

BAGUIO WATER DISTRICT, PETITIONER, VS. HON. CRESENCIANO B. TRAJANO IN HIS OFFICIAL CAPACITY AS THE DIRECTOR OF THE BUREAU OF LABOR RELATIONS OF THE MINISTRY OF LABOR AND EMPLOYM...

G.R. No. 65428. February 20, 1984

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This is a petition to review the decision of the public respondent which affirmed that of a Med-Arbiter calling for a certification election among the regular rank and file employees of the Baguio Water District (BWD).

The Baguio Water District was formed pursuant to Title II - Local Water District Law - of P.D. No. 198, as amended. The BWD is by Sec. 6 of that decree "a quasi-public corporation performing public service and supplying public wants"

A part of the public respondent's decision rendered in September, 1983, reads in part:

"We find the appeal [of the BWD] to be devoid of merit. The records show that the operation and administration of BWD is governed and regulated by special laws, that is, Presidential Decrees Nos. 198 and 1497 which created local water districts throughout the country. Section 25 of Presidential Decree (PD) 198 clearly provides that the district and its employees shall be exempt from the provisions of the Civil Service Law and that its personnel below supervisory level shall have the right to collectively bargain. Contrary to appellant's claim, said provision has not been amended much more abrogated expressly or impliedly by PD 1497 which does not make mention of any matter on Civil Service Law or collective bargaining." (Rollo, p. 59.)

We grant the petition for the following reasons:

1. Section 25 of P.D. No. 198 was repealed by Sec. 3 of P.D. No. 1479; Sec. 26 of P.D. No. 198 was amended to read as Sec. 25 by Sec. 4 of P.D. No. 1479. The amendatory decree took effect on June 11, 1978.

Sec. 25 of P.D. No. 198 was originally written as follows:

"Sec. 25. Exemption from Civil Service. - The district and its employees, being engaged in a proprietary function, are hereby exempt from the provisions of the Civil Service Law. Collective bargaining shall be available only to personnel below supervisory levels: Provided, however, That the total of all salaries, wages, emoluments, benefits or other compensation paid to all employees in any month shall not exceed fifty percent (50%) of average net monthly revenue, said net revenue representing income from water sales and sewerage service charges, less pro-rata share of debt service and expenses for fuel or energy for pumping during the preceding fiscal year."

After P.D. No. 198 was amended by P.D. No. 1479, Sec. 25 now reads:

"Sec. 25. Authorization. - The district may exercise all the powers which are expressly granted by this Title or

which are necessarily implied from or incidental to the powers and purposes herein stated. For the purpose of carrying out the objectives of this Act, a district is hereby granted the power of eminent domain, the exercise thereof shall, however, be subject to review by the Administration."

It is obvious that the public respondent erred when he said: "Contrary to appellant's claim, said provision has not been amended much more abrogated expressly or impliedly by PD 1497 which does not make mention of any matter on Civil Service Law or collective bargaining."

2. The agencies of the Ministry of Labor and Employment do not compare notes.

In NLRC Case No. RAB-I-0053-82, Beneco Employees Labor Union, et al. vs. Baguio Water District, the Second Division of the NLRC held:

"Upon absorption of herein complainant by BWD by virtue of the terms of the aforementioned agreement, he automatically became a government employee. As such, his terms and conditions of employment are governed by the Civil Service Law, rules and regulations and therefore any dispute or controversy arising from such employment status is removed from the jurisdiction of the Labor Arbiter and this Commission pursuant to Article 277 of the Labor Code, as amended, which We hereby reproduce below:

'ART. 277. Government employees. - The terms and conditions of employment of all government employees, including employees of government-owned and controlled corporations, shall be governed by the Civil Service Law, rules and regulations. Their salaries shall be standardized by the National Assembly as provided for in the New Constitution. However, there shall be no reduction of existing wages, benefits and other terms and conditions of employment being enjoyed by them at the time of the adoption of the Code.'

"As one of the issues raised before Us in this appeal is one of jurisdiction, We rule to dismiss the above-entitled case based on the ground of lack of jurisdiction.

"WHEREFORE, the appealed Decision is hereby Reversed. Case dismissed for lack of jurisdiction." (Rollo, p. 64.)

The Union appealed to this Court but in G.R. No. 63184 a resolution dated April 24, 1983, dismissed its appeal for lack of merit.

3. The BWD is a corporation created pursuant to a special law - P.D. No. 198, as amended. As such its officers and employees are part of the Civil Service. (Sec. 1, Art. XII-B, Constitution; P.D. No. 868.)

WHEREFORE, the petition is granted and the questioned decision of the public respondent is hereby set aside. No costs.

SO ORDERED.

Aquino, Concepcion, Jr., Guerrero, De Castro, and Escolin, JJ., concur.

Makasiar, J., (Chairman), reserves his vote.

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