

TRADE UNIONS OF THE PHILIPPINES AND ALLIED SERVICES (TUPAS), PETITIONER, VS. THE HONORABLE CRESENCIANO B. TRAJANO, DIRECTOR, BUREAU OF LABOR RELATIONS AND MEAT AND CANNING DIVIS...

G.R. No. 61153. January 17, 1983

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-61153/>

ABAD SANTOS, J.:

Unbelievable things do happen. Trade Unions of the Philippines and Allied Services (TUPAS) filed a petition with the Ministry of Labor and Employment for the holding of a certification election within the regular daily rank and file unit of the Meat and Canning Division of Universal Robina Corporation (ROBINA). ROBINA opposed the petition and asked that it "be dismissed for jurisdictional deficiency, and for lack of merit." It alleged two reasons which have no relevance in this decision.

Acting on the petition and the motion, Med-Arbiter Edgardo de la Cruz ordered a certification election on: 1. TUPAS; 2. NO UNION.

TUPAS obtained majority of the votes cast and was accordingly certified as the sole and exclusive bargaining agent in ROBINA's Meat and Canning Division. But ROBINA was obdurate. It filed a motion for reconsideration and/or appeal for reasons which also have no relevance in this decision. TUPAS opposed the motion and/or appeal but Director Cresenciano B. Trajano of the Bureau of Labor Relations granted the appeal, set aside the order of Med-Arbiter de la Cruz which recognized TUPAS as the sole and exclusive bargaining unit in ROBINA's Meat and Canning Division, and ordered a new certification election. TUPAS filed a motion for reconsideration but it was futile; hence this appeal by certiorari which is gladly given due course.

We set aside the actuaciones of Director Trajano who should know better on the sole ground that ROBINA had no legal standing in the certification election. It had no legal standing to oppose the petition of TUPAS and it had no legal standing to appeal the order of Med-Arbiter de la Cruz which recognized TUPAS as the sole and exclusive bargaining unit in ROBINA's Meat and Canning Division.

A certification election is the sole concern of the workers. The only exception is where the employer has to file a petition for certification election pursuant to Article 259 of the Labor Code because it was requested to bargain collectively. Thereafter the role of the employer in the certification process ceases. It becomes merely a by-stander.

In the instant case, the petition for a certification election was filed by a legitimate labor organization as stipulated by Article 258 of the Labor Code. Such being the case, ROBINA should not have involved itself in the certification election. That it did gives rise to a well-founded suspicion that it wanted a company union which is a no, no in this jurisdiction.

The pronouncement of this Court concerning management interference in certification elections is well worth

repeating:

"On a matter that should be the exclusive concern of labor, the choice of a collective bargaining representative, the employer is definitely an intruder. His participation, to say the least, deserves no encouragement. This Court should be the last agency to lend support to such an attempt at interference with a purely internal affair of labor." (Consolidated Farms, Inc. vs. Noriel, L-47752, July 31, 1978, 84 SCRA 469, 473. See also Filipino Metals Corp. vs. Ople, L-43861, Sept. 4, 1981, 107 SCRA 211.)

WHEREFORE, the petition is granted; the decision and order of the respondent Director of Labor Relations are set aside; and the petitioner is recognized as the sole and exclusive bargaining agent of the workers at the private respondent's establishment. Costs against the private respondent.

SO ORDERED.

Makasiar (Chairman), Concepcion, Jr., Guerrero, De Castro and Escolin, JJ., concur.
Aquino, J., no part.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.