

LIBERTY COMMERCIAL CENTER, INC., PETITIONER, VS. PURA FERRER CALLEJA-BLR DIRECTOR/SAMAHANG MANGGAGAWA NG LIBERTY COMMERCIAL CENTER-ORGANIZED LABOR ASSOCIATION IN LINE INDUSTRIES...

G.R. No. 81269. July 19, 1989

Ponente: GANCAYCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-81269/>

GANCAYCO, J.:

The principal issue in this case is whether or not public respondent Pura Ferrer Calleja, in her capacity as the Director of the Bureau of Labor Relations (BLR) of the Department of Labor and Employment, can order a certification election among the rank and file employees working in the Tabaco, Albay office and in the Legaspi City office of petitioner Liberty Commercial Center, Inc., despite the existence of two separate collective bargaining agreements for each of the two said office.

Petitioner questions the decision of Director Calleja dated September 2, 1987 in BLR Case No. A-6-205-87 (MED-ARB-Case No. R05-41-87), the dispositive portion of which is as follows:

"WHEREFORE premises considered the Order of the Med-Arbiter dated May 8, 1987 is hereby set aside and vacated and a new one entered, calling for a certification election among the rank and file employees of Liberty Commercial Center, Inc., Tabaco and Legaspi City, with the following choices:

1. Samahan Ng Mangagawa sa Liberty Commercial Center-Olalia;
2. Association of L.C.C. Employees;
3. Liberty Employees Association; and
4. No union.

Let, therefore, the records of this case be immediately remanded to the Office of Origin for the conduct of the certification election.

SO ORDERED."[1]

On February 10, 1988, this Court issued a temporary restraining order enjoining the execution of the said decision.[2]

The undisputed pertinent facts follow:

Petitioner has its principal business office at Tabaco, Albay, and a branch office at Legaspi City. Private respondent SMLCC Olalia KMU is an organized labor union.

The Association of Liberty Commercial Center Employees (ALCCE) and the Liberty Employees Association (LEA) are registered labor unions since July 29, 1986.[3] Their certificates of registration bear the signatures of

Director of Labor Cresenciano B. Trajano and then Minister of Labor and Employment Augusto S. Sanchez. The authenticity of these two certificates has never been successfully assailed.

The ALCCE represented all the rank and file employees of the petitioner in Legaspi City, while the LEA represented the rank and file employees of petitioner in Tabaco, Albay. Both unions are represented by a lawyer from the Free Legal Assistance Group (FLAG).

After five months of negotiation, two separate collective bargaining agreements were executed. They both took effect on December 1, 1986, and were to last for a period of three years.

The collective bargaining agreement between the petitioner and the ALCCE is a notarized document consisting of eleven pages.[4] The said document is accompanied by a certification of union secretary Lina Pasmayor that the collective bargaining agreement was posted in two places within the premises of the office five days before ratification, and that it had been ratified by a majority of the members of the union.[5]

Similarly, the collective bargaining agreement between petitioner and the LEA is a notarized document consisting of eleven (11) pages[6] together with a certification by union secretary Lorna Kallos that the said agreement was posted in two places within the premises of the office five days before ratification, and that it was ratified by a majority of the members of the union.[7]

It is recorded in the minutes of the board membership meeting for the ratification of the collective bargaining agreement between petitioner and the ALCEE that the majority of the members signed for ratification (221 signatures).[8] The minutes of the general membership meeting for the ratification of the collective bargaining agreement between petitioner and the LEA also show that the majority of the members signed for ratification (124 signatures).[9]

In the meantime, the SMLCC-Olalia-KMU filed a petition for certification election with the Bureau of Labor Relations.

On April 2, 1987, a group led by the SMLCC-Olalia-KMU picketed the Legaspi City office of petitioner at around 8:00 o'clock in the morning. Petitioner learned that the said group consisted of slum dwellers and employees dismissed as early as January, 1983.

At around 11:00 o'clock in the morning of the same day, Atty. Domingo Reyes, a conciliator from the Department of Labor and Employment arrived at the office of petitioner. He informed the management that a Notice of Strike was filed by the SMLCC-Olalia-KMU. In a conference organized by the conciliator and attended by the officers of petitioner, the SMLCC-Olalia-KMU demanded the reinstatement of the dismissed employees of petitioner.

While the conference was going on, the SMLCC-Olalia-KMU picket continued. As there was no settlement, the group became unruly and started to harass petitioner's customers and other employees. Petitioner sought relief in court. In due time, the SMLCC-Olalia-KMU was ordered to desist from committing acts of grave threats, grave coercion and disturbance of the peace, and from barricading the business establishment of petitioner. After arrests were made, there was a lull.

On May 3, 1987, the same group led by the SMLCC-Olalia-KMU picketed the Tabaco, Albay office of petitioner. Inasmuch as the same acts of harassment had been committed in the picket line, petitioner sought police intervention.

On April 9, 1987, petitioner was furnished a copy of the notice setting the initial hearing of the petition for certification election, as well as the petition for direct certification filed by the SMLCC-Olalia-KMU, docketed as Med-ARB Case No. R05-41-87 and now BLR Case No. A-6-205-87.

On April 20, 1987, petitioner filed an "Answer With Motion To Dismiss the Petition For Direct Certification" on the ground that the petition has no legal and factual basis.

On May 8, 1987, the Med-Arbiter dismissed the Petition for Direct Certification on the ground that the same had been filed before the sixty-day freedom period.[10] On May 22, 1987, the SMLCC-Olalia-KMU interposed an appeal to the Bureau of Labor Relations, and on September 2, 1987, the BLR Director penned the questioned decision in BLR Case No. A-6-205-87. Hence, this petition.

The petition is meritorious.

An examination of the record clearly shows that both the ALCEE and the LEA are duly registered unions of petitioner's employees in its two separate offices, one at Tabaco, Albay and the other at Legaspi City. The certificates of registration of both unions appear to be authentic even considering that both unions were organized and registered on the same date. In the absence of strong evidence to the contrary, both ALCEE and LEA must be considered registered unions representing the employees of petitioner in two separate offices.

Likewise, there is no denying that two separate collective bargaining agreements were entered into between petitioner and the ALCEE on one hand, and between petitioner and the LEA on the other. Both agreements were to be in force until December 1, 1989. Again, notwithstanding the observation of public respondent that the certificates of registration were executed on the same dates thus casting doubt on their authenticity, it appears that the two collective bargaining agreements are notarized documents bearing the certifications of ratification and the signatures of the ratifying employees. The authenticity of both collective bargaining agreements must be sustained.

Examining the Petition for Direct Certification filed by the SMLCC-Olalia-KMU, it clearly appears that only fourteen supposed employees of petitioner signed it.[11] Petitioner contends, and this was never controverted by the SMLCC-Olalia-KMU, that those signatories are dismissed employees of petitioner. It also appears that the said petition was filed before the sixty-day freedom period prior to the expiration of the said collective bargaining agreements.

The law is explicit. A petition filed before or after the sixty-day freedom period shall be dismissed outright.[12]

What could be immediately perceived in this case is that notwithstanding the existence of two legitimate labor unions (ALCEE and LEA) representing the employees of petitioner, and despite the existence of two collective bargaining agreements as ratified by an overwhelming majority of the said employees, the SMLCC-Olalia-KMU pretended to represent the employees of petitioner by committing illegal acts of picketing and by filing a petition for certification election. The said petition had only fourteen signatories and petitioner's contention that all of them were previously dismissed employees was never controverted.

The only logical conclusion is that the SMLCC-Olalia-KMU had questionable motives in filing the petition for certification election and in resorting to illegal acts to coerce petitioner to allow it to intrude upon the activities of two legitimate unions. We cannot agree with the perceptions of the public respondent who, without supporting evidence, doubted the authenticity of the certificates of registration of the two labor unions. Inasmuch as the authenticity of the certificates of registration has not been successfully assailed, this Court cannot accept the gratuitous statement of the public respondent that both unions are company unions, in the absence of evidence to establish the imputation.

The SMLCC-Olalia-KMU obviously does not have any lawful basis in filing a petition for direct certification. Indeed, by its coercive acts tending to harass petitioner, it betrayed its motives to be far from sincere.

WHEREFORE, the petition is GRANTED. The Decision of the Director of the Bureau of Labor Relations dated September 2, 1987 in BLR Case No. A-6-205-87 is hereby SET ASIDE. The petition for certification election filed by the private respondent is hereby DISMISSED. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Pages 89 to 91, Rollo.

[2] Page 102, Rollo.

[3] Pages 56 to 57, Rollo.

[4] Pages 28 to 38, Rollo.

[5] Page 27, Rollo.

[6] Pages 40 to 55, Rollo.

[7] Page 39, Rollo.

[8] Pages 58 to 67, Rollo.

[9] Pages 68 to 77, Rollo.

[10] Pages 81 to 84, Rollo.

[11] Pages 79 to 81, Rollo.

[12] See Section 3, Rule V of the Implementing Regulations of the Labor Code relating to certification cases; and Article 254, Labor Code.

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.