LAGUNA AUTOPARTS MANUFACTURING CORPORATION, PETITIONER, VS. OFFICE OF THE SECRETARY, DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) AND LAGUNA AUTOPARTS MANUFACTURING CORPORATION OBR...

G.R. NO. 157146. April 29, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a petition for review of the Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 67424 dated September 13, 2002, and the Resolution dated February 5, 2003 denying the motion for reconsideration thereof. The assailed decision affirmed in toto the decision of the Secretary of Labor and Employment, granting the petition for certification election filed by respondent Laguna Autoparts Manufacturing Corporation Obrero Pilipino-LAMCOR Chapter.

On May 3, 1999, the respondent union filed a petition for certification election before the Department of Labor and Employment (DOLE), Regional Office No. IV, Calamba, Laguna. In its petition, the respondent union alleged that Obrero Pilipino was a legitimate labor organization under Registration Certificate No. NCR-LF-11-04-92 issued by DOLE on November 11, 1992 and that its chapter affiliate, LAMCOR Chapter, had been assigned Control No. RO400-9807-CC-030 dated March 23, 1999. A copy of the respondent union's Certificate of Creation was attached to the petition. The petition further alleged that the bargaining unit sought to be represented was composed of all the rank-and-file employees in the petitioner company, more or less, 160 employees. It averred that the said bargaining unit is unorganized and that there has been no certification election conducted for the past 12 months prior to the filing of the petition.[2]

The petitioner company moved to dismiss the petition for certification election. It claimed that the respondent union was not a legitimate labor organization for failure to show that it had complied with the registration requirements, such as the submission of the following requirements to the Regional Office or the Bureau of Labor Relations (BLR):

- Proof of payment of registration fee;

- List of officers and their addresses, and the address of the principal place of business of the union;

- Minutes of the organizational meeting and the list of workers who participated in the said meeting;

- Names of the members comprising at least twenty percent (20%) of all the employees in the bargaining unit where the union seeks to operate;

- Copies of financial reports or books of accounts; and

- Copies of petitioner's constitution and by-laws, minutes of its adoption or ratification, and list of members who participated in it.[3]

The petitioner company further asserted in the said motion that even if the respondent union was issued a certificate of registration, it could not file a petition for certification election since its legal personality was at question.[4]

On October 24, 2000, Med-Arbiter Anastasio L. Bactin dismissed the petition for certification election for the respondent union's lack of legal personality. The Med-Arbiter found that the respondent union had not yet attained the status of a legitimate labor organization because it failed to indicate its principal office on the documents it submitted to the Regional Office. He opined that this was a fatal defect tantamount to failure to submit the complete requirements, which warranted the dismissal of the petition for certification election.[5]

The respondent union appealed the case to the Secretary of Labor and Employment, Patricia A. Sto. Tomas, who ruled as follows:

> WHEREFORE, the appeal is GRANTED. The order dated 24 October 2000 of the Med-Arbiter is REVERSED and SET ASIDE. Accordingly, let the entire records of this case be remanded to the regional office of origin for the immediate conduct of a certification election, subject to the usual pre-election conference, among the rank-and-file employees of Laguna Auto Parts Manufacturing Corporation (LAMCOR), with the following choices:
>
> - Obrero Pilipino –LAMCOR Chapter; and
>
> - No Union
>
> Pursuant to Section 11.1, Rule XI of the New Implementing Rules, the employer is hereby directed to submit to the regional office of origin the certified list of current employees in the bargaining unit for the last three months prior to the issuance of this decision.SO DECIDED.[6]

Finding no cogent reason to alter her decision, the Secretary of Labor and Employment denied the motion for reconsideration thereof.[7]

Not convinced, the petitioner filed a petition for certiorari with the CA on the following grounds:

> I. PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION IN FINDING THAT PRIVATE RESPONDENT HAS COMPLIED WITH ALL REQUIREMENTS FOR REGISTRATION;
>
> II. THE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION IN FINDING THAT PRIVATE RESPONDENT IS A LEGITIMATE LABOR UNION DESPITE LACK OF REGISTRATION AS SUCH.[8]
>
> On September 13, 2002, the CA rendered a Decision in favor of the respondent union, thus:
>
> WHEREFORE, the instant petition is hereby DENIED and the assailed decision of the Secretary of Labor and Employment is AFFIRMED in toto.
>
> SO ORDERED.[9]

The CA stressed that a local or chapter need not be registered to become a legitimate labor organization. It pointed out that a local or chapter acquires legal personality as a labor organization from the date of filing of the complete documents enumerated in Section 1[10] of Rule VI of the Implementing Rules of Book V (as amended by Department Order [D.O.] No. 9). The CA held that the findings of the Labor Secretary was amply supported by the records; such findings would not be reversed since she is considered to have acquired expertise as her jurisdiction is confined to specific matters. The CA, citing the case of Pagpalain Haulers, Inc. vs. Trajano,[11] also upheld the validity of D.O. No. 9 since the petitioner failed to show that it was contrary to law or the Constitution.

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Finally, the CA noted that it was the employer which offered the most tenacious resistance to the holding of a certification election among its regular rank-and-file employees. It opined that this must not be so for the choice of a collective bargaining agent was the sole concern of the employees, and the employer should be a mere bystander.[12]

The petitioner filed a motion for reconsideration of the CA decision, but the same was likewise denied in a Resolution dated February 5, 2003.

Hence, this petition for review wherein the petitioner relies on the sole ground –

> WITH DUE RESPECT, THE HON. COURT OF APPEALS COMMITTED REVERSIBLE ERRORS OF FACTS AND LAW WHEN IT AFFIRMED THE DECISION DATED JULY 5, 2001 OF THE HON. SECRETARY PATRICIA STO. TOMAS IN THE CASE IN RE: PETITION FOR CERTIFICATION ELECTION AMONG THE RANK- AND-FILE EMPLOYEES OF LAGUNA AUTO PARTS MFTG. CORP. CASE NO. RO400-9905-RU-001 WHEN IT RENDERED ITS DECISION DATED SEPTEMBER 13, 2002.[13]

The issues are the following: (a) whether or not the respondent union is a legitimate labor organization; (b) whether or not a chapter's legal personality may be collaterally attacked in a petition for certification election; and (c) whether or not the petitioner, as the employer, has the legal standing to oppose the petition for certification election.

The petitioner submits that there is no law prohibiting it from questioning and impugning the status of the respondent union even in a petition for certification election. It stresses that the right to file a petition for certification election is a mere statutory right and, to enjoy such right, the respondent union must comply with the requirements provided under the law, particularly the requirement that the applicant must be a legitimate labor organization. In this case, the Med-Arbiter found that the respondent union, which is a local or chapter, had not yet attained the status of a legitimate labor organization for failure to indicate its principal office on the list of officers it submitted to the Regional Office. The petitioner insists that substantial compliance with the requirements is not sufficient; as such, even if such address was indicated in the other documents submitted to the Regional Office, the requirement would still not be considered fulfilled. The petitioner concludes that the respondent union, therefore, does not have the right to file a petition for certification election.

The petitioner further postulates that in order to be considered legitimate, a labor organization must be issued a certificate of registration. It contends that D.O. No. 9, insofar as it requires that the mere submission of documentary requirements as sufficient to give legitimate personality to a labor organization, is ultra vires. The petitioner avers that the said Department Order could not amend Article 234 of the Labor Code which clearly states that the registration of a union is the operative act that imbues it with legitimate personality.

The petitioner then argues that since the mere submission of documents does not vest legitimate status on a local or chapter, it follows that such status may be questioned collaterally in a petition for certification election. It adds that the issue of whether or not the respondent union has the legal personality must first be resolved before the petition for certification election should be granted.

Finally, the petitioner maintains that in a number of cases,[14] the employer was allowed to question the status of the union-applicant in a petition for certification election.[15]

For its part, the respondent union avers that the petitioner's active participation in the representation proceedings was an act of intervention of the employee's right to self-organization. It asserts that the CA was correct in finding that the petitioner did not observe a strictly hands-off policy in the representation proceedings, in violation

of established jurisprudence. It argues that the petitioner's alleged violation of the requirements of D.O. No. 9, for failure to indicate its principal address, has already been resolved by the decision of the Secretary of Labor and Employment.[16]

The petition is unmeritorious.

In a petition for review on certiorari as a mode of appeal under Rule 45 of the Rules of Court, a petitioner can raise only questions of law — the Supreme Court is not the proper venue to consider a factual issue as it is not a trier of facts.[17] Findings of fact of administrative agencies and quasi-judicial bodies, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only great respect but even finality.[18] This is particularly true where the CA affirms such findings of fact. In this case, the CA affirmed the finding of the Secretary of Labor and Employment that the respondent union is a legitimate labor organization.

Indeed, a local or chapter need not be independently registered to acquire legal personality. Section 3, Rule VI of the Implementing Rules of Book V, as amended by D.O. No. 9 clearly states —

> SEC. 3. Acquisition of legal personality by local/chapter.— A local/chapter constituted in accordance with Section 1 of this Rule shall acquire legal personality from the date of filing of the complete documents enumerated therein. Upon compliance with all documentary requirements, the Regional Office or Bureau shall issue in favor of the local/chapter a certificate indicating that it is included in the roster of legitimate labor organizations.[19]

As gleaned from the said provision, the task of determining whether the local or chapter has submitted the complete documentary requirements is lodged with the Regional Office or the BLR, as the case may be. The records of the case show that the respondent union submitted the said documents to Regional Office No. IV and was subsequently issued the following certificate:

> CERTIFICATE OF CREATION OF LOCAL/ CHAPTER NO.
>
> This certifies that as of July 16, 1998 the OBRERO PILIPINO-LAMCOR submitted to this Office Charter Certificate No. 07-98 issued by OBRERO PILIPINO with complete supporting documents. From said date, it has acquired legal personality as a labor organization. It shall have the right to represent its members for all purposes not contrary to law or applicable regulations and to its constitution and by-laws.
>
> The legitimate personality of OBRERO PILIPINO-LAMCOR CHAPTER is without prejudice to whatever grounds for revocation or cancellation as may be prescribed by applicable laws and regulations.
>
> March 23, 1999
>
> Date
>
> By:
>
> (SGD.)
>
> RAYMUNDO G. AGRAVANTE
>
> Labor Relations Division Chief[20]

Hence, the Regional Office, through the Labor Relations Division Chief, has determined that the respondent union complied with the requirements under the law. It, therefore, declared that the respondent union has acquired legal personality as a labor organization. Absent any pronouncement to the contrary, such determination of the Labor Relations Division Chief will stand, on the presumption that the duty of determining whether the respondent

union submitted the complete documentary requirements has been regularly performed.

We rule, however, that such legal personality may not be subject to a collateral attack but only through a separate action instituted particularly for the purpose of assailing it. This is categorically prescribed by Section 5, Rule V of the Implementing Rules of Book V, which states as follows:

> SEC. 5. Effect of registration.— The labor organization or workers' association shall be deemed registered and vested with legal personality on the date of issuance of its certificate of registration. Such legal personality cannot thereafter be subject to collateral attack but may be questioned only in an independent petition for cancellation in accordance with these Rules.[21]

Hence, to raise the issue of the respondent union's legal personality is not proper in this case. The pronouncement of the Labor Relations Division Chief, that the respondent union acquired a legal personality with the submission of the complete documentary requirement, cannot be challenged in a petition for certification election.

The discussion of the Secretary of Labor and Employment on this point is also enlightening, thus:

> ... Section 5, Rule V of D.O. 9 is instructive on the matter. It provides that the legal personality of a union cannot be the subject of collateral attack in a petition for certification election, but may be questioned only in an independent petition for cancellation of union registration. This has been the rule since NUBE v. Minister of Labor, 110 SCRA 274 (1981). What applies in this case is the principle that once a union acquires legitimate status as a labor organization, it continues as such until its certificate of registration is cancelled or revoked in an independent action for cancellation.
>
> Equally important is Section 11, Paragraph II, Rule IX of D.O. 9, which provides for the dismissal of a petition for certification election based on the lack of legal personality of a labor organization only in the following instances: (1) appellant is not listed by the Regional Office or the BLR in its registry of legitimate labor organizations; or (2) appellant's legal personality has been revoked or cancelled with finality. Since appellant is listed in the registry of legitimate labor organizations, and its legitimacy has not been revoked or cancelled with finality, the granting of its petition for certification election is proper.[22]

Finally, on the issue of whether the petitioner has the legal standing to oppose the petition for certification election, we rule in the negative. Our ruling in San Miguel Foods, Inc.-Cebu B-Meg Feed Plant v. Laguesma[23] is still sound, thus:

> In any case, this Court notes that it is petitioner, the employer, which has offered the most tenacious resistance to the holding of a certification election among its monthly-paid rank-and-file employees. This must not be so, for the choice of a collective bargaining agent is the sole concern of the employees. The only exception to this rule is where the employer has to file the petition for certification election pursuant to Article 258 of the Labor Code because it was requested to bargain collectively, which exception finds no application in the case before us. Its role in a certification election has aptly been described in Trade Unions of the Philippines and Allied Services (TUPAS) v. Trajano, as that of a mere bystander. It has no legal standing in a certification election as it cannot oppose the petition or appeal the Med-Arbiter's orders related thereto. ...[24]

In conclusion, we find no reversible error in the CA's decision dismissing the petition for certiorari for the nullification of the decision of the Secretary of Labor and Employment. It should be stressed that certiorari will issue only to correct errors of jurisdiction and not to correct errors of judgment or mistakes in the tribunal's findings and conclusions.[25] The petitioner failed to demonstrate any grave abuse of discretion on the part of the Secretary of Labor and Employment in granting the petition for certification election.

WHEREFORE, premises considered, the petition is DENIED DUE COURSE. The Decision of the Court of Appeals in CA-G.R. SP No. 67424 and the Resolution dated February 5, 2003 are AFFIRMED.

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SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

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[1] Penned by Associate Justice Buenaventura J. Guerrero, with Associate Justices Eloy R. Bello, Jr. and Juan Q. Enriquez, Jr., concurring.

[2] Rollo, pp. 78-79.

[3] Id. at 71.

[4] Id. at 72.

[5] Id. at 75-76.

[6] Id. at 52.

[7] Id. at 53-54.

[8] Id. at 32.

[9] Id. at 39.

[10] SECTION 1. Chartering and creation of a local/chapter.— A duly registered federation or national union may directly create a local/chapter by submitting to the Regional Office or to the Bureau two (2) copies of the following:

(a) A charter certificate issued by the federation or national union indicating the creation or establishment of the local/chapter;

(b) The names of the local/chapter's officers, their addresses, and the principal office of the local/chapter; and

(c) The local/chapter's constitution and by-laws; provided that where the local/chapter's constitution and by-laws is the same as that of the federation or national union, this fact shall be indicated accordingly.

All the foregoing supporting requirements shall be certified under oath by the Secretary or the Treasurer of the local/chapter and attested to by its President.

[11] G.R. No. 133215, 15 July 1999, 310 SCRA 354.

[12] Rollo, p. 38.

[13] Id. at 15.

[14] Progressive Development Corporation v. Secretary, DOLE, 205 SCRA 802 (1992); Protection Technology Inc., v. Secretary, Dept. of Labor and Employment, 242 SCRA 101 (1995); Toyota Motor Phils. Corp. v. Toyota Motor Phils. Corp. Labor Union, 268 SCRA 576 (1997); Belyca Corporation v. Ferrer-Calleja, 168 SCRA 184 (1988); Phil. Phosphate Fertilizers Corp. v. Torres, 231 SCRA 335 (1994); Dunlop Slazenger (Phils.) Inc. v. Hon. Sec. of Labor and Employment, 300 SCRA 120 (1998); Semirara Coal Corporation v. Sec. of Labor, 309 SCRA 292 (1999). (Rollo, pp. 21-22)

[15] Rollo, pp. 16-23.

[16] Id. at 90.

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[17] Montecillo vs. Reynes, G.R. No. 138018, 26 July 2002, 385 SCRA 244.

[18] Colegio de San Juan de Letran-Calamba vs. Villas, G.R. No. 137795, 26 March 2003, 399 SCRA 550.

[19] Emphasis supplied.

[20] Rollo, p. 81.

[21] Emphasis supplied.

[22] Rollo, p. 51.

[23] G.R. No. 116172, 10 October 1996, 263 SCRA 68.

[24] Id. at 81-82.

[25] Lee vs. People, G.R. No. 137914, 4 December 2002, 393 SCRA 397.

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