

ATTY. ALLAN S. MONTAÑO, PETITIONER, VS. ATTY. ERNESTO C. VERCELES, RESPONDENT.

G.R. No. 168583. July 26, 2010

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

The Federation/Union's Constitution and By-Laws govern the relationship between and among its members. They are akin to ordinary contracts in that their provisions have obligatory force upon the federation/ union and its member. What has been expressly stipulated therein shall be strictly binding on both.

By this Petition for Review on Certiorari,[1] petitioner Atty. Allan S. Montaña (Atty. Montaña) assails the Decision[2] dated May 28, 2004 and Resolution[3] dated June 28, 2005 of the Court of Appeals (CA) in CA-G.R. SP No. 71731, which declared as null and void his election as the National Vice-President of Federation of Free Workers (FFW), thereby reversing the May 8, 2002 Decision[4] of the Bureau of Labor Relations (BLR) in BLR-O-TR-66-7-13-01.

Factual Antecedents

Atty. Montaña worked as legal assistant of FFW Legal Center on October 1, 1994.[5] Subsequently, he joined the union of rank-and-file employees, the FFW Staff Association, and eventually became the employees' union president in July 1997. In November 1998, he was likewise designated officer-in-charge of FFW Legal Center.[6]

During the 21st National Convention and Election of National Officers of FFW, Atty. Montaña was nominated for the position of National Vice-President. In a letter dated May 25, 2001,[7] however, the Commission on Election (FFW COMELEC), informed him that he is not qualified for the position as his candidacy violates the 1998 FFW Constitution and By-Laws, particularly Section 76 of Article XIX[8] and Section 25 (a) of Article VIII,[9] both in Chapter II thereof. Atty. Montaña thus filed an Urgent Motion for Reconsideration[10] praying that his name be included in the official list of candidates.

Election ensued on May 26-27, 2001 in the National Convention held at Subic International Hotel, Olongapo City. Despite the pending motion for reconsideration with the FFW COMELEC, and strong opposition and protest of respondent Atty. Ernesto C. Verceles (Atty. Verceles), a delegate to the convention and president of University of the East Employees' Association (UEEA-FFW) which is an affiliate union of FFW, the convention delegates allowed Atty. Montaña's candidacy. He emerged victorious and was proclaimed as the National Vice-President.

On May 28, 2001, through a letter[11] to the Chairman of FFW COMELEC, Atty. Verceles reiterated his protest over Atty. Montaña's candidacy which he manifested during the plenary session before the holding of the election in the Convention. On June 18, 2001, Atty. Verceles sent a follow-up letter[12] to the President of FFW requesting for immediate action on his protest.

Proceedings before the Bureau of Labor Relations

On July 13, 2001, Atty. Verceles, as President of UEEA-FFW and officer of the Governing Board of FFW, filed before the BLR a petition[13] for the nullification of the election of Atty. Montaña as FFW National Vice-President. He alleged that, as already ruled by the FFW COMELEC, Atty. Montaña is not qualified to run for the position because Section 76 of Article XIX of the FFW Constitution and By-Laws prohibits federation employees from sitting in its Governing Board. Claiming that Atty. Montaña's premature assumption of duties and formal induction as vice-president will cause serious damage, Atty. Verceles likewise prayed for injunctive relief.[14]

Atty. Montaña filed his Comment with Motion to Dismiss[15] on the grounds that the Regional Director of the Department of Labor and Employment (DOLE) and not the BLR has jurisdiction over the case; that the filing of the petition was premature due to the pending and unresolved protest before the FFW COMELEC; and that, Atty. Verceles has no legal standing to initiate the petition not being the real party in interest.

Meanwhile, on July 16, 2001, the FFW COMELEC sent a letter to FFW National President, Bro. Ramon J. Jabar, in reference to the election protest filed before it by Atty. Verceles. In this correspondence, which was used by Atty. Verceles as an additional annex to his petition before the BLR, the FFW COMELEC intimated its firm stand that Atty. Montaña's candidacy contravenes the FFW's Constitution, by stating:

At the time Atty. Verceles lodged his opposition in the floor before the holding of the election, we, the Comelec unanimously made the decision that Atty. Montaña and others are disqualified and barred from running for any position in the election of the Federation, in view of pertinent provisions of the FFW Constitution.

Our decision which we repeated several times as final was however further deliberated upon by the body, which then gave the go signal for Atty. Montaña's candidacy notwithstanding our decision barring him from running and despite the fact that several delegates took the floor [stating] that the convention body is not a constitutional convention body and as such could not qualify to amend the FFW's present constitution to allow Atty. Montaña to run.

We would like to reiterate what we stated during the plenary session that our decision was final in view of the cited pertinent provisions of the FFW Constitution and we submit that the decision of the convention body in allowing Atty. Montaña's candidacy is not valid in view of the fact that it runs counter to the FFW Constitution and the body at that time was not acting as a Constitutional Convention body empowered to amend the FFW Constitution on the spot.

Our having conducted the election does not depart from the fact that we did not change our decision disqualifying candidates such as Atty. Allan S. Montaña, and others from running. The National Convention as a co-equal constitutional body of the Comelec was not given the license nor the authority to violate the Constitution. It therefore, cannot reverse the final decision of the Comelec with regard to the candidacy of Atty. Allan Montaña and other disqualified candidates.[16]

The BLR, in its Order dated August 20, 2001,[17] did not give due course to Atty. Montaña's Motion to Dismiss but ordered the latter to submit his answer to the petition pursuant to the rules. The parties thereafter submitted their respective pleadings and position papers.

On May 8, 2002, the BLR rendered a Decision[18] dismissing the petition for lack of merit. While it upheld its jurisdiction over the intra-union dispute case and affirmed, as well, Atty. Verceles' legal personality to institute the action as president of an affiliate union of FFW, the BLR ruled that there were no grounds to hold Atty. Montaña unqualified to run for National Vice-President of FFW. It held that the applicable provision in the FFW Constitution and By-Laws to determine whether one is qualified to run for office is not Section 76 of Article XIX[19] but Section 26 of Article VIII[20] thereof. The BLR opined that there was sufficient compliance with the

requirements laid down by this applicable provision and, besides, the convention delegates unanimously decided that Atty. Montaña was qualified to run for the position of National Vice-President.

Atty. Vercles filed a Motion for Reconsideration but it was denied by the BLR.

Proceedings before the Court of Appeals

Atty. Vercles thus elevated the matter to the CA via a petition for certiorari,[21] arguing that the Convention had no authority under the FFW Constitution and By-Laws to overrule and set aside the FFW COMELEC's Decision rendered pursuant to the latter's power to screen candidates.

On May 28, 2004, the CA set aside the BLR's Decision. While it agreed that jurisdiction was properly lodged with the BLR, that Atty. Vercles has legal standing to institute the petition, and that the applicable provision of FFW Constitution and By-Laws is Section 26 of Article VIII and not Section 76 of Article XIX, the CA however ruled that Atty. Montaña did not possess the qualification requirement under paragraph (d) of Section 26 that candidates must be an officer or member of a legitimate labor organization. According to the CA, since Atty. Montaña, as legal assistant employed by FFW, is considered as confidential employee, consequently, he is ineligible to join FFW Staff Association, the rank-and-file union of FFW. The CA, thus, granted the petition and nullified the election of Atty. Montaña as FFW National Vice-President.

Atty. Montaña moved for reconsideration claiming that the CA seriously erred in granting Atty. Vercles' petition on the ground that FFW Staff Association, of which he is an officer and member, is not a legitimate labor organization. He asserted that the legitimacy of the union was never raised as an issue. Besides, the declaration of the CA that FFW Staff Association is not a legitimate labor organization amounts to a collateral attack upon its legal personality, which is proscribed by law. Atty. Montaña also reiterated his allegations of lack of jurisdiction and lack of cause of action due to a pending protest. In addition, he claimed violation of the mandatory requirement on certification against forum shopping and mootness of the case due to the appointment of Atty. Vercles as Commissioner of the National Labor Relations Commission (NLRC), thereby divesting himself of interest in any matters relating to his affiliation with FFW.

Believing that it will be prejudiced by the CA Decision since its legal existence was put at stake, the FFW Staff Association, through its president, Danilo A. Laserna, sought intervention.

On June 28, 2005, the CA issued a Resolution[22] denying both Atty. Montaña's motion for reconsideration[23] and FFW Staff Association's motion for intervention/clarification.[24]

Issues

Hence, this petition anchored on the following grounds:

I.

THE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION, AMOUNTING TO LACK AND/OR EXCESS OF JURISDICTION, IN RENDERING THE ASSAILED DECISION, IN THAT:

A.) THE SOLE GROUND USED AND/OR INVOKED IN GRANTING THE PETITION A QUO WAS NOT EVEN RAISED AND/OR INVOKED BY PETITIONER;

B.) THE DECLARATION THAT "FFW STAFF ASSOCIATION IS NOT A LEGITIMATE LABOR ORGANIZATION", WITHOUT GIVING SAID ORGANIZATION A 'DAY IN COURT' AMOUNTS TO A COLLATERAL ATTACK PROSCRIBED UNDER THE LAW; AND

C.) THE COURT OF APPEALS FAILED AND/OR REFUSED TO PASS UPON OTHER LEGAL ISSUES

WHICH HAD BEEN TIMELY RAISED, SPECIFICALLY ON THE PREMATURETY OF THE COMPLAINT AND THE LACK OF CERTIFICATION AGAINST FORUM SHOPPING OF THE PETITION A QUO.

II.

THE COURT OF APPEALS ERRED IN UPHOLDING THE EXERCISE OF JURISDICTION BY HEREIN RESPONDENT BUREAU AND IN NOT ORDERING THE DISMISSAL OF THE CASE, DESPITE EXPRESS PROVISION OF LAW GRANTING SAID JURISDICTION OVER CASES INVOLVING PROTESTS AND PETITIONS FOR ANNULMENT OF RESULTS OF ELECTIONS TO THE REGIONAL DIRECTORS OF THE DEPARTMENT OF LABOR AND EMPLOYMENT.

III.

IN THE ALTERNATIVE, THE COURT OF APPEALS LIKEWISE ERRED IN NOT ORDERING THE DISMISSAL OF THE PETITION A QUO, IN THAT:

A.) THE FILING OF THE PETITION FOR NULLIFICATION OF THE RESULT OF ELECTION IS PREMATURE, IN VIEW OF PENDENCY OF HEREIN RESPONDENT ATTY. VERCELES' PROTEST BEFORE THE COMMISSION ON ELECTION OF THE FEDERATION OF FREE WORKERS (FFW COMELEC) AT THE TIME OF THE FILING OF THE SAID PETITION, HENCE, HE HAS NO CAUSE OF ACTION; AND

B.) HEREIN RESPONDENT ATTY. VERCELES HAS VIOLATED SECTION 5, RULE 7 OF THE 1997 RULES ON CIVIL PROCEDURE, AS HIS PETITION A QUO HAS NO CERTIFICATION AGAINST FORUM SHOPPING, WHICH IS A MANDATORY REQUIREMENT. IT IS ALSO IN UTTER DISREGARD AND IN GROSS VIOLATION OF SUPREME COURT CIRCULAR NO. 04-94.

IV.

FINALLY, ASSUMING ARGUENDO THAT HEREIN RESPONDENT BUREAU ACTED WITH JURISDICTION OVER THE CASE; AND ASSUMING FURTHER THAT HEREIN RESPONDENT ATTY. VERCELES HAS A CAUSE OF ACTION, DESPITE THE PENDENCY OF HIS PROTEST BEFORE FFW'S COMELEC AT THE TIME HE FILED HIS PETITION A QUO; AND ASSUMING FINALLY, THAT HEREIN RESPONDENT ATTY. VERCELES BE EXCUSED IN DISREGARDING THE MANDATORY REQUIREMENT ON CERTIFICATION AGAINST FORUM SHOPPING WHICH WAS TIMELY OBJECTED TO, THE COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION, AMOUNTING TO LACK AND/OR EXCESS OF JURISDICTION, IN NOT ORDERING THE DISMISSAL OF THE CASE FOR HAVING BEEN RENDERED MOOT AND ACADEMIC BY A SUPERVENING EVENT -THAT WAS, WHEN HEREIN RESPONDENT ATTY. VERCELES SOUGHT APPOINTMENT AND WAS APPOINTED AS COMMISSIONER OF THE NATIONAL LABOR RELATIONS COMMISSION (NLRC), THUS, DIVESTING HIMSELF WITH ANY INTEREST WITH MATTERS RELATING TO HIS FORMER MEMBERSHIP AND AFFILIATION WITH THE FEDERATION OF FREE WORKERS (FFW), HENCE, HE IS NO LONGER A REAL PARTY IN INTEREST, AS HE DOES NOT STAND TO BE INJURED OR BENEFITED BY THE JUDGMENT IN THE INSTANT CASE.[25]

Atty. Montaña contends that the CA gravely erred in upholding the jurisdiction of the BLR; in not declaring as premature the petition in view of the pending protest before FFW COMELEC; in not finding that the petition violated the rule on non-forum shopping; in not dismissing the case for being moot in view of the appointment of Atty. Verceles as NLRC Commissioner; and in granting the petition to annul his election as FFW National Vice-President on the ground that FFW Staff Association is not a legitimate labor organization.

Our Ruling

The petition is devoid of merit.

The BLR has jurisdiction over intra-union disputes involving a federation.

We find no merit in petitioner's claim that under Section 6 of Rule

XV[26] in relation to Section 1 of Rule XIV[27] of Book V of the Omnibus Rules Implementing the Labor Code, it is the Regional Director of the DOLE and not the BLR who has jurisdiction over election protests.

Section 226 of the Labor Code[28] clearly provides that the BLR and the Regional Directors of DOLE have concurrent jurisdiction over inter-union and intra-union disputes. Such disputes include the conduct or nullification of election of union and workers' association officers.[29] There is, thus, no doubt as to the BLR's jurisdiction over the instant dispute involving member-unions of a federation arising from disagreement over the provisions of the federation's constitution and by-laws.

We agree with BLR's observation that:

Rule XVI lays down the decentralized intra-union dispute settlement mechanism. Section 1 states that any complaint in this regard 'shall be filed in the Regional Office where the union is domiciled.' The concept of domicile in labor relations regulation is equivalent to the place where the union seeks to operate or has established a geographical presence for purposes of collective bargaining or for dealing with employers concerning terms and conditions of employment.

The matter of venue becomes problematic when the intra-union dispute involves a federation, because the geographical presence of a federation may encompass more than one administrative region. Pursuant to its authority under Article 226, this Bureau exercises original jurisdiction over intra-union disputes involving federations. It is well-settled that FFW, having local unions all over the country, operates in more than one administrative region. Therefore, this Bureau maintains original and exclusive jurisdiction over disputes arising from any violation of or disagreement over any provision of its constitution and by-laws.[30]

The petition to annul Atty. Montaña's election as VP was not prematurely filed.

There is likewise no merit to petitioner's argument that the petition should have been immediately dismissed due to a pending and unresolved protest before the FFW COMELEC pursuant to Section 6, Rule XV, Book V of the Omnibus Rules Implementing the Labor Code.[31]

It is true that under the Implementing Rules, redress must first be sought within the organization itself in accordance with its constitution and by-laws. However, this requirement is not absolute but yields to exception under varying circumstances.[32] In the case at bench, Atty. Verceles made his protest over Atty. Montaña's candidacy during the plenary session before the holding of the election proceedings. The FFW COMELEC, notwithstanding its reservation and despite objections from certain convention delegates, allowed Atty. Montaña's candidacy and proclaimed him winner for the position. Under the rules, the committee on election shall endeavor to settle or resolve all protests during or immediately after the close of election proceedings and any protest left unresolved shall be resolved by the committee within five days after the close of the election proceedings.[33] A day or two after the election, Atty. Verceles made his written/formal protest over Atty. Montaña's candidacy/proclamation with the FFW COMELEC. He exhausted the remedies under the constitution and by-laws to have his protest acted upon by the proper forum and even asked for a formal hearing on the matter. Still, the FFW COMELEC failed to timely act thereon. Thus, Atty. Verceles had no other recourse but to take the next available remedy to protect the interest of the union he represents as well as the whole federation, especially so that Atty. Montaña, immediately after being proclaimed, already assumed and started to perform the duties of the position. Consequently, Atty. Verceles properly sought redress from the BLR so that the right to due process will

not be violated. To insist on the contrary is to render the exhaustion of remedies within the union as illusory and vain.[34]

The allegation regarding certification against forum shopping was belatedly raised.

Atty. Montaña accuses Atty. Verceles of violating the rules on forum shopping. We note however that this issue was only raised for the first time in Atty. Montaña's motion for reconsideration of the Decision of the CA, hence, the same deserves no merit. It is settled that new issues cannot be raised for the first time on appeal or on motion for reconsideration.[35] While this allegation is related to the ground of forum shopping alleged by Atty. Montaña at the early stage of the proceedings, the latter, as a ground for the dismissal of actions, is separate and distinct from the failure to submit a proper certificate against forum shopping.[36]

There is necessity to resolve the case despite the issues having become moot.

During the pendency of this case, the challenged term of office held and served by Atty. Montaña expired in 2006, thereby rendering the issues of the case moot. In addition, Atty. Verceles' appointment in 2003 as NLRC Commissioner rendered the case moot as such supervening event divested him of any interest in and affiliation with the federation in accordance with Article 213 of the Labor Code. However, in a number of cases,[37] we still delved into the merits notwithstanding supervening events that would ordinarily render the case moot, if the issues are capable of repetition, yet evading review, as in this case.

As manifested by Atty. Verceles, Atty. Montaña ran and won as FFW National President after his challenged term as FFW National Vice-President had expired. It must be stated at this juncture that the legitimacy of Atty. Montaña's leadership as National President is beyond our jurisdiction and is not in issue in the instant case. The only issue for our resolution is petitioner's qualification to run as FFW National Vice-President during the May 26-27, 2001 elections. We find it necessary and imperative to resolve this issue not only to prevent further repetition but also to clear any doubtful interpretation and application of the provisions of FFW Constitution & By-laws in order to ensure credible future elections in the interest and welfare of affiliate unions of FFW.

Atty. Montaña is not qualified to run as FFW National Vice-President in view of the prohibition established in Section 76, Article XIX of the 1998 FFW Constitution and By-Laws.

Section 76, Article XIX of the FFW Constitution and By-laws provides that no member of the Governing Board shall at the same time be an employee in the staff of the federation. There is no dispute that Atty. Montaña, at the time of his nomination and election for the position in the Governing Board, is the head of FFW Legal Center and the President of FFW Staff Association. Even after he was elected, albeit challenged, he continued to perform his functions as staff member of FFW and no evidence was presented to show that he tendered his resignation.[38] On this basis, the FFW COMELEC disqualified Atty. Montaña. The BLR, however, overturned FFW COMELEC's ruling and held that the applicable provision is Section 26 of Article VIII. The CA subsequently affirmed this ruling of the BLR but held Atty. Montaña unqualified for the position for failing to meet the requirements set forth therein.

We find that both the BLR and CA erred in their findings.

To begin with, FFW COMELEC is vested with authority and power, under the FFW Constitution and By-Laws, to screen candidates and determine their qualifications and eligibility to run in the election and to adopt and promulgate rules concerning the conduct of elections.[39] Under the Rules Implementing the Labor Code, the Committee shall have the power to prescribe rules on the qualification and eligibility of candidates and such other rules as may facilitate the orderly conduct of elections.[40] The Committee is also regarded as the final arbiter of

all election protests.[41] From the foregoing, FFW COMELEC, undeniably, has sufficient authority to adopt its own interpretation of the explicit provisions of the federation's constitution and by-laws and unless it is shown to have committed grave abuse of discretion, its decision and ruling will not be interfered with. The FFW Constitution and By-laws are clear that no member of the Governing Board shall at the same time perform functions of the rank-and-file staff. The BLR erred in disregarding this clear provision. The FFW COMELEC's ruling which considered Atty. Montaña's candidacy in violation of the FFW Constitution is therefore correct.

We, thus, concur with the CA that Atty. Montaña is not qualified to run for the position but not for failure to meet the requirement specified under Section 26 (d) of Article VIII of FFW Constitution and By-Laws. We note that the CA's declaration of the illegitimate status of FFW Staff Association is proscribed by law, owing to the preclusion of collateral attack.[42] We nonetheless resolve to affirm the CA's finding that Atty. Montaña is disqualified to run for the position of National Vice-President in view of the proscription in the FFW Constitution and By-Laws on federation employees from sitting in its Governing Board. Accordingly, the election of Atty. Montaña as FFW Vice-President is null and void.

WHEREFORE, the petition is DENIED. The assailed May 28, 2004 Decision of the Court of Appeals in CA-G.R. SP No. 71731 nullifying the election of Atty. Allan S. Montaña as FFW National Vice-President and the June 28, 2005 Resolution denying the Motion for Reconsideration are AFFIRMED.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and Perez, JJ., concur.

[1] Rollo, pp. 3-47.

[2] Id. at 48-62; penned by Associate Justice Perlita J. Tria Tirona and concurred in by Associate Justices Conrado M. Vasquez, Jr. and Jose C. Reyes, Jr.

[3] Id. at 82-85.

[4] Id. at 113-119; penned by BLR Director Hans Leo J. Cacdac.

[5] Id. at 141.

[6] Id. at 139.

[7] Id. at 140.

[8] Section 76. Except as otherwise provided in this Constitution, no Member of the Governing Board shall at the same time be an employee in the staff of the Federation. (see 1998 FFW Constitution & By-Laws, CA rollo, pp. 53-70.)

[9] Section 25. A Candidate/Nominee for the position of Governing Board Member, whether Titular or Deputy shall, except as otherwise provided in this Constitution, possess the following qualifications:

a. he/she must be a bonafide member of the Federation for at least two (2) consecutive years and a member of an affiliated organization which is up to date with its monthly dues to the Federation. (see 1998 FFW Constitution and By-Laws, id.)

[10] Rollo, pp. 142-147.

[11] Id. at 175.

[12] Id. at 176.

[13] Id. at 155-161.

[14] Id. at 162.

[15] Id. at 167-174.

[16] FFW COMELEC letter dated July 16, 2001. Id. at 151-152.

[17] Id. at 191.

[18] Id. at 113-119.

[19] Supra note 8.

[20] Section 26. A candidate for the position of National President, National Vice-President, and National Treasurer shall possess the following qualifications:

- a. a candidate must be a bonafide member of the Federation for at least two (2) consecutive years;
- b. a candidate must be of good moral character and has not been convicted by a final judgment of a crime involving moral turpitude before a candidate's election to office or during a candidate's incumbency;
- c. except the Treasurer, a candidate must serve the Federation full time for the period of his/her incumbency;
- d. a candidate for National President and National Vice-President must be or must have been an officer or member of a legitimate labor organization in the FFW for at least three (3) years. A legitimate labor organization shall mean a duly registered labor union as defined by the Labor Code as Amended. (see 1998 FFW Constitution & By-Laws, CA rollo, pp. 53-70.)

[21] Id. at 2-24.

[22] Rollo, p. 82-85.

[23] Id. at 63-80.

[24] Id. at 278-292.

[25] Id. at 19-21.

[26] SEC. 6. Protests and petitions for annulment of election results. - Protests or petitions for annulment of the result of an election shall be filed with and acted upon by the Regional Director in accordance with the provisions prescribed in Rule XIV of this Book. No protest or petition shall be entertained by the Regional Director unless the issue raised has been resolved by the committee.

[27] SEC 1. Complaint; who may file. - Any member of a union may file with the Regional Director a complaint for any violation of the constitution and by-laws and the rights and conditions of membership under Article 241 of the Code. x x x. Such complaint shall be filed in the Regional Office where the union is domiciled.

[28] ART. 226. BUREAU OF LABOR RELATIONS. - The Bureau of Labor Relations and the Labor Relations Divisions in the regional offices of the Department of Labor shall have original and exclusive authority to act, at their own initiative or upon request of either or both parties, on all inter-union and intra-union conflicts, and all disputes, grievances or problems arising from or affecting labor-management relations in all workplaces whether agricultural or nonagricultural, except those arising from the implementation or interpretation of collective bargaining agreements which shall be the subject of grievance procedure and/or voluntary arbitration.

x x x x.

[29] See OMNIBUS RULES IMPLEMENTING THE LABOR CODE, Book V, Rule XI, Section 1.

[30] Rollo, pp. 115-116.

[31] Supra note 26.

[32] Villar v. Hon. Inciong, 206 Phil. 366, 381 (1983).

[33] OMNIBUS RULES IMPLEMENTING THE LABOR CODE, Book V, Rule XV, Sections 4 and 5.

[34] Diokno v. Cacdac, G.R. No. 168475, July 4, 2007, 526 SCRA 440, 458-459.

[35] Arcejo v. Government Service Insurance System, G.R. No. 162374, June 18, 2009, 589 SCRA 420, 426.

[36] Juaban v. Espina, G.R. No. 170049, March 14, 2008, 548, SCRA 588, 605; Spouses Melo v. Court of Appeals, 376 Phil. 204, 213 (1999).

[37] Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain (GRP), G.R. No. 183591, October 14, 2008, 568 SCRA 402, 460-461; Manalo v. Calderon, G.R. No. 178920, October 15, 2007, 536 SCRA 290, 301; Albaña v. Commission on Elections, 478 Phil. 941, 949 (2004); Gov. Mandanas v. Hon. Romulo, 473 Phil. 806, 827 (2004).

[38] See FFW Administrative and Communication Staff Certification dated October 13, 2001, rollo, p. 153.

[39] Section 56 (c) and (g), Article XIII of the FFW Constitution and By-Laws, CA rollo, pp. 53-70.

[40] OMNIBUS RULES IMPLEMENTING THE LABOR CODE, Book V, Rule XV, Section 2 (b) and (i).

[41] Id. Section 2 (g).

[42] San Miguel Corporation Employees Union-Phil. Transport and General Workers Org. v. San Miguel Packaging Products Employees Union-Pambansang Diwa ng Manggagawang Pilipino, G.R. No. 171153, September 12, 2007, 533 SCRA 125, 145.

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