

CHUAYUCO STEEL MANUFACTURING CORPORATION AND/OR EDWIN CHUA, PETITIONERS, VS. BUKLOD NG MANGGAGAWA SA CHUAYUCO STEEL MANUFACTURING CORPORATION, RESPONDENT.

G.R. NO. 167347. January 31, 2007

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Assailed via petition for review are issuances of the Court of Appeals in CA-G.R. SP No. 79330, to wit: Decision[1] dated October 7, 2004 modifying the decision of the National Labor Relations Commission (NLRC) in NLRC CA No. 032475-02, and Resolution[2] dated February 28, 2005 denying petitioners' motion for partial reconsideration.

Buklod ng Manggagawa sa Chuayuco Steel Manufacturing Corporation (respondent), a legitimate labor organization, is the recognized bargaining agent of all rank and file employees of petitioner Chuayuco Steel Manufacturing Corporation (the corporation) of which its co-petitioner Edwin Chua is the President.[3]

In a special election of officers conducted by respondent on May 10, 1999, Camilo L. Lenizo (Lenizo) emerged as president. A copy of the result of the election was served upon the corporation which, however, refused to recognize the newly elected officers in light of the alleged existence of an intra-union conflict between the factions of Lenizo and Romeo Ibanez (Ibanez), former acting union president.[4]

The Department of Labor and Employment (DOLE) Regional Director later issued an order directing the corporation to recognize the newly elected officers as the authorized representatives of respondent.[5] The order was upheld by the Bureau of Labor Relations (BLR) by Resolution dated October 16, 2000.[6] Ibanez's faction sought a reconsideration of the resolution but was denied on March 20, 2001.[7]

In the meantime, as respondent's collective bargaining agreement expired on November 30, 2000, Lenizo's group submitted collective bargaining proposals which the corporation did not heed.

On January 26, 2001, respondent filed a notice of strike with the National Conciliation Mediation Board (NCMB) R-IV grounded on unfair labor practice, union interference, refusal to bargain, discrimination and non-remittance of funds held in trust.[8]

The corporation filed a "Motion to Dismiss" the Notice, arguing that it could not enter into negotiations with respondent because of an intra-union conflict between the factions of Ibanez and Lenizo.[9]

Ibanez later informed the corporation of his intention to question the above-mentioned BLR's October 16, 2000 decision before the Court of Appeals via petition for certiorari.[10] He in fact filed a petition which was, however, eventually dismissed by the appellate court.[11]

On April 25, 2001, respondent staged a strike.

On May 9, 2001, the corporation filed before the NLRC a Petition to Declare the Strike Illegal, alleging that, aside

from the fact that it was based on an intra-union dispute, respondent employed unlawful means in staging the strike including padlocking and putting up several structures and large stones before the gate to the premises of the corporation, thus preventing free ingress and egress.[12]

On the basis of an ocular inspection report that there was no free ingress to or egress from the corporation premises, the NLRC issued on May 17, 2001 a temporary restraining order in favor of the corporation.[13] A writ of preliminary injunction was subsequently issued through Order dated June 11, 2001.[14]

By Decision of April 25, 2002, Labor Arbiter Cresencio G. Ramos, Jr. declared the strike illegal and the “individual respondents who led and took active parts in the subject concerted mass action . . . as having consequentially lost their employment status.”[15]

The Labor Arbiter’s Decision was affirmed by the NLRC by Resolution[16] of February 24, 2003.

The Court of Appeals, to which respondent appealed via certiorari, modified the NLRC Resolution by Decision of October 7, 2004 by ordering the reinstatement of the therein named union members of respondent. Thus the appellate court disposed:

WHEREFORE, the April 25, 2002 Decision of the Labor Arbiter declaring the strike illegal is AFFIRMED. Accordingly, the union officers of Buklod ng Manggagawa Sa Chuayuco Steel Manufacturing Corporation, namely: Camilo L. Lenizo, Edwin T. Cañada, Juanito B. Grutas, Reynaldo L. Bandal, Renato H. Castro, Herminio R. Villanueva, Reynaldo M. Larazo, Edgardo C. Trinidad, Salvador B. Cariño, Rolando S. Dorado, Robetro C. Larida, Redillon A. Cortez, Eduardo C. Arroyo, Hector A. Trinidad, Rey B. Belardo, Elpidio S. Razon, and Joel L. Petelo are hereby declared as having lost their employment status.

Private respondent Chuayuco Steel Manufacturing Corporation is ordered to immediately reinstate Rodolfo P. Maniaol, Warlon J. Jimenez, Glenn M. Miraflores, Emilio G. Lee, Ramil Q. Guerrero, Ronilo A. Adia, Feliciano R. Amalin, Jr., Armando B. Antolin, Carlito C. Arroyo, Eric G. Ayson, Eldy C. Balbalore, Perlito Bontor, Bernardo N. Caluza, Edgar Q. Dayo, Arnel Q. Fabillar, Roger N. Hecole, Rommel N. Hecole, Ceferino T. Lopez, Rommel N. Manoguid, Eugenio M. Marinas, Jr., Vicente M. Monsalve, Donaldo P. Nuyles, Elvis C. Ocampo, Vicente A. Penillos, Erwin L. Regana, Christopher P. Siatriz, Joelito O. Talasik, Eddie M. Tayco, Salvador Amar, Sonny Magsombol, and Bernardo Baquit to their respective positions without loss of seniority rights.

SO ORDERED.[17] (Emphasis in the original)

Hence, this petition for review which raises the following issues:

- Whether the Court of Appeals may review the findings made by the NLRC; and
- Whether the thirty-one (31) members of respondent who joined the strike are entitled to reinstatement.

At the outset, it bears emphasis that a petition for review on certiorari under Rule 45 of the Rules of Court should raise only questions of law.[18] It is a settled rule that in the exercise of this Court’s power of review, it does not inquire into the sufficiency of the evidence presented, consistent with the rule that this Court is not a trier of facts.[19] A fortiori, this rule applies in labor cases.[20] As long as the factual findings of quasi-judicial agencies are supported by substantial evidence, they are entitled to great respect in light of their expertise in their respective fields.[21]

Nevertheless, this Court has recognized a number of exceptions to the foregoing rule, including, as enumerated in *The Insular Life Assurance Company, Ltd. v. Court of Appeals*,[22] the following:

- (1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference

made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion. x x x (Italics in the original; citations omitted)

On the first issue, contrary to the contention of the corporation (hereafter petitioner), it was within the jurisdiction of the Court of Appeals, whose jurisdiction over labor cases has been expanded to review the findings of the NLRC. Thus, *St. Martin Funeral Home v. NLRC*[23] teaches:

. . . [E]ver since appeals from the NLRC to the Supreme Court were eliminated, the legislative intendment was that the special civil action of certiorari was and still is the proper judicial review of decisions of the NLRC.

x x x x

. . . [W]hile it does not wish to intrude into the congressional sphere on the matter of the wisdom of a law, on this score we add the further observation that there is a growing number of labor cases being elevated to the Court, which, not being a trier of facts, has at times been constrained to remand the case to the NLRC for resolution of unclear or ambiguous factual findings; that the Court of Appeals is procedurally equipped for that purpose, aside from the increased number of its component divisions; and that there is undeniably an imperative need for expeditious action on labor cases as a major aspect of constitutional protection to labor.

Therefore all references in the amended Section 9 of B.P. No. 129 to supposed appeals from the NLRC to the Supreme Court are interpreted and hereby declared to mean and refer to petitions for certiorari under Rule 65. Consequently, all such petitions should henceforth be initially filed in the Court of Appeals in strict observance of the doctrine on the hierarchy of courts as the appropriate forum for the relief desired. (Emphasis and underscoring supplied)

Further, when the circumstances so warrant, the Court of Appeals can disregard the factual findings of the NLRC. While as a rule, factual findings of agencies exercising quasi-judicial functions such as the NLRC are accorded not only respect but even finality, and that judicial review of labor cases does not go so far as to evaluate the sufficiency of evidence on which the labor officials' findings rest; more so when both the labor arbiter and the NLRC share the same findings, such as in the present case, the Court cannot affirm the decision of the NLRC when its findings of fact on which the conclusion was based are not supported by substantial evidence. By substantial evidence, we mean the amount of relevant evidence which a reasonable mind might accept as adequate to justify the conclusion.[24] (Emphasis and underscoring supplied; citations omitted)

The Court of Appeals, NLRC and Labor Arbiter were in fact unanimous in finding the strike staged by respondent illegal because of commission of acts proscribed under Article 264(e) of the Labor Code, reading:

(e) No person engaged in picketing shall commit any act of violence, coercion or intimidation or obstruct the free ingress to or egress from the employer's premises for lawful purposes, or obstruct public thoroughfares. (Emphasis supplied)

Thus the Court of Appeals found in its assailed decision:

Even if the strike is valid because its objective or purpose is lawful the strike may still be declared invalid where the means employed are illegal. xxx [A]s confirmed by the NLRC representative who conducted an

ocular inspection on May 10, 2001, the petitioner blocked the free ingress and egress of the private respondent's premises by chaining the main gate, putting structures and placing large rocks before the gates of the company's premises. While the petitioner may have a well grounded cause to stage a strike due the private respondent's refusal to bargain, still, they committed illegal acts in the process of airing their grievances that rendered it illegal.[25] (Emphasis supplied)

Aside from obstructing free ingress to and egress from petitioner's premises, respondent's members also committed illegal acts which were intended to intimidate and harass petitioner and its non-striking employees. Consider the following evidence of petitioner which was un rebutted:

Sinumpaang Salaysay dated 13 November 2001 of Garry P. Florendo

x x x x

5) Na tinangka namin ng kasama kong guard na sina Norberto Almoguera, Ramon Gordavilla, Errol Ibañez at Fornela Corsini na pigilan sina Edwin Cañada at ang mga nabanggit nitong kasamahan at iba pang miyembro nila at tanggalin ang mga nakabarikada sa gate ng planta ngunit kami ay pinagbantaan na pag inalis namin ito ay masasaktan kami at magkakagulo habang may hawak-hawak silang mga pamalo at bato;

6) Na simula Abril 25, 2001 ay hindi ako nakalabas ng chuayuco kasama ang iba pang mga empleyado ng chuayuco na sina Gilberto Zapanta, Menrado Barcelo, Jacinto Ibañez, Rodolfo Barcelo, Leonoro Manuguid, Florencio Baluga, Salvador Pedraza, Joel Manuguid, Maximo Lerit, Anthony Castro at ang mga kasamahan kong mga guwardiya na sina Norberto Almoguera, Ramon Gordavilla, Errol Ibañez at Corsini Fornela;[26] (Emphasis supplied)

x x x x

Sama-samang Salaysay dated 27 June 2001 of Eisen Moral, Ramil Tuubeo, Bryan Tabuzo, Dingreño Batallones[27]

9. Nang mapadaan kami sa picket line ay hinarang kami ng mga strikers sa pangunguna nina Edwin Cañada, Salvador Cariño, at Rey Belardo;

10. Na, pasigaw at pabantang sinabi ni Edwin Cañada na "Huwag na kayong papasok bukas!";

11. Na ang kasama nilang si Rey Belardo ay nagpunta sa bandang likuran ng tricycle kung saan nakaupo si Eisen Moral, at bigla na lang itong sinuntok ni Rey Belardo sa may tagiliran;

12. Na tinangka ring sampalin ni Rey Belardo si Ramil Tuibeo ngunit ito ay nasalag niya;

13. Na kung hindi dahil sa tricycle driver na umawat ay maaring nabugbog kaming lahat ng mga strikers.[28] (Emphasis supplied)

x x x x

Sinumpaang Salaysay dated 13 November 2001 of Salvador A. Pedraza[29]

6) Noong Mayo 1, 2001, tinangka naming lumabas nina Jacinto Ibañez at Florencio Baluga sa likod ng bakod subalit nagalit ang mga strikers at sinabihan kami na mga "sipsip" at "tuta", hinarang ng mga pamalo at barikada at binantaan na masasaktan kapag lumabas ng kumpanya nina Edwin Cañada, Rommel Manuguid, Feliciano Amalin, Salvador Cariño, Rey Belardo, Perlito Bentor, Warlon Jimenez, Alberto Ais, Rogel Hecole, at iba pa. Kaya hindi na kami nakalabas;

x x x x

13) Na noong ika 21 ng Agosto 2001, bandang alas 6 ng umaga nang ako ay papasok sa loob ng kumpaya [sic]

ay hinarang ang aking sasakyan nina Edwin Cañada, Eddie Tayco, Joe Talisik, Edgar Trinidad, Rey Belardo, Edgar Dayo, Rodolfo Maniaol, Jr., Rommel Manuguid, at ilan pa nilang kasamahan at pinilit pababain ang mga manggagawa na nakasakay sa aking sasakyan;

14) Na pinipilit nilang buksan ang pinto ng aking sasakyan at sinuntok pa ni Joe Talisik ang kaliwang likurang bahagi ng pinto ng aking sasakyan;

15) Na ako ay pinagsisigawan ni Edwin Cañada at Eddie Tayco na bumaba ng aking sasakyan at ng ako ay bumaba, ako ay sinugod ni Edwin Cañada at pilit na tinatadyakan, mabuti na lamang ay aking nailagan at inawat ito ng isang nakatalagang guwardiya (S/G Corsini Fornela);[30] (Emphasis supplied)

Even assuming then that the purpose for which the strike was staged was valid, the means employed were far from legitimate, rendering it illegal.

In cases not falling within the prohibition against strikes, the legality or illegality of a strike depends first, upon the purpose for which it is maintained, and, second, upon the means employed in carrying it on. Thus, if the purpose which the laborers intend to accomplish by means of a strike is trivial, unreasonable or unjust (as in the case of the National Labor Union vs. Philippine Match Co., 70 Phil., 300), or if in carrying on the strike the strikers should commit violence or cause injuries to persons or damage to property (as in the case of National Labor Union, Inc., vs. Court of Industrial Relations, et al., 68 Phil., 732) the strike, although not prohibited by injunction, may be declared by the court illegal, with the adverse consequences to the strikers (Luzon Marine Dept. Union vs. Roldan, 86 Phil., 507).

Where, in carrying out the strike, coercion, force, intimidation, violation with physical injuries, sabotage and the use of unnecessary and obscene language or epithets were committed by the top officials and members of the union in an attempt to prevent the other willing laborers to go to work, it was held that "a strike held under those circumstances cannot be justified in a regime of law for that would encourage abuses and terrorism and would subvert the very purpose of the law which provides for arbitration and peaceful settlement of labor disputes" (Liberal Labor vs. Phil. Can, 91 Phil. 72)[31] (Emphasis supplied)

Nevertheless, responsibility for these illegal acts must be on an individual and not collective basis. So Article 264 (a) of the Labor Code directs:

x x x x

. . . Any union officer who knowingly participates in an 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 . . .

x x x x

Thus, a union officer may be declared to have lost his employment status if he knowingly participates in an illegal strike, whereas a union member may be similarly faulted if he knowingly participates in the commission of illegal acts during the strike.[32] Substantial evidence, which is that level of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion,[33] suffices to prove participation in the commission of illegal acts. [34]

Contrary to the Court of Appeals' finding, the record is replete with evidence identifying the members of respondent who committed prohibited acts under Article 264 of the Labor Code, viz:

Sinumpaang Salaysay dated 13 November 2001 of Salvador A. Pedraza[35]

3) Na ng aking silipin sa gate ay nakita kong naglalagay na ng mga malalaking bato at kahoy na inihaharang sa main gate sila Edwin Cañada, Warlon Jimenez, Camilo Lenizo, Hector Trinidad, Rommel Manuguid, Salvador

Cariño at iba pa nitong kasamahan at naghahanda na rin sila sa paggawa ng kubol;

x x x x

5) Na noong araw na ring iyon, sinubukan tanggalin ng mga guwardiya na sina Gavino Rocafor, Albert Famini at iba pang mga guwardiya ng Target Security Agency at empleyado ng Chuayuco na sina Andres Balatero, Ronaldo Letun, Victor Ragais, Dandy Pulido at Manny Bulahan ang mga nakabarikadang malalaking bato at kahoy sa harapan ng gate ngunit nagbanta sina Edwin Cañada, Christopher Siatriz, Edgar Trinidad, Perlito Benter at iba pang strikers na kapag pinilit tanggalin ang barikada ay magkakagulo at magkakasakitan;

6) Noong Mayo 1, 2001, tinangka naming lumabas nina Jacinto Ibañez at Florencio Baluga sa likod ng bakod subalit nagalit ang mga strikers at sinabihan kami na mga “sipsip” at “tuta”, hinarang ng mga pamalo at barikada at binantaan na masasaktan kapag lumabas ng kumpanya nina Edwin Cañada, Rommel Manuguid, Feliciano Amalin, Salvador Cariño, Rey Belardo, Perlito Benter, Warlon Jimenez, Alberto Ais, Rogel Hecole, at iba pa. Kaya hindi na kami nakalabas;

x x x x

11) Na magbuhat ng mabuksan ang kompanya, ang lahat ng nagnanais pumasok sa tungkulin tulad ko at ibang empleyado katulad nina Eisen Moral, Dingreño Batallones, Ramil Tuiebeo ay tinatakot at pinipigilan nina Edwin Cañada, Eddie Tayco, Rommel Manuguid, Perlito Benter, Salvador Cariño, Joe Talisik, Edgar Trinidad at iba pang mga strikers;

x x x x

13) Na noong ika 21 ng Agosto 2001, bandang alas 6 ng umaga nang ako ay papasok sa loob ng kumpaya [sic] ay hinarang ang aking sasakyan nina Edwin Cañada, Eddie Tayco, Joe Talisik, Edgar Trinidad, Rey Belardo, Edgar Dayo, Rodolfo Maniaol, Jr., Rommel Manuguid, at ilan pa nilang kasamahan at pinilit pababain ang mga manggagawa na nakasakay sa aking sasakyan;

14) Na pinipilit nilang buksan ang pinto ng aking sasakyan at sinuntok pa ni Joe Talisik ang kaliwang likurang bahagi ng pinto ng aking sasakyan;

15) Na ako ay pinagsisigawan ni Edwin Cañada at Eddie Tayco na bumaba ng aking sasakyan at ng ako ay bumaba, ako ay sinugod ni Edwin Cañada at pilit na tinatadyakan, mabuti na lamang ay aking nailagan at inawat ito ng isang nakatalagang guwardiya (S/G Corsini Fornela);

x x x x[36] (Emphasis and underscoring supplied)

Sinumpaang Salaysay dated 13 November 2001 of Garry P. Florendo

4) Pagkatapos noon ay sinarhan nina Edwin Cañada[,] Hector Trinidad, Eddie Tayco, Warlon Jimenez, Bernard Caluza, Armando Antolin, Dondon Noilez, Christopher Siatriz at iba pang kasamahan nila ang gate at nilagyan na ng mga barikadang malalaking bato at kahoy ang harap ng gate at naglagay na rin sila ng kubol sa harap at likod ng chuayuco;

5) Na tinangka namin ng kasama kong guard na sina Norberto Almoguera, Ramon Gordavilla, Errol Ibañez at Fornela Corsini na pigilan sina Edwin Cañada at ang mga nabanggit nitong kasamahan at iba pang miyembro nila at tanggalin ang mga nakabarikada sa gate ng planta ngunit kami ay pinagbantaan na pag inalis naming ito ay masasaktan kami at magkakagulo habang may hawak-hawak silang mga pamalo at bato;

x x x x[37] (Emphasis and underscoring supplied)

Clearly, the following members of respondent were shown to have participated in the commission of illegal acts, hence, deemed to have lost their employment status: Warlon Jimenez, Rommel Manuguid, Christopher Siatriz,

Perlito Bantor, Feliciano Amalin, Roger Hecole, Eddie Tayco, Joelito Talisik, Edgar Dayo, Rodolfo Maniaol, Jr., Bernardo Caluza, and Armando Antolin.

In any event, except for Rommel Manuguid and Feliciano Amalin, the employees named in the immediately preceding paragraph had tendered their resignation, along with Glenn M. Miraflones, Emilio G. Lee, Ramil Q. Guerrero, Carlito C. Arroyo, Eric G. Ayson, Eldy C. Balbalore, Rommel N. Hecole, Ceferino T. Lopez, Vicente M. Monsalve, Donaldo P. Nuyles, Elvis C. Ocampo, and Erwin L. Regana.[38]

In light of petitioner's manifestation[39] and admission that Salvador Amar, Sonny Magsombol and Bernardo Baquit did not join the strike and have remained employed with it, the order for their reinstatement is improper, hence, must be deleted.

Only Ronilo A. Adia, Arnel Q. Fabillar, Eugenio M. Marinas, Jr., and Vicente A. Penillos then must be reinstated.

IN FINE, the assailed Decision dated October 7, 2004 and Resolution dated February 28, 2005 issued by the Court of Appeals are Affirmed with Modification.

WHEREFORE, the petition is in part GRANTED.

The strike staged by respondent, Buklod ng Manggagawa sa Chuayuko Steel Manufacturing Corporation, is declared illegal.

The following officers and members of respondent, namely: Camilo L. Lenizo, Edwin T. Cañada, Juanito B. Grutas, Reynaldo L. Bandal, Renato H. Castro, Herminio R. Villanueva, Reynaldo M. Larazo, Edgardo C. Trinidad, Salvador B. Cariño, Rolando S. Dorado, Robetro C. Larida, Redillon A. Cortez, Eduardo C. Arroyo, Hector A. Trinidad, Rey B. Belardo, Elpidio S. Razon, and Joel L. Petelo, Warlon Jimenez, Rommel Manuguid, Christopher Siatriz, Perlito Bantor, Feliciano Amalin, Roger Hecole, Eddie Tayco, Joelito Talisik, Edgar Dayo, Rodolfo Maniaol, Jr., Bernardo Caluza, and Armando Antolin are declared to have lost their employment status.

Petitioner Chuayuko Steel Manufacturing Corporation is ordered to immediately reinstate only Ronilo A. Adia, Arnel Q. Fabillar, Eugenio M. Marinas, Jr., and Vicente A. Penillos to their respective positions without loss of seniority rights.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Tinga, and Velasco, Jr., JJ., concur.

[1] CA rollo, pp. 371-381; penned by Associate Justice Jose Catral Mendoza and concurred in by Associate Justices Godardo A. Jacinto and Edgardo P. Cruz.

[2] Id. at 488-489.

[3] Rollo, p. 9.

[4] CA rollo, p. 166.

[5] Id. at 168.

[6] Id. at 172-175.

[7] Id. at 188.

[8] Id. at 35.

[9] Id. at 37-38.

[10] Id. at 41.

[11] Decision of June 20, 2002; id. at 199-207.

[12] CA rollo, pp. 24-27; NLRC records, Vol. I, pp. 4-7.

[13] Id. at 106-110; id. at 111-114.

[14] Id. at 111-114; id. at 116-119.

[15] Id. at 132; id. at 213.

[16] Id. at 223; id. at 16.

[17] Id. at 379-380.

[18] RULES OF COURT, Section 1, Rule 45.

[19] *New City Builders, Inc. v. National Labor Relations Commission*, G.R. No. 149281, June 15, 2005, 460 SCRA 220.

[20] *New City Builders, Inc. v. National Labor Relations Commission*, supra, citing *Manila Water Company, Inc. v. Pena*, G.R. No. 158255, July 8, 2004, 434 SCRA 53 (2004).

[21] *Telefunken Semiconductors Employees Union-FFW v. Court of Appeals*, G.R. Nos. 143013-14, December 18, 2000, 348 SCRA 565, citing *Labor Congress of the Philippines v. NLRC*, G.R. No. 116839, July 13, 1998, 292 SCRA 469 (1998).

[22] G.R. No. 126850, April 28, 2004, 428 SCRA 79-80; Vide *New City Builders, Inc. v. National Labor Relations Commission*, supra.

[23] G.R. No. 130866, 356 Phil. 811 (1998).

[24] *Philippine Long Distance Co., Inc. v. Imperial*, G.R. No. 149379, June 15, 2006, 490 SCRA 673.

[25] CA rollo, p. 376.

[26] NLRC records, Vol. I, p. 141.

[27] Adopted as Eisen Moral's, Ramil Tuubeo's, Bryan Tabuzo's and Dingreño Batallones' respective direct testimonies (TSN dated October 4, 2001).

[28] NLRC records, Vol. I, p. 120.

[29] Adopted as Salvador A. Pedraza's direct testimony (TSN dated November 13, 2001).

[30] NLRC records, Vol. I, pp. 138-139.

[31] *United Seamen's Union of The Philippines v. Davao Shipowners Association, et. al.*, G.R. No. L-18778, 127 Phil. 638,654(1967).

[32] *Bascon v. Court of Appeals*, G.R. No. 144899, February 5, 2004, 422 SCRA 122, citing *Association of Independent Union in the Philippines v. National Labor Relations Commission*, 364 Phil. 697 (1999).

[33] *Philemploy Services and Resources, Inc. v. Rodriguez*, G.R. No. 152616, March 31, 2006, 486 SCRA 302.

[34] Vide *Bascon v. Court of Appeals*, *supra*.

[35] Adopted as Salvador A. Pedraza's direct testimony (TSN dated November 13, 2001).

[36] NLRC records, Vol. I, pp. 138-139.

[37] NLRC records, Vol. I, p. 141.

[38] Annexes "Y" to "TT" of Petition for Review.

[39] Rollo, p. 53.

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