

LEONCIA A. YUMANG, PETITIONER, VS. RADIO PHILIPPINES NETWORK, INC. (RPN 9), MIA A. CONCIO, LEONOR C. LINAO, IDA BARRAMEDA AND LOURDES O. ANGELES, RESPONDENTS.

G.R. No. 201016. June 22, 2016

Ponente: BRION, J.

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BRION, J.:

We resolve the present petition for review on certiorari[1] assailing the decision[2] dated July 8, 2011, and the resolution[3] dated February 22, 2012, of the Court of Appeals in CA-G.R. CEB-SP No. 110266.

The Antecedents

On May 1, 1998, the petitioner Leoncia A. Yumang started her employment with the respondent Radio Philippines Network, Inc. (RPN 9). She was a member of the Radio Philippines Network Employees Union (RPNEU) which had a collective bargaining agreement (CBA)[4] with RPN 9 effective July 1, 2004 to June 30, 2009.

Allegedly, after the conclusion of the CBA, a new Toyota Revo driven by RPNEU President Reynato Siozon, Jr., was found to be registered in the name of the RPN 9 General Manager. The petitioner and 14 other union members filed complaints with the Department of Labor and Employment-National Capital Region (DOLE-NCR) against the RPNEU officers and members of the Board of Directors (BOD) for: impeachment, an audit of union funds, and the conduct of a snap election.

On August 17, 2005, Mediator-Arbiter Clarissa G. Beltran-Lerios (Med-Arbiter Lerios) ordered the conduct of a referendum to determine whether the incumbent RPNEU officers would be impeached. The union officers and the BOD appealed to the Bureau of Labor Relations. BLR Director Henry Parel granted the appeal and reversed Med-Arbiter Lerios' ruling.[5]

In the meantime or on June 1, 2005, two complaints were filed with the RPNEU Executive Board against several union members, followed by a third complaint filed with the Grievance and Investigation Committee (GIC) against the petitioner and the fourteen (14) other union members.

The complaints, which were consolidated and referred to the GIC for investigation, involved alleged violations of the RPNEU Constitution and Bylaws (CBL),[6] principally: (1) the commission of acts inimical to the interests of the union and the general membership; (2) the attempt to form another union; and (3) an appeal to the general membership urging them to commence legal action without exhausting remedies under the RPNEU CBL.

On September 29, 2005, Jeric Salinas, the GIC chairperson, asked the union members charged to attend the hearings; otherwise, they would be considered to have waived their right to be heard. After attending the first three hearings, the petitioner and the others moved to dismiss the charges for alleged noncompliance with certain provisions of the CBL, the absence of substantial and procedural due process, and the non-appearance of their accusers. They no longer attended the subsequent hearings.

On November 9, 2005, the GIC submitted its report[7] to the RPNEU Board of Directors (BOD). It declared: "while respondents cannot be said to have violated Article IX, Section 2.2 or forming another union outside the freedom period, they can be held guilty of malicious attack against the union or the officers under Section 1 (d) of Article XVIII." [8] They were found guilty "of violating Article IX, Section 2.5 of the CBL for urging or advocating to the members the filing of cases with the DOLE without availment (sic) or exhaustion of all remedies." [9]

The GIC recommended the expulsion of the charged union members. On December 21, 2005, the BOD approved the GIC recommendation.[10] The members affected were then notified of their expulsion from RPNEU, to take effect on December 29, 2005.[11] They assailed the board's action for being ultra vires.

In a letter[12] dated January 24, 2006, the RPNEU officers and directors asked RPN 9 to terminate the employment of the expelled union members, pursuant to the CBA's Union Security Clause.[13] On January 30, 2006, the petitioner and the 14 others wrote RPN 9,[14] claiming that their expulsion had been reversed by 118 union members or more than 30% of RPNEU's General Membership Assembly (GMA).[15] RPNEU would later on say that the GMA could not have validly convened since the petitioner and her group failed to appeal the BOD resolution expelling them from the union as required by the RPNEU CBL.[16]

RPN 9 deferred action on RPNEU's request. In a memorandum[17] dated February 1, 2006, of respondent Mia A. Concio (Concio), RPN 9 President and CEO, it announced that it will conduct an inquiry into the matter.

The inquiry commenced on February 6, 2006. At the proceedings[18] the following day, the petitioner and her colleagues sensed that the RPN panel was conducting the inquiry only to effect a reconciliation between them and the officers, not to determine the validity of their expulsion. Nonetheless, they expressed no objection to a reconciliation on condition that: (1) a referendum be held; (2) the union shoulder their attorney's fees; and (3) they be paid damages. Siozon wanted all the cases dropped. The next day, upon the advice of their lawyer, the expelled union members informed the panel that they would no longer answer any questions.

Allegedly for this reason, the panel concluded the inquiry on February 15, 2006. In a memorandum[19] to Concio on the same day, the panel recommended that the RPN 9 management comply with the CBA's union security clause. Consequently, or on February 17, 2006, RPN 9 notified[20] the petitioner and the 14 others of their separation from the service effective March 20, 2006.

Meantime, or on March 6, 2006, the petitioner filed a complaint for unpaid CBA benefits and applicable wage orders. On May 31, 2006, she filed a second complaint for illegal dismissal (consolidated with the first case) against RPN 9, Concio, General Manager Leonor Linao, Asst. General Manager for Finance Ida Barrameda, and HRD Manager Lourdes Angeles.[21]

The Compulsory Arbitration Rulings

In a decision[22] dated April 20, 2007, Labor Arbiter (LA) Manuel M. Manansala declared that the petitioner had been illegally dismissed, and ordered her reinstatement with backwages, payment of her accrued monetary benefits, plus attorney's fees.

LA Manansala held that although the petitioner's dismissal was in compliance with the CBA's union security clause, her expulsion from the union was without due process. However, he absolved the respondent RPN 9 officers from liability as they merely acted, he stressed, on the petitioner's dismissal in their official capacities.

On appeal by the respondents, the National Labor Relations Commission (NLRC), in its November 28, 2008 decision,[23] reversed LA Manansala's ruling and declared the petitioner's dismissal valid as it was in

implementation of the CBA's union security clause. It also found that the petitioner had been afforded due process.

The petitioner moved for reconsideration, but the NLRC denied the motion.[24] She then sought relief from the CA through a petition for certiorari, charging the labor tribunal with grave abuse of discretion when it (1) entertained the respondents' appeal despite its non-perfection and (2) declared the termination of her employment valid.

The petitioner faulted the NLRC for disregarding its own rules of procedure when it admitted the respondents' appeal even in the absence of a joint declaration under oath by the employer, his counsel and the bonding company attesting that the bond posted is genuine and shall be in effect until the final disposition of the case.[25]

On the merits of the case, she argued that while her employment was terminated in compliance with the CBA's union security clause, she was not accorded due process before she was dismissed. She assailed the supposed RPN 9 inquiry into her expulsion from the union without the company investigating whether it was justified.

The inquiry, she claimed, was conducted for the sole purpose of reconciling the officers and the complaining union members, not of determining whether they were validly expelled from the union; instead, the RPN 9 inquiry panel merely questioned the resolution of at least 30% of the union membership reversing their expulsion, to the extent of calling some of the signatories to verify their "acquiescence" to the resolution.

The petitioner denied the RPNEU's charges against her. She defended her actions to be in accordance with her right to information as a union member under Article 241 of the Labor Code. This includes, she argued, the right to call for the investigation of any irregularity within the union; thus, a complaint filed regarding such an irregularity cannot be considered a misconduct or a disloyalty under the union CBL.

The CA Decision

In its decision of July 8, 2011, the CA-CEB denied the petition and affirmed the NLRC ruling. It brushed aside the petitioner's procedural question, holding that the NLRC committed no grave abuse of discretion in giving due course to the appeal, as it was done in the interest of substantial justice.

On the substantive aspect of the case, the CA held that it was well within the NLRC's jurisdiction to uphold the petitioner's dismissal since the respondents satisfied the requisites for the observance of the CBA's union security clause.

On the due process issue, the CA pointed out that the petitioner and the other complainants were given several opportunities to defend themselves, but they responded with suspicion and animosity; thus, they were to blame if their right to due process had been curtailed.

The petitioner moved for reconsideration. She again raised the matter of the non-perfection of the respondents' appeal, and bewailed the CA's failure "to explain why it departed from the established facts as ruled by the other Divisions of this Honorable Court and affirmed by the Honorable Supreme Court in at least two identical cases." [26]

The two cases she referred to are the: (1) *Radio Philippines Network, Inc., (RPN) v. National Labor Relations Commission, Ruth F. Yap, et al*, where the CA 4th Division dismissed RPN 9's petition for certiorari in CA-G.R. SP No. 104567 [27] eventually affirmed by this Court in G.R. No. 188033, [28] for which an Entry of Judgment [29] was issued on November 23, 2009; and (2) *Radio Philippines Network v. National Labor Relations Commission and Ibarra Delantar*, [30] with the same results. The petitioner argued that the identical decisions in the two cases constitute the law of the case and must be applied in all pending cases involving the 15 dismissed

RPNEU members.

The CA denied the motion, holding that the petitioner failed to raise new and substantial matters in her plea for reconsideration. It stressed in particular that the cases cited by the petitioner "are not entirely applicable here as those cases do not exactly share similar set of facts with the instant case." [31] It explained that in the cited cases, the labor arbiter and the NLRC affirmed the illegality of the dismissal of the complainants; whereas, in the present case, the labor arbiter found the petitioner's dismissal illegal, but on appeal, the NLRC declared the dismissal valid.

The Petition

The petitioner now asks the Court to nullify the CA rulings because they were rendered, she contends, with grave abuse of discretion and, for being contrary to existing law and jurisprudence.

She insists that the issue of whether she was illegally dismissed has been put to rest by this Court in the two cases she just cited and a third one, the Radio Philippines Network, Inc., v. Melanie Marteja, G.R. No. 192988. [32] These three cases, she points out, involved 7 of the 15 employees subject of the present dispute and, no Court decision contrary to the rulings in the three cases currently exists.

Procedurally, the petitioner insists that the respondents' appeal to the NLRC should not have been allowed since it had not been perfected under the NLRC rules. She argues that the appeal bond is not merely a procedural, but also a jurisdictional, requirement.

With regard to her dismissal, the petitioner asserts that RPN 9 terminated her employment without ascertaining the validity of her expulsion from the union. She considers the inquiry RPN 9 conducted on the union request for her dismissal grossly inadequate to satisfy the due process requirement.

She maintains that had RPN 9 really inquired into whether her expulsion from the union and that of the 14 other members was justified, it could have discovered the invalidity of the union action. She strongly disputes the NLRC and the CA conclusion that the charges against her and the others had been proven.

Thus, she denies that she joined in the formation of a union outside of the CBA's 60-day freedom period. The GIC investigation, she reasons out, failed to show that such was the case; rather, testimonies were given during the GIC proceedings that she and the others were simply initiating the installation, of a new set of officers. In any event, she was not identified as one of those soliciting signatures for a new set of union officers.

On the charge of non-exhaustion of administrative remedies, the petitioner admits that she was among the union members who filed the complaints before the DOLE for the conduct of an audit of union funds and for the holding of a snap election of union officers. She explains that while an internal union dispute is investigated by the GIC under Art. XVII, Sec. 3 of the CBL, the final decision on the complaints lies with the President and the BOD, the very respondents called upon to render an accounting of union funds and who would be affected by a snap election. For this reason, she doubts the impartiality of the union grievance procedure that is in place to resolve her case.

The same thing is true with the expelled union members' move for the impeachment of the union officers. Under the CBL's Art. VIII, Sec. 2, the petitioner points out, the BOD shall convene an Ad Hoc Committee (committee) to hear the case. The committee is composed of the Chairman of the BOD who is also the RPNEU President, one board member, and two union members in good standing.

The problem, the petitioner bewails, is that if the President is the subject of the proceedings, then the Vice-President shall convene the committee, but since all the officers were respondents in the complaints before

the DOLE-NCR, no other union officer could fill the vacancy in the committee. Assuming that union members could be appointed to the committee, the fact that they would be appointed by the respondent union officers would taint the objectivity of the committee proceedings.

The petitioner believes that while an administrative procedure is provided in the CBL for the resolution of internal union disputes, it was not "readily available" to her and to the 14 others who were expelled from the union, in view of the nature of the complaints and the reality that it was no less than the union officers who were subject of the complaints. She argues that under the CBL procedure, they would not obtain an impartial resolution of the complaints; thus, their resort to the DOLE.

She cites, in support of her position, Book V, Rule XI, Section 6 (f) of the Labor Code's Implementing Rules and Regulations which allows non-exhaustion of administrative remedies within the union when such remedies are not readily available through no fault of the complaining union member or members, or compliance with such remedies does not apply to them. She posits that under the circumstances, she and the 14 other expelled union members had no choice but to go direct to the public authorities for redress of their grievances.

The Respondents' Position

On August 28, 2012, the respondents RPN 9 and its responsible officers filed their comment,[33] praying for the petition's dismissal on the grounds that the CA correctly upheld the NLRC ruling.

The respondents assail the petitioner's "mistaken belief"[34] that the inquiry RPN 9 conducted into her expulsion from the union was aimed merely at reconciling the differences between the expelled union members and the officers. They assert that the inquiry was in reality an investigation which "they spurned and thereafter bewailed that they were deprived due process allegedly because there was no inquiry management conducted separate from that of the union." [35]

The implementation of the union security clause in petitioner's case, the respondents submit, was warranted because the validity of her expulsion had been established at the RPNEU hearings.

Lastly, they maintain that the CA correctly ruled that the NLRC acted within its discretion in entertaining RPN's appeal in the interest of substantial justice.

The Court's Ruling

The procedural question

We find no reversible error in the CA's affirmation of the NLRC's acceptance of the appeal despite its non-perfection as described by the petitioner. Article 227 (formerly Art. 221) of the Labor Code (renumbered by R. A. No. 10151, An Act Allowing the Employment of Night Workers),[36] provides that "In any proceeding before the Commission or any of the Labor Arbiters, the rules of evidence prevailing in courts of law or equity shall not be controlling and it is the spirit and intention of this Code that the Commission and its members and the Labor Arbiter shall use every and all means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure, all in the interest of due process x x x."

Consistent with the law and, as aptly cited by the CA, "Technicality should not stand in the way of equitably and completely resolving the rights and obligations of the parties for the ends of justice are reached not only through the speedy disposal of cases but, more importantly, through a meticulous and comprehensive evaluation of the merits of the case." [37]

The substantive aspect of the case

At the outset, we note that the present case is only one of several complaints for illegal dismissal filed against

RPN 9, which arose from the termination of employment of the petitioner and 14 other union members, following their expulsion from the RPNEU.

Some of the complaints had already been resolved at the CA level, and at least three had reached this Court. In these three cases, the Court found no reversible error in the CA's affirmation of the NLRC ruling that the expelled union members in the three cases were illegally dismissed.

Seven of the 15 expelled union members were the complainants in the aforementioned three cases, as follows: Ruth F. Yap, Ma. Fe Dayon, Minette Baptista, Bannie Edsael San Miguel and Marisa Lemina in G.R. No. 188033;[38] Ibarra A. Delantar in G.R. No. 189535;[39] and Melanie Marteja in G.R. 192988.[40] In another case which found its way into the CA Visayas Station in Cebu City, Anna Liza M. Serrano v. NLRC, et al.[41] the CA 20th Division (the same Division which decided the present case) held that Serrano had been illegally dismissed by RPN 9.

The illegal dismissal finding in all the cited cases had been based on the failure of the respondents to conduct a separate inquiry into the validity of the expulsion from RPNEU of the petitioner and the 14 others similarly situated, contrary to existing jurisprudence. While the respondents insist that the inquiry conducted by the RPN 9 panel was in reality an investigation, the records prove otherwise.

In its memorandum[42] dated February 15, 2006, addressed to Concio, the inquiry panel headed by Atty. Marilyn Estaris of the Office of the Government Corporate Counsel, reported to the RPN 9 management that the panel offered reconciliation/amicable settlement and never once wavered to patch up the differences between the parties."[43] This is consistent with the minutes[44] of the panel meeting on February 7, 2006, where Atty. Estaris "informed the body that this meeting was called primarily for the reconciliation of both parties."[45]

On the expulsion issue, the inquiry panel reported:

"In the issue of the expulsion case which is paramount in the mind of the management, we asked ourselves whether the so-called General Assembly resolution that they tout as having reversed the expulsion case actually occurred. When asked whether a General Assembly meeting was actually held to discuss the reversal of the expulsion case, no categorical answer was given by Ms. Ruth Yap, et al. In our search for truth, we called some members who signed and asked them if indeed a General Assembly was called and if any deliberation on the expulsion was discussed, the answer of the member-signatories that we called was negative. In fact they said that one of the 15 in the group of Ms. Yap approached them and appealed to them to sign lest they be expelled from the union."[46]

After its inquiry on whether the RPNEU GMA reversed the expulsion of the petitioner and the 14 others, the panel concluded its inquiry/investigation with the recommendation: "Management has to comply with the Union Security clause,"[47] without any finding on whether the expulsions were justified or not.

In the light of what the records reveal, we agree with the conclusions in RPN v. Yap, et al, and RPN v. Delantar that the RPN management did not conduct an investigation of its own as to whether the expulsion of the petitioner from the RPNEU was justified.

Notably, the CA 20th Division in Cebu City reached a similar conclusion when it said in Serrano v. NLRC, et al.: [48] "A perusal of the evidence of RPN-9 shows that it failed to conduct its own independent determination of whether or not there is sufficient evidence to support the decision of the RPNEU's Board of Directors to expel the petitioner from the union." [49]

We wonder why the same CA division found the facts in the cases cited by the petitioner and, by implication its ruling in Serrano, different from the facts of the petitioner's case. The petitioner, Yap and five others in G.R. No.

188033, Delantar in G.R. No. 189535, and Serrano in CA-G.R. No. 111145,, were all expelled from the RPNEU. They all went through the same GIC investigation and the same RPN 9 inquiry before they were dismissed. Needless to say, they were all "victims" of the absence of an independent investigation by RPN-9 on whether they were validly expelled from the union. This militates against the respondents' cause.

In *Malayang Samahan ng mga Manggagawa sa M. Greenfield v. Ramos*,^[50] the Court said: "While respondent company may validly dismiss the employees expelled by the union for disloyalty under the union security clause of the collective bargaining agreement upon recommendation of the union, this dismissal should not be done hastily and summarily thereby eroding the employees' right to due process, self-organization and security of tenure."

Moreover, as the CA noted in *RPN v. Yap*, the respondents "should have been on guard,"^[51] considering that the petitioner and her group sought to impeach the RPNEU officers and the BOD and to replace them with a new set of officers, as well as to make them account for the union funds. In short, given the charged atmosphere within the union, the respondents should not have merely relied on the outcome of the RPNEU investigation as basis of its decision to terminate the petitioner's employment. They should have exerted a genuine effort to find out whether the petitioner's expulsion was arrived at fairly and with due concern for the rights of the expelled member.

Is the petitioner guilty of non-exhaustion of administrative remedies?

In the light of the fact that the expelled members sought to hold all the union officers, including the members of the BOD, accountable for mismanagement of the union, we believe the petitioner had enough reason to be gravely apprehensive of going through the RPNEU dispute settlement machinery. She feared she would not obtain a fair hearing from the union, considering that while the GIC investigates and hears intra-union disputes,^[52] the final decision lies with the BOD,^[53] which was headed by no less than the President.

Further, on the matter of the impeachment of the union officers under the CBL provides that the BOD shall convene and create an Ad Hoc Committee on Impeachment composed of the Chairman of the Executive Board (the President), the Chairman of the GIC, a board member and two union members.^[54]

In case the President is under impeachment, the Vice-President shall convene the Committee;^[55] but since all the officers, including the BOD, were all subject of the impeachment case, there would be no officers left to constitute the committee. Assuming that the officers could appoint union members (any officer under impeachment is disqualified to become a member of the committee) to constitute the committee, the petitioner feared that the arrangement would not ensure the impartiality of the proceedings.

The petitioner thus submits that under the circumstances, she is allowed by Section 6 (f). Rule XI. Book V of the Labor Code's Implementing Rules and Regulations to directly petition the DOLE to rule on the complaints she and the 14 others brought against the RPNEU officers.

We understand the petitioner's position. As we see it, obtaining justice from the RPNEU grievance machinery would be illusory for her. In *Kapisanang Manggagawa sa MRR v. Hernandez*,^[56] the Court said: "In the case at bar, noteworthy is the fact that the complaint was filed against the union and its incumbent officers, some of whom were members of the board of directors. The constitution and bylaws of the union provide that charges for any violations thereof shall be filed before the said board. But as explained by the lower court, if the complainants had done so the board of directors would in effect be acting as respondent investigator and judge at the same time. To follow the procedure indicated would be a farce under the circumstances; where exhaustion of administrative remedies within the union itself would practically amount to a denial of justice or would be illusory or vain, it will

not be insisted upon x x x.[57] (underscoring supplied). So it must be with the petitioner's case.

Can the petitioner be held guilty of
malicious attack against the union
officers?

The records show that there was no categorical finding of the petitioner's guilt on this question.[58] But we find the petitioner well within her rights as a union member when she took the officers to task for then-handling of the affairs of the union, especially with respect to matters relating to the union funds and the quality of the union leadership. The union President's integrity was itself put in serious doubt when he was seen using a vehicle registered in the name of the RPN9 General Manager after the conclusion of the July 1, 2004 to June 30, 2009 CBA.

Under Article 250 of the Labor Code (formerly Article 241) cited by the petitioner and which lists down the rights and conditions of membership in a labor organization, it is her right to be informed of what is going on within the union, especially in the handling of union funds, the negotiation and conclusion of the CBA, in labor education, and in all the rights and obligations of union members under existing laws.

Apparently, the petitioner and the 14 other expelled union members were not informed about these matters, prompting them to seek an investigation on how the union affairs were being administered. The petitioner therefore cannot be made answerable for "malicious attack" against the RPNEU and its officers as she was merely exercising her right, as a union member, to ventilate before the public authorities her perceived grievances against the union leadership; as earlier discussed, she had no expectations that these would be fairly resolved within the union.

In sum, we find merit in the petition. The petitioner was illegally dismissed as her expulsion from the union had no basis.

WHEREFORE, premises considered, we GRANT the petition. The assailed decision and resolution of the Court of Appeals are SET ASIDE. LA Manansala's decision of April 20, 2007, is ordered REINSTATED with modification that in the event the reinstatement of the petitioner Leoncia A. Yumang is no longer tenable, she shall be paid backwages to be computed from the date her wages were withheld up to the finality of this Decision, and separation pay computed at one-month's pay for every year of service.

SO ORDERED.

Carpio, (Chairperson), Mendoza, and Leonen, JJ., concur.
Del Castillo, J., on Leave

[1] Rollo, pp. 9-63; filed pursuant to Rule 45 of the Rules of Court.

[2] Id. at 69-82; penned by Associate Justice Ramon Paul L. Hernando and concurred in by Associate Justices Edgardo L. Delos Santos and Victoria Isabel A. Paredes.

[3] Id. at 85-87.

[4] Id. at 325-349.

[5] Id. at 632-639.

[6] Id. at 603-631.

- [7] Id. at 259-264; Memorandum dated November 9, 2005.
- [8] Id. at 263, par. 1.
- [9] Id. par. 2.
- [10] Id. at 368-369; Board Resolution no. 018-2005.
- [11] Id. at 367; RPNEU Memorandum dated December 27, 2005.
- [12] Id. at 414-417.
- [13] Supra note 4, Article II, Sections 1 and 2.
- [14] Rollo, pp. 421-428.
- [15] Id. at 424-438.
- [16] Supra note 6, Article X, Section 5.
- [17] Rollo, pp. 494-495.
- [18] Id. at 720-722; Minutes of the Meeting, February 7, 2006.
- [19] Id. at 496-498.
- [20] Id. at 499; Memorandum dated February 17, 2006.
- [21] Id. at 269-270.
- [22] Id. at 108-125.
- [23] Rollo, pp. 89-103; penned by Commissioner Aurelio D. Menzon and concurred in by Presiding Commissioner Violeta Ortiz-Bantug and Commissioner Oscar S. Uy.
- [24] Id. at 105-107; Resolution dated April 30, 2009.
- [25] 2005 NLRC Revised Rules of Procedure, Rule VI, Section 6 (a).
- [26] Rollo, p. 1055; Motion for Reconsideration of CA Decision dated July 8, 2011.
- [27] Id. at 812-828.
- [28] Id. at 1000.
- [29] Id. at 1002.
- [30] Id. at 1006-1025, CA 9th Division Decision dated April 30, 2009 in CA-G.R. SP No. 103341; at 1026, SC 2nd Division Resolution dated December 14, 2009.
- [31] Supra note 3, p. 2, paragraph 3.
- [32] G.R. No. 192988, July 4, 2011.
- [33] Rollo, pp. 1135-1152.
- [34] Id. at 1141; Comment, p. 7, par. 1.
- [35] Id. at 1143; Comment, p. 9, par. 2.

[36] Signed into law by President Benigno S. Aquino III on March 14, 2013.

[37] *Remington Industrial Sales Corporation v. Castaneda*, G.R. Nos. 169295-96, November 20, 2006

[38] *Supra* note 29.

[39] *Supra* note 32.

[40] *Supra* note 34.

[41] CA-G.R. SP No. 111145.

[42] *Supra* note 19.

[43] *Id* par. 2.

[44] *Rollo*, pp. 734-736.

[45] *Id.* at 734; Minutes, first highlight.

[46] *Supra* note 46, p. 2, par. 2.

[47] *Id.* at 3, last paragraph.

[48] *Supra* note 45.

[49] *Id.* at 13, par. 2.

[50] 383 Phil. 329, 365 (2000). citing *Sanyo Philippines Workers Union-PSSLU v. Cañizares*, 211 SCRA 362.

[51] *Supra* note 29, at 11, par. 1.

[52] *Supra* note 6, Article XI, Section.] (D).

[53] *Id.* Article XVII. Sections 6 & 7.

[54] *Id.* Article XVIII. Section 2.

[55] *Id.* Section 3 (g).

[56] 20 SCRA 109.

[57] *Id.* at 113-114.

[58] *Supra* note 9.

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