

**PHILIPPINE AIRLINES EMPLOYEES' ASSOCIATION (PALEA),
PETITIONER, VS. HON. PURA FERRER-CALLEJA, DIRECTOR OF THE
BUREAU OF LABOR RELATIONS, PHILIPPINE AIRLINES
NON-MANAGERIAL EMPLO...**

G.R. No. 76673. June 22, 1988

Ponente: GRÑO-AQUINO. J.

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GRÑO-AQUINO. J.

Petitioner in this special civil action for certiorari and prohibition, alleges grave abuse of discretion on the part of the Bureau of Labor Relations in issuing the following orders:

- NCR Med-Arbiter Edgardo dela Cruz' Resolution dated January 13, 1981;
- BLR Resolution dated November 27, 1981 signed by OIC Romeo Young;
- BLR Order signed by Director Cresenciano Trajano dated April 4, 1986;
- BLR Order signed by Director Cresenciano Trajano dated June 26, 1986; and
- BLR Order dated October 29, 1986 signed by Director Pura Ferrer-Calleja in BLR Case No. A-034-81 (NCR-LRD-M-9-361-80).

Petitioner prays for the issuance of a restraining order enjoining the respondent BLR Director from proceeding with the certification election in BLR Case No. 034-81 (NCR-LRD-M-9-361-80) and moves to dismiss the petition for certification election filed by Philippine Airlines Non-Managerial Employees Association (PANOMEA-FUR).

The records show that prior to the effectivity of the Labor Code on November 1, 1974, there were four collective bargaining agents in the Philippine Airlines, Inc., namely: 1) the Airline Pilots Association of the Philippine (ALPAP) representing pilots; 2) Flight Attendants and Flight Stewards Association of the Philippines, (FASAP), representing flight attendants and stewards; 3) Philippine Airlines Supervisors' Association (PALSA), representing ground supervisory personnel, and 4) petitioner PALEA, representing ground rank-and-file personnel.

Pursuant to Section II, Rule II of the Labor Code, in relation to Articles 212(k) and 246, Labor Code as amended, the continued existence of PALSA was rejected, because a supervisory union could not organize as a labor unit

separate from that of the rank-and-file organization. In anticipation of PALSA's dissolution, the Philippine Airlines Personnel Association (PALPA-Legayada) filed on November 19, 1974 a petition for certification election under BLR Case No 0013. In this case, the BLR Director ruled on November 24, 1975 that "all employees with the positions of division heads or above shall be considered 'managerial employees' and ineligible to vote, and all others shall be declared rank and file."

On April 27, 1977, a certification election was held among: (1) PALPA, (2) PALEA, and (3) No Union. PALEA, as the winner in that election, was certified by the BLR as the exclusive bargaining agent of all the rank-and-file employees of the Philippine Airlines, Inc.

PALEA and PAL signed a 3-year collective bargaining agreement effective October 1, 1976 up to September 30, 1979. Its life was, by agreement of the parties, extended up to September 30, 1980.

Before the expiration of the agreement in September, 1980, the respondent Philippine Airlines Non-Manual Employees' Association (PANOMEA-FUR) filed a petition for certification election among the "administrative, supervisory, licensed mechanics, technical and confidential employees" of PAL, alleging inter alia that "there is no other union existing in the proposed bargaining unit nor is there a certified collective bargaining agreement which may be a bar to the petition." PALEA, which had an existing collective bargaining agreement with the Management, was not mentioned in the petition, nor notified of the filing of the same. Although PAL had filed its position paper in the said certification election case, the Med-Arbiter issued a resolution on January 13, 1981, granting the petition for a certification election among the administrative, supervisory, licensed mechanics, technical and confidential employees of PAL with the following as the contending parties: (1) PANOMEA-FUR and (2) No Union.

Upon learning of the Med-Arbiter's resolution, PALEA appealed to the BLR Director on February 9, 1981 as a compulsory intervenor. The BLR Officer-in-charge affirmed on November 27, 1981 the Med-Arbiter's resolution calling for a certification election. PALEA and PAL filed separate motions for reconsideration of the BLR resolution.

Meanwhile, PAL and PALEA concluded a collective bargaining agreement on May 19, 1981, with a three-year life span from October 1, 1980 to September 30, 1983. It was renewed for another three-year period expiring on September 30, 1986.

While PAL and PALEA's motions for reconsideration were pending resolution by the BLR Director, the licensed mechanics whom PANOMEA-FUR sought to represent, filed their own petition for certification election on October 16, 1984 under the name of PAL Licensed Amalgamated Federation of Labor of the Philippines (PALMA-AFL).

PAL and PALEA separately filed an answer/opposition to the petition of PALMA-AFL. PALEA argued that it was the exclusive bargaining agent of the rank-and-file employees of PAL, including the members of PALMA-AFL, who are also embraced within the CBA that was concluded between PAL and PALEA.

On October 11, 1985, the BLR Director dismissed the petition of the licensed mechanics only (PALMA-AFL), excluding the administrative, supervisory, technical and confidential employees. He ruled that the existing law did not allow the creation of a separate bargaining unit for the licensed mechanics at PAL, because they were considered members of the existing rank-and-files unit represented for collective bargaining purposes by PALEA.

However, on April 4, 1986, the BLR Director ordered the holding of a certification election among the administrative, supervisory, licensed mechanics, technical and confidential employees of PAL and denied PAL's and PALEA's motions for reconsideration of the BLR's November 27, 1981 decision.

In his Order of June 26, 1986, BLR Director Cresenciano Trajano denied PAL's and PALEA's motions for reconsideration. However, finding it necessary to conduct pre-election conferences to delineate the proper composition of the proposed bargaining unit, the BLR on August 15, 1986 temporarily restrained the holding of the certification election. On October 29, 1986, BLR Director Calleja lifted the restraining order and directed the holding of the said election.

Hence, this petition for certiorari by PALEA, alleging that the BLR Director erred:

- in ordering a certification election among PAL's administrative, supervisory licensed mechanics, technical and confidential employees as a separate bargaining unit distinct from the rank-and-file employees, in violation of specific provisions of the Labor Code as amended, particularly Article 256 thereof; and
- in not dismissing the petition for certification election filed by respondent PANOMEA-FUR (NCR-LRD-M-9-361-80) for having been rendered moot and academic by supervening factors.

Petitioner claims that PALEA is the exclusive bargaining representative of all rank-and-file PAL employees, and that PANOMEA seeks to dismember or fragmentize the already existing unit so that another one may be created. Furthermore, petitioner argues that PANOMEA's petition for a certification election is fatally defective, as it is not supported by the signatures of at least 30% of the bargaining unit composed of 7,000 rank-and-file employees (only 369 signatures were allegedly obtained), contrary to law and national policy.

We are not persuaded that the public respondent gravely abused her discretion in issuing the assailed orders.

The rule is that factual findings of the Bureau of Labor Relations which are supported by substantial evidence are binding on this Court and must be respected (*Asian Design and Manufacturing Corp. vs. Deputy Minister of Labor*, 142SCRA 79). The Bureau of Labor Relations found that the present CBA between PALEA and PAL covers only the rank-and-file employees but not the licensed mechanics, administrative, supervisory, technical and confidential employees of PAL. The petition failed to prove that PANOMEA's petition lacked the support of 30% of the employees.

Employees have a constitutional right to choose their own bargaining representative. The holding of a certification election is a statutory policy that should not be circumvented (*George and Peter Lines, Inc. vs. Association of Labor Unions [ALU]*, 134 SCRA 92).

Whenever there is doubt as to whether a particular union represents the majority of the rank-and-file employees, in the absence of a legal impediment, the holding of a certification election is the most democratic method of determining the employees' choice of their bargaining representative. It is the appropriate means whereby controversies and disputes on representation may be laid to rest, by the unequivocal vote of the employees themselves. In lifting the restraining order which her predecessor had issued, and ordering that the certification election proceed, respondent Ferrer-Calleja opened the door for the employees to express their choice.

WHEREFORE, the petition is dismissed for lack of merit.

SO ORDERED.

Narvasa, C. J. (Chairman), Cruz, Gancayco, and Medialdea, JJ., concur.

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