PILIPINO TELEPHONE CORPORATION, PETITIONER, VS. PILIPINO TELEPHONE EMPLOYEES ASSOCIATION (PILTEA), PELAGIO S. BRIONES II, GEORGE L. DE LEON, LECEL M. FIDEL, AUGUSTO C. FRANCISCO...

G.R. NO. 160058. June 22, 2007

Ponente: PUNO, C.J.

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PUNO, C.J.:

At bar are two consolidated petitions seeking review of the decision[1] and resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 59799 which modified the decision[3] of the National Labor Relations Commission (NLRC) by affirming the illegality of the strike conducted by Pilipino Telephone Employees Association (the Union) but reducing the penalty against union officers Pelagio S. Briones II, George De Leon, Lecel M. Fidel and Gem Torres from dismissal to suspension for six (6) months.

First, we unfurl the facts.

The Collective Bargaining Agreement (CBA) between the Union and Pilipino Telephone Corporation (the Company) was due to expire on December 31, 1997. On October 30, 1997, the Union submitted to the Company its proposals for the renegotiation of the non-representation aspects of their CBA. As there was a standstill on several issues, the parties submitted their dispute to the National Conciliation and Mediation Board (NCMB) for preventive mediation.[4] The conciliation proceedings before the NCMB failed.

On July 13, 1998, the Union filed a Notice of Strike[5] with the NCMB for unfair labor practice due to the alleged acts of "restraint and coercion of union members and interference with their right to self-organization" committed by the Company's Revenue Assurance Department (RAD) Manager Rosales and its Call Center Department Manager, Manny Alegado, to wit:

- Requiring employees to execute undated resignation letters prior to regularization as a condition for continued employment.

- Preventing employees from displaying Union flags and CBA's slogans.

- Prohibiting employees from conducting and preventing employees from participating in Union activities.

- Requiring employees to render forced overtime to prevent them from attending Union meetings and activities after office hours.

- Using vulgar and insulting language such as "Kahit sa puwet n'yo isaksak ang mga banderang yan!"

- Threatening employees who join concerted Union activities with disciplinary action.

- Discouraging employees from participating in Union activities by branding the activities illegal and prohibited by law.

> - Abuse of Company Rules and Regulations to prevent the free exercise by the Union and its members of their right to self organization and free expression (e.g. issuing show cause memos for refusal to render overtime and vandalism).
>
> - Utilizing security guards to harass employees who participate in Union activities by requiring the guards to take down the names of employees who participate in the Union activities.[6]

The Company filed a petition for Consolidated Assumption of Jurisdiction with the Office of the Secretary of Labor. On August 14, 1998, then Secretary Bienvenido E. Laguesma issued an Order, the dispositive portion of which states:

> WHEREFORE, premises considered, this Office hereby assumes jurisdiction over the entire labor dispute at Pilipino Telephone Corporation pursuant to Art. 263(g) of the Labor Code, as amended.
>
> Accordingly, any strike or lockout, whether actual or intended, is hereby enjoined.
>
> Furthermore, the parties are likewise directed to cease and desist from committing any or all acts that might exacerbate the situation.
>
> To expedite the resolution of the dispute, the parties are hereby directed to file their respective position papers and documentary evidence within TEN (10) days from receipt of this Order.
>
> SO ORDERED.[7] (Emphases supplied.)

On September 4, 1998, the Union filed a second Notice of Strike[8] with the NCMB on the grounds of: a) union busting, for the alleged refusal of the Company to turn over union funds; and b) the mass promotion of union members during the CBA negotiation, allegedly aimed at excluding them from the bargaining unit during the CBA negotiation. On the same day, the Union went on strike.

On September 9, 1998, Secretary Laguesma directed the striking Union officers and members to return to work within twenty-four (24) hours from receipt of the Order and for the Company to accept all strikers under the same terms and conditions of employment prior to the strike. The Union and its members complied.

On December 7, 1998, the Company filed with the NLRC a petition[9] to declare the Union's September 4, 1998 strike illegal. On August 16, 1999, Labor Arbiter Aliman D. Mangandog issued a decision, the dispositive portion of which states:

> WHEREFORE, premises considered, the September 4, 1998 strike conducted by PILTEA is declared illegal.
>
> Accordingly, the following union officers of PILTEL/MKP, namely: George de Leon, Pelagio S. Briones, Nelson C. Pineda, Rolando U. Sta. Ana, Elna E. Escalante, Gem P. Torres, Ma. Rica D. Hilotin, Gerald Joseph P. Tayas, Lecel M. Fidel and Jose Rudylin R. Gamboa are declared to have lost their employment status.
>
> While the following members, namely: Romeo Anonuevo, Jonathan Molaer, Cris Herrera, Edgar Alan Aquino, Aris Ablis, Dorothy Zulieta, Ronald Cornel, Arnel Garcia, Ranelio Mendoza, Oliver Antonio, Alvin Usman, Augusto Francisco, Celia Mogol and Erlinda Madrid are hereby suspended for six (6) months without pay.
>
> SO ORDERED.[10]

The Labor Arbiter found the strike illegal for having been conducted in defiance of Secretary Laguesma's August 14, 1998 assumption order and for non-compliance with the procedural requirements for the conduct of a strike under the Labor Code and its implementing rules. The Labor Arbiter cited Scholastica's College v. Ruben Torres[11] which ruled that a strike undertaken despite the issuance of an assumption or certification order by the Secretary of Labor is a prohibited activity, hence, illegal under Article 264 of the Labor Code. He found that the

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grounds relied upon by the Union in its second notice of strike were substantially the same as those set forth in its first notice of strike. Moreover, he held that the Company's alleged refusal to turn over the checked-off union dues was not a strikeable issue as it was not a gross and blatant violation of the economic provisions of the CBA. He also held that the mass promotion of the Union's members was not tantamount to dismissal, hence, did not constitute union busting. The staging of the strike was likewise found to suffer from fatal procedural defects, to wit: a) the notice of strike was filed on the same day that the strike was conducted; b) the fifteen (15)-day cooling-off period was not observed; c) the Union failed to conduct a strike vote within the time prescribed by law; and d) the result of the strike vote was not furnished to the NCMB at least seven (7) days prior to the intended strike. Certain illegal acts were likewise found to have been committed during the strike, among which were the following: 1) striker Manny Costales prevented the Company's Director, Lilibeth Pasa, from entering the Bankers Centre Building; 2) union officers Judilyn Gamboa and Rolly Sta. Ana physically blocked the front entrance of the same building; 3) striker Aris Ablis drove a company vehicle and used it to block the driveway of PILTEL Centre II, thus, the cars inside the building were prevented from going out. The tires of said company vehicle were found deflated the following day; 4) strikers Dorothy Zulieta and Ronald Cornel prevented the Warehousing Manager assigned at the PILTEL Metropolitan Warehouse from going out of his office; 5) the strikers, led by Nelson Pineda, blocked the Detachment Supervisor of Protection Specialists and the uniformed company guards from delivering food to the non-striking employees trapped inside PILTEL Call Center at the Manila Memorial Park Building; 6) in General Santos City, some union members tied the entrance doors of the PILTEL Building and tied the company vehicles together; 7) Fe Carandang, Estrella Anonical, Zaldy Logos and Jovencio Laderas blocked the main entrance of the Boac, Marinduque office of the Company; 8) strikers Edna Carrion, Celia Mogol, Erlinda Madrid, Raul Montalan, Rolly Miraflor, Zaldy de Chavez and Dina Madla of the Company's office in Boac, Marinduque were also heard telling the Company's clients not to transact business with the company; and 9) strikers Zaldy Logos, Rizaldy de Chavez, Raul Montalan, Rolly Milaflor and Jovencio Laderas were seen preventing the free ingress and egress of the Company's office premises in Boac, Marinduque. The Labor Arbiter ruled that since the September 4, 1998 strike was illegal, the Union officers were deemed to have lost their employment status. He further ruled that the illegal acts committed during the strike were not serious enough to merit the dismissal of the erring Union members as they were merely acting at the order of their leaders. Hence, the erring union members were merely suspended for six (6) months.

On appeal, the NLRC affirmed the decision of the Labor Arbiter in toto.[12] The Union, its dismissed officers and its suspended members filed a motion for reconsideration, to no avail.[13]

The Union, its officers Briones, De Leon, Fidel and Torres, and its members Francisco, Antonio, Coronel and Herrera filed a Petition for Certiorari under Rule 65 of the Rules of Court with the CA, attributing grave abuse of discretion amounting to excess of jurisdiction on the part of the NLRC.[14] On September 20, 2002, the CA modified the ruling of the NLRC as follows:

> WHEREFORE, the assailed decision of the NLRC dated February 29, 2000 is MODIFIED. Petitioners Pelagio S. Briones, George L. De Leon, Lecel M. Fidel and Gem Torres shall be suspended for six (6) months without pay instead of being dismissed. If already dismissed, petitioners shall be reinstated back to their former positions, or, if already filled, then to any other equal positions and shall be entitled to backwages computed from date of dismissal until date of actual reinstatement less the pay for the six (6) months suspension they were supposed to serve. The suspension of petitioners Augusto C. Francisco, Oliver B. Antonio, Ronaldo B. Coronel and Christopher L. Herrera for six (6) months without pay and the finding of illegality of the September 4, 1998 strike STANDS.
>
> SO ORDERED.[15]

Both parties filed their respective partial motions for reconsideration - the company assailed the CA decision

decreasing the penalty of the union officers while the Union and its dismissed officers assailed the decision declaring the strike illegal. Both motions were denied.[16]

Hence, the instant petitions.

> In G.R. No. 160058, the Company raises the issue of:
>
> [WHETHER] THE ASSAILED 20 SEPTEMBER 2002 DECISION AND 17 SEPTEMBER 2003 RESOLUTION OF THE COURT OF APPEALS ARE CONTRARY TO LAW AND JURISPRUDENCE.[17]

It prays that the September 20, 2002 Decision and September 17, 2003 Resolution of the CA be reversed in part and judgment be rendered affirming in toto the February 29, 2000 Decision of the NLRC.

In G.R. No. 160094, the Union and Union officers Briones, De Leon and Torres raise the issue of:

> [WHETHER] THE HONORABLE COURT OF APPEALS COMMITTED REVERSIBLE ERROR IN UPHOLDING NLRC'S FINDING THAT THE 4 SEPTEMBER 1998 STRIKE HELD BY PILTEA WAS ILLEGAL AS IT IS NOT IN ACCORDANCE WITH EXISTING LAW OR JURISPRUDENCE.[18]

They pray that this Court modify the September 20, 2002 Decision and September 17, 2003 Resolution of the CA and: a) declare the Union's September 4, 1998 strike as legal; b) nullify the six-month suspension imposed on Briones, De Leon and Torres; and c) order the Company to pay them backwages covering the period of their suspension.

The twin issues to be resolved are: a) the legality of the Union's strike and b) the penalty to be imposed on the Union officers, if any.

First, the legality of the strike.

The Union and its officers maintain that their September 4, 1998 strike was legal. They allege that the Company was guilty of union busting in promoting a substantial number of Union members and officers to positions outside the bargaining unit during the period of CBA negotiations. Allegedly, said Union members and officers maintained the same jobs and duties despite their promotion. They also capitalize on the CA's finding that the company was guilty of unfair labor practice in refusing to turn over the deducted contingency fees of the union members to the union. Citing Bacus v. Ople,[19] Panay Electric Company v. NLRC[20] and PNOC Dockyard and Engineering Corporation v. NLRC,[21] they contend that this finding of unfair labor practice precludes the CA from ruling that the strike was illegal and that the Union was in bad faith in conducting the strike.

These arguments do not sway.

Article 263 of the Labor Code, as amended by Republic Act (R.A.) No. 6715,[22] and Rule XXII, Book V of the Omnibus Rules Implementing the Labor Code outline the following procedural requirements for a valid strike:

> 1) A notice of strike, with the required contents, should be filed with the DOLE, specifically the Regional Branch of the NCMB, copy furnished the employer of the union;
>
> 2) A cooling-off period must be observed between the filing of notice and the actual execution of the strike thirty (30) days in case of bargaining deadlock and fifteen (15) days in case of unfair labor practice. However, in the case of union busting where the union's existence is threatened, the cooling-off period need not be observed.
>
> xxx xxx xxx
>
> 4) Before a strike is actually commenced, a strike vote should be taken by secret balloting, with a 24-hour prior notice to NCMB. The decision to declare a strike requires the secret-ballot approval of majority of the total

> union membership in the bargaining unit concerned.
>
> 5) The result of the strike vote should be reported to the NCMB at least seven (7) days before the intended strike or lockout, subject to the cooling-off period.[23]

It is settled that these requirements are mandatory in nature and failure to comply therewith renders the strike illegal.[24]

In the case at bar, the Union staged the strike on the same day that it filed its second notice of strike. The Union violated the seven-day strike ban. This requirement should be observed to give the Department of Labor and Employment (DOLE) an opportunity to verify whether the projected strike really carries the approval of the majority of the union members. [25]

Moreover, we agree with the CA that there was no union busting which would warrant the non-observance of the cooling-off period. To constitute union busting under Article 263 of the Labor Code, there must be: 1) a dismissal from employment of union officers duly elected in accordance with the union constitution and by-laws; and 2) the existence of the union must be threatened by such dismissal. In the case at bar, the second notice of strike filed by the Union merely assailed the "mass promotion" of its officers and members during the CBA negotiations. Surely, promotion is different from dismissal. As observed by the Labor Arbiter:

> x x x Neither does that (sic) PILTEL's promotion of some members of respondent union constitutes (sic) union busting which could be a valid subject of strike because they were not being dismissed. In fact, these promoted employees did not personally come forward to protest their promotion vis-á-vis their alleged option to remain in the union bargaining unit of the rank and filers.[26]

This is consistent with our ruling in Bulletin Publishing Corporation v. Sanchez[27] that a promotion which is manifestly beneficial to an employee should not give rise to a gratuitous speculation that it was made to deprive the union of the membership of the benefited employee.

The contention of the Union and its officers that the finding of unfair labor practice by the CA precludes the ruling that the strike was illegal is unmeritorious. The refusal of the Company to turn over the deducted contingency funds to the union does not justify the disregard of the mandatory seven-day strike ban and the 15-day cooling-off period.

The Union's reliance on Bacus v. Ople,[28] Panay Electric Company v. NLRC[29] and PNOC Dockyard and Engineering Corporation v. NLRC[30] is likewise unavailing.

Nowhere in Panay Electric Company and PNOC Dockyard and Engineering Corporation did the Court rule that the procedural requirements for a valid strike may be dispensed with if the striking workers believed in good faith that the company was committing acts of unfair labor practice. In both cases, the striking union members complied with the procedural requirements for a valid strike. It is correct that this Court, in Bacus, held that "a strike staged by the workers inspired by good faith does not automatically make the same illegal," but said case was decided before the effectivity of R.A. No. 6715 on March 21, 1989. We have ruled that with the enactment of R.A. No. 6715, the requirements as to the filing of a notice of strike, strike vote, and notice given to the DOLE are mandatory in nature.[31]

Moreover, we agree with the NLRC that the subject strike defied the assumption order of the Secretary of Labor. The NLRC correctly affirmed the Labor Arbiter that the second notice of strike was based on substantially the same grounds as the first notice of strike. The Union and its officers and members alleged that the mass promotion of the union officers and members and the non-remittance of the deducted contingency fees were the reasons for their concerted activities which annoyed the Company's RAD Manager and made him commit acts of unfair labor

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practice, eventually leading to the Union's filing of the first notice of strike. Clearly then, the issues which were made as grounds for the second notice of strike, viz, the mass promotion of the union members and officers and the non-remittance of the deducted contingency fees, were already existing when the Secretary of Labor assumed jurisdiction over the entire labor dispute between the Company and the Union on August 14, 1998.

> Article 264 of the Labor Code provides:
>
> Art. 264. Prohibited activities.–x x x
>
> No strike or lockout shall be declared after assumption of jurisdiction by the President or the 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.

Having settled that the subject strike was illegal, we shall now determine the proper penalty to be imposed on the union officers who knowingly participated in the strike.

Both the Labor Arbiter and the NLRC imposed the penalty of dismissal on the striking union officers after finding that: a) the strike was illegal for having been conducted in defiance of Secretary Laguesma's August 14, 1998 Order of assumption of jurisdiction and for non-compliance with the procedural requirements for the conduct of a strike under the Labor Code and its implementing rules; b) the grounds relied upon by the Union in its second notice of strike were substantially the same as those set forth in its first notice of strike; c) the Company's alleged refusal to turn over the checked-off union dues was not a strikeable issue as it was not a gross and blatant violation of the economic provisions of the CBA; d) the mass promotion of the Union's members was also not tantamount to dismissal, hence, did not constitute union busting; and e) certain illegal acts were found to have been committed during the strike.

On the other hand, the CA reduced the penalty of the union officers from dismissal to suspension for six months after finding that the "supreme penalty of dismissal" imposed on union officers Briones, De Leon, Fidel and Torres was "so harsh" considering that the Union did not defy the Secretary of Labor's Assumption Order and that the Company did not have "clean hands" when it filed the instant case for having committed an unfair labor practice by refusing to turn over the union dues to the Union.

We find that the CA committed a reversible error in modifying the rulings of the Labor Arbiter and the NLRC.

For a petition for certiorari under Rule 65 of the Rules of Court to prosper, the tribunal, board or officer exercising judicial or quasi-judicial functions must be proven to have acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction.[32] "Grave abuse of discretion" has been defined as "a capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction. Mere abuse of discretion is not enough, it must be so grave as when the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and must be so patent and so gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law."[33]

We note that although the CA modified the ruling of the NLRC, nowhere in its decision did it attribute grave abuse of discretion to the NLRC. And rightly so.

Article 264 of the Labor Code further provides:

> Art. 264. Prohibited activities.–x x x
>
> Any workers whose employment has been terminated as a consequence of an unlawful lockout shall be entitled to reinstatement with full back wages. Any union officer who knowingly participates in illegal strike and any worker or union officer who knowingly participates in the commission of illegal acts during a strike may be

> declared to have lost his employment status: Provided, that mere participation of a worker in a lawful strike shall not constitute sufficient ground for termination of his employment, even if a replacement had been hired by the employer during such lawful strike. x x x

We have explained the meaning of this provision as follows:

> The effects of illegal strikes, as outlined in Article 264 of the Labor Code, make a distinction between ordinary workers and union officers who participate therein. Under established jurisprudence, a union officer may be terminated from employment for knowingly participating in an illegal strike. The fate of union members is different. Mere participation in an illegal strike is not a sufficient ground for termination of the services of the union members. The Labor Code protects ordinary, rank-and-file union members who participated in such a strike from losing their jobs provided that they did not commit illegal acts during the strike.[34]

In Gold City Integrated Port Service, Inc. v. NLRC,[35] the Court held that "[t]he law, in using the word may, grants the employer the option of declaring a union officer who participated in an illegal strike as having lost his employment." Thus, in a number of cases,[36] proof that an employee who knowingly participated in an illegal strike is a union officer was enough to warrant his dismissal from employment.

This rule was relaxed in the case of PAL v. Brillantes[37] where the Court "invoke[d] its judicial prerogative to resolve disputes in a way to render to each interested party the most judicious solution, and in the ultimate scheme, a resolution of a dispute tending to preserve the greater order of society." In said case, the Court dismissed the petition of PAL seeking the termination from employment of certain Union members and officers who staged a strike in violation of the Secretary of Labor's return-to-work order. The Court found that both parties contributed to the volatile atmosphere that emerged despite the Secretary of Labor's status quo order as PAL terminated en masse the employment of 183 union officers and members. It noted the finding of the Acting Secretary of Labor that PAL "did not come to this office with 'clean hands' in seeking the termination of the officers and members of PALEA who participated in the 16 June 1994 strike."[38]

This Court exercised this judicial prerogative sparingly in Nissan Motors Philippines, Inc. v. Secretary of Labor.[39] In said case, the Court also found Nissan equally guilty of exacerbating the situation after the assumption order of the Secretary for suspending a substantial number of Union officers and members with threat of eventual dismissal and perceived illegal lockout and union busting. However, while it affirmed the ruling of the Secretary of Labor suspending the union members who participated in the illegal strike, the Court sustained the dismissal of the union officers, viz:

> While the employer is authorized to declare a union officer who participated in an illegal strike as having lost his employment, his/its option is not as wide with respect to union members or workers for the law itself draws a line and makes a distinction between union officers and members/ordinary workers. An ordinary striking worker or union member cannot, as a rule, be terminated for mere participation in an illegal strike; there must be proof that he committed illegal acts during the strike.[40]

The Court further explained the reason:

> x x x Thus in Association of Independent Union in the Philippines vs. NLRC,[41] we held that the responsibility of union officers, as main players in an illegal strike, is greater than that of the members and, therefore, limiting the penalty of dismissal only for the former for participation in an illegal strike is in order. Of the same tenor, albeit formulated a bit differently is our holding in Gold City Integrated Port Service, Inc. vs. NLRC.[42] (Emphasis supplied.)

In the case at bar, we do not find any reason to deviate from our rulings in Gold City Integrated Port Service, Inc. and Nissan Motors Philippines, Inc. It bears emphasis that the strike staged by the Union in the instant case was

illegal for its procedural infirmities and for defiance of the Secretary's assumption order. The CA, the NLRC and the Labor Arbiter were unanimous in finding that bad faith existed in the conduct of the subject strike. The relevant portion of the CA Decision states:

> x x x We cannot go to the extent of ascribing good faith to the means taken in conducting the strike. The requirement of the law is simple, that is–1. Give a Notice of Strike; 2. Observe the cooling period; 3. Observe the mandatory seven day strike ban; 3. If the act is union busting, then the union may strike doing away with the cooling-off period, subject only to the seven-day strike ban. To be lawful, a strike must simply have a lawful purpose and should be executed through lawful means. Here, the union cannot claim good faith in the conduct of the strike because, as can be gleaned from the findings of the Labor Arbiter, this was an extensively coordinated strike having been conducted all through out the offices of PILTEL all over the country. Evidently, the strike was planned. Verily, they cannot now come to court hiding behind the shield of "good faith." Be that as it may, petitioners claim good faith only in so far as their grounds for the strike but not on the conduct of the strike. Consequently, they still had to comply with the procedural requirements for a strike, which, in this case, they failed to do so.[43]

Thus, in imposing the penalty of dismissal, the NLRC correctly held:

> x x x the point We wish to stress is that the [open, blatant] and willful defiance by the respondents of the Order emanating from the Secretary of Labor and Employment in this labor dispute only goes to show that the respondents have little or no regard at all for lawful orders from duly constituted authorities. For what their officers and members have suffered they have no one else to blame.[44]

It cannot be overemphasized that strike, as the most preeminent economic weapon of the workers to force management to agree to an equitable sharing of the joint product of labor and capital, exert some disquieting effects not only on the relationship between labor and management, but also on the general peace and progress of society and economic well-being of the State.[45] This weapon is so critical that the law imposes the supreme penalty of dismissal on union officers who irresponsibly participate in an illegal strike and union members who commit unlawful acts during a strike. The responsibility of the union officers, as main players in an illegal strike, is greater than that of the members as the union officers have the duty to guide their members to respect the law.[46] The policy of the state is not to tolerate actions directed at the destabilization of the social order, where the relationship between labor and management has been endangered by abuse of one party's bargaining prerogative, to the extent of disregarding not only the direct order of the government to maintain the status quo, but the welfare of the entire workforce though they may not be involved in the dispute. The grave penalty of dismissal imposed on the guilty parties is a natural consequence, considering the interest of public welfare.[47]

IN VIEW WHEREOF, the petition in G.R. No. 160094 is DENIED. The petition in G.R. No. 160058 is GRANTED. The Decision and Resolution of the CA in CA-G.R. SP No. 59799 dated September 20, 2002 and September 17, 2003, respectively, are REVERSED and the Decision and Resolution of the NLRC dated February 29, 2000 and April 28, 2000, respectively, are REINSTATED.

SO ORDERED.
Sandoval-Gutierrez, Corona, Azcuna, and Garcia, JJ., concur.

[1] Dated September 20, 2002; Rollo of G.R. No. 160058, pp. 11-25.

[2] Dated September 17, 2003; id. at 28.

[3] Dated February 29, 2000; id. at 122-128.

[4] The case was docketed as NCMB-NCR-PM-06-171-98.

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[5] Docketed as NCMB-NCR-NS-07-271-98; CA Rollo, p. 39.

[6] Id. at 37.

[7] Id. at 43.

[8] Id. at 40.

[9] Docketed as NLRC NCR Case No. 00-12-09880-98.

[10] Rollo of G.R. No. 160058, p. 120.

[11] G.R. No. 100158, June 29, 1992, 210 SCRA 565.

[12] Decision dated February 29, 2000; Rollo of G.R. No. 160058, pp. 122-128.

[13] CA rollo, pp. 30-31.

[14] Id. at 2-17.

[15] Rollo of G.R. No. 160058, p. 25.

[16] CA rollo, p. 307.

[17] Rollo of G.R. No. 160058, p. 44.

[18] Rollo of G.R. No. 160094, p. 18.

[19] No. L-56856, October 23, 1984, 132 SCRA 690.

[20] G.R. No. 102672, October 4, 1995, 248 SCRA 688.

[21] G.R. No. 118223, June 26, 1998, 291 SCRA 231.

[22] Took effect on March 21, 1989.

[23] National Federation of Labor (NFL) v. NLRC, G.R. No. 113466, December 15, 1997, 283 SCRA 275, 286.

[24] CCBPI Postmix Workers Union v. NLRC, G.R. No. 114521, November 27, 1998, 299 SCRA 410, 424.

[25] Grand Boulevard Hotel v. Genuine Labor Organization of Workers in Hotel, Restaurant, and Allied Industries, G.R. No. 153664, July 18, 2003, 406 SCRA 688, 710; First City Interlink Transportation Co., Inc. v. Confesor, G.R. No. 106316, May 5, 1997, 272 SCRA 124, 133.

[26] CA rollo, p. 88.

[27] G.R. No. L-74425, October 7, 1986, 144 SCRA 628, 641.

[28] Supra note 19.

[29] Supra note 20.

[30] Supra note 21.

[31] Samahang Manggagawa sa Sulpicio Lines, Inc.-NAFLU v. Sulpicio Lines, Inc., G.R. No. 140992, March 25, 2004, 426 SCRA 319, 326, citing National Federation of Labor v. NLRC, supra note 23.

[32] Section 1, Rule 65, Rules of Court.

[33] Saliguin v. COMELEC, G.R. No. 166046, March 23, 2006, 485 SCRA 219, citing Carlos v. Angles, G.R.

No. 142907, November 29, 2000, 346 SCRA 571, 583.

[34] CCBPI Postmix Workers Union v. NLRC, supra note 24, 426. See also Samahang Manggagawa sa Sulpicio Lines, Inc.-NAFLU v. Sulpicio Lines, Inc., supra note 31, 327-328 citing Telefunken Semiconductors Employees Union-FFW v. Secretary of Labor and Employment, G.R. Nos. 122743 and 127215, December 12, 1997, 283 SCRA 145, 151.

[35] G.R. No. 103560, July 6, 1995, 245 SCRA 627, 641.

[36] See Grand Boulevard Hotel v. Genuine Labor Organization of Workers in Hotel, Restaurant and Allied Industries, supra note 25; First City Interlink Transportation Co., Inc. v. Confesor, supra note 25; National Union of Workers in Hotels, Restaurants and Allied Industries (NUHRAIN)- The Peninsula Manila Chapter (Interim Union Junta) v. NLRC, G.R. No. 125561, March 6, 1998, 287 SCRA 192.

[37] G.R. No. 119360, October 10, 1997, 280 SCRA 515, 518.

[38] Id. at 518.

[39] G.R. Nos. 158190-91, June 21, 2006, 491 SCRA 604.

[40] Id. at 622, citing Gold City Integrated Port Service, Inc. v. NLRC, supra note 35.

[41] G.R. No. 120505, March 25, 1999, 305 SCRA 219.

[42] Nissan Motors Philippines, Inc. v. Secretary of Labor, supra note 39, 624.

[43] CA rollo, pp. 238-239.

[44] Id. at 27-28.

[45] Grand Boulevard Hotel v. Genuine Labor Organization of Workers in Hotel, Restaurant and Allied Industries, supra note 25, citing Lapanday Workers Union v. NLRC, G.R. No. 95494, September 7, 1995, 248 SCRA 95.

[46] Continental Cement Corporation Labor Union v. Continental Cement Corporation, G.R. No. 51544, August 30, 1990, 189 SCRA 134, 141.

[47] PAL v. Brillantes, supra note 37, 517.

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