari delicto* and, therefore, the dismissal of its members who participated in the illegal strike, was unwarranted, citing as its precedents *Philippine Airlines Inc. v. Brillantes*^[57] and *Philippines Interfashion Inc. v. National Labor Relations Commission*.^[58] In both cases, the undisputed finding that the employer was guilty of an illegal lockout while the union conducted an illegal strike, caused the Court to order the reinstatement of the employees who participated in the illegal strike. In *Philippine Airlines Inc. v. Brillantes*,^[59] the Court emphasized the unequivocal rule that participating in a strike undertaken in defiance of the order of the SOLE results in the loss of employment status. It only made an exception of the said case because the records clearly established that the employer, Philippine Airlines, Inc., terminated the employment of 183 union officers and members, in violation of the order issued by the SOLE.^[60] In *Philippines Interfashion Inc. v. National Labor Relations Commission*, the return-to-work order was not issued pursuant to an assumption or certification order.^[61] More importantly, the employees complied with the return-to-work order and reported back for work within one day after receiving the same. Despite such compliance, the employer refused to reinstate 114 employees, and, thus, such refusal on the part of the employer amounted to an illegal lockout.^[62]

In the present case, nothing in the records shows that Manila Hotel was guilty of an illegal lockout. It readmitted the six (6) employees who complied with the return-to-work order. MHEA made a vague reference to striking employees who complied with the return-to-work order, but were nevertheless refused re-admittance by Manila Hotel.^[63] However, they failed to even identify these employees. There is no allegation that MHEA filed any case for illegal lock-out against Manila Hotel. What is clearly shown by the records is that the strike or picketing was still being conducted on 28 February 2000, way after the 24-hour deadline set by the NLRC.^[64] Thus, it is obvious that applying the *in pari delicto* doctrine pronounced in *Philippine Airlines Inc. v. Brillantes*^[65] and *Philippines Interfashion Inc. v. National Labor Relations Commission*^[66] to this case would be improper and without basis.

It would not be amiss to reiterate the Court's pronouncement in the case *Reliance Surety & Insurance Co., Inc. v. National Labor Relations Commission*^[67]:

As a general rule, the sympathy of the Court is on the side of the laboring classes, not only because the Constitution imposes sympathy but because of the one-sided relation between labor and capital. The Court must take care, however, that in the contest between labor and capital, the results achieved are fair and in conformity with the rules. x x x.

IN VIEW OF THE FOREGOING, the instant Petition is DENIED. This Court AFFIRMS the assailed Decision of the Court of Appeals, promulgated on 31 October 2001, declaring the strike conducted by the MHEA on 10 February 1999 as illegal and, thus, resulting in the loss of employment status of the union officers and members who participated in the said strike. No costs.

SO ORDERED.

Ynares-Santiago, Austria-Martinez, and Nachura, JJ., concur.
Callejo, Sr., J., on leave.

[1] Penned by Associate Justice Portia Alino-Hormachuelos with Associate Justices Eriberto U. Rosario and Amelita G. Tolentino concurring. Rollo, pp.112-119.

[2] CA rollo, p. 79.

[3] Rollo, pp. 157-158.

- [4] Id. at 125.
- [5] Id. at 125-126.
- [6] Id. at 125.
- [7] Records, Volume I.
- [8] Records, Volume IV, Transcript of Stenographic Notes, 8 March 2000, pp. 11-36.
- [9] CA rollo, pp. 87-91.
- [10] Rollo, p. 157.
- [11] Id. at 195 and 246.
- [12] CA rollo, pp. 105-106.
- [13] Rollo, pp.194-199.
- [14] Records, Volume I.
- [15] CA rollo, pp. 114-116
- [16] Rollo, pp. 201-207.
- [17] Id. at 216-218.
- [18] Id. at 131.
- [19] Id. at 221-222.
- [20] Id. at 131.
- [21] Id. at 133-144.
- [22] Id. at 144-145.
- [23] Rollo, pp. 284-288.
- [24] Id. at 225-283.
- [25] CA rollo, pp. 45-49.
- [26] Id. at 2-18.
- [27] Rollo, pp. 112-120.
- [28] CA rollo, pp. 376-377.
- [29] Rollo, p. 476
- [30] Id. at 483-515.
- [31] Id. at 587.
- [32] Id. at 569-570.
- [33] Id. at 611-612.
- [34] Rollo, pp. 51-52.

[35] Id. at 516-540.

[36] G.R. No. 140086, 8 June 2005, 459 SCRA 459, 470.

[37] Marcopper Mining Corporation v. Solidbank Corporation, G.R. No. 134049, 8 June 2005, 432 SCRA 360, 387; Digital Microwave Corporation v. Court of Appeals, G.R. No. 128550, 16 March 2000, 328 SCRA 286, 290.

[38] The Labor Code vests upon the Secretary of Labor the discretion to determine what industries are indispensable to national interest. Thus, upon the determination of the Secretary of Labor that such industry is indispensable to the national interest, it will assume jurisdiction over the labor dispute of said industry. The assumption of jurisdiction is in the nature of police power measure. This is done for the promotion of the common good considering that a prolonged strike or lockout can be inimical to the national economy. The Secretary of Labor acts to maintain industrial peace. Thus, his certification for compulsory arbitration is not intended to impede the workers' right to strike but to obtain a speedy settlement of the dispute. (PHILTREAD WORKERS UNION [PTWU] v. CONFESOR, G.R. No. 117169, 12 March 1997, 269 SCRA 293.)

[39] Grand Boulevard Hotel v. Genuine Labor Organization of Workers in Hotel, Restaurant and Allied Industries (GLOWHRAIN), G.R. No. 153664, 18 July 2003, 406 SCRA 688, 710; Telefunken Semiconductors Employees Union-FFW v. Court of Appeals, G.R. Nos. 143013-14, 18 December 2000, 348 SCRA 565, 582; Federation of Free Workers v. Inciong, G.R. No. 49983, 20 April 1982, 208 SCRA 157, 165.

[40] Union of Filipino Employees v. National Labor Relations Commission, G.R. No. 91025, 19 December 1990, 192 SCRA 414, 423.

[41] Records, Vol. 2, Annex F.

[42] Rollo, p. 698.

[43] G.R. No. 100158, 29 June 1992, 210 SCRA 565, 574-575.

[44] G.R. No. L-32740, 31 March 1971, 38 SCRA 372, 377.

[45] Sarmiento v. Tuico, G.R. Nos. L-75271-73, L-77567, 27 June 1988, 162 SCRA 676, 685.

[46] Union of Filipino Employees v. Nestle Philippines, Inc., G.R. Nos. 88710-13, 19 December 1990, 192 SCRA 396, 410.

[47] G.R. No. 153664, 18 July 2003, 406 SCRA 688, 713.

[48] Rollo, p. 684.

[49] Id.

[50] Records, Volume I, Transcript of Stenographic Notes, 11 February 2000, pp. 1 and 6.

[51] Id. at 9 and 20.

[52] G.R. No. 118223, 26 June 1998, 291 SCRA 231, 237-246.

[53] Rollo, p. 655, 698.

[54] Records, Volume IV, Transcript of Stenographic Notes, 8 March 2000, pp. 11-34

[55] Id. at 34-36.

[56] Rollo, p. 693.

[57] G. R. No. 119360, 10 October 1997, 280 SCRA 515.

[58] G.R. No. L-59847, 18 October 1982, 117 SCRA 659.

[59] G. R. No. 119360, 10 October 1997, 280 SCRA 515, 517.

[60] Id. at 518.

[61] G.R. No. L-59847, 18 October 1982, 117 SCRA 659.

[62] Id. at 661-662.

[63] Rollo, p. 698.

[64] Records, Volume IV, Transcript of Stenographic Records, 28 February 2000, p. 37.

[65] G.R. No. 119360, 10 October 1997, 280 SCRA 515.

[66] G.R. No. L-59847, 18 October 1982, 117 SCRA 659.

[67] G.R. Nos. 86917-18, 25 January 1991, 193 SCRA 365, 372.

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