

NISSAN MOTORS PHILIPPINES, INC., PETITIONER, VS. SECRETARY OF LABOR AND EMPLOYMENT AND BAGONG NAGKAKAISANG LAKAS SA NISSAN MOTORS PHILIPPINES, INC. (BANAL-NMPI-OLALIA-KMU), RESP...

G.R. NOS. 158190-91. October 31, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

This resolves the motion interposed by Bagong Nagkakaisang Lakas sa Nissan Motors Philippines, Inc. (BANAL-NMPI-OLALIA-KMU) for clarification of the Decision of the Court dated June 21, 2006, as reiterated with finality in its Resolution of August 28, 2006, affirming with modifications the Decision dated February 7, 2003 of the Court of Appeals (CA) and its Resolution of May 15, 2003, in CA-G.R. SP No. 69107 and CA- G.R. SP No. 69799.

The relevant factual antecedents of the subject motion for clarification may be summarized as follows:

A 2000-2001 labor dispute between Nissan Motors Philippines, Inc. (Nissan Motors) and BANAL-NMPI-OLALIA-KMU ("Union" hereafter) triggered by a collective bargaining deadlock resulted in (1) the filing of four (4) notices of strike, the first filed on December 4, 2000 on account of the alleged suspension of about 140 employees following a disruption of company operations; and (2) the dismissal from the service of a number of company employees. On August 22, 2001, the Department of Labor and Employment (DOLE) issued an order assuming jurisdiction over the dispute. In it, the DOLE Secretary expressly enjoined any strike or lockout and directed the parties to cease and desist from committing any act that might exacerbate the situation, and for the Union to refrain from engaging in any disruptive activity.

Eventually, the DOLE Secretary issued, on December 5, 2001, a decision which contained names of union officers and members whom Nissan Motors dismissed for defying the directives contained in the assumption order. Insofar as pertinent, the Secretary's decision dispositively reads:

WHEREFORE, in the light of the foregoing discussions, this Office orders the following:

- The suspension of the 140 employees which is the subject of the first notice of strike is hereby affirmed;
- The dismissal of the Union officers is hereby sustained. However, the dismissal of the Union members is recalled, hence, they are reinstated to their former positions without back wages. They are imposed a suspension of one month which is deemed already served;

xxx xxx xxx

The DOLE Secretary would subsequently issue a resolution dated January 22, 2002 affirming with modification her decision of December 5, 2001. The modification consisted in the deletion from the list of dismissed Union officers the names of three (3) employees previously identified as officers, i.e., Efimaco C. Marica, Rafael L.

Guillano and Aldren Camposano, but are not listed as such in the official records of the Bureau of Labor Relations, thus:

WHEREFORE, the motions for reconsiderations are - DENIED. Accordingly, our 05 December 2001 Order is AFFIRMED and the directives therein contained are hereby REITERATED with a MODIFICATION that the order affirming the order of dismissal of union officers shall not apply to those three employees identified in this resolution who are not listed in the official records of the BLR, and who shall be immediately reinstated to their former positions.

On February 7, 2003, in consolidated cases docketed as CA-G.R. SP No. 69107 and CA-G.R. SP No. 69799, the CA, acting on the separate petitions for certiorari of Nissan Motors and the Union, effectively affirmed the aforementioned decision, as modified, of the DOLE Secretary. In turn, the Court, in its Decision of June 21, 2006, affirmed that of the CA insofar as it upheld the DOLE Secretary on the suspension and dismissal angle of her decision, or to be precise, her order (a) affirming the suspension of the 140 employees which is the subject of the first notice of strike; (b) sustaining the dismissal of the Union officers; and (c) downgrading to one-month suspension the penalty of dismissal heretofore imposed on Union members who joined the striking Union officers in defying the assumption order and accordingly reinstating said union members having already served the one-month suspension.

This Court in turn sustained the CA's Decision also insofar as it affirmed the disciplinary aspect of the DOLE Secretary's case disposition.

In its present motion, the Union seeks clarification on who among the union members were ordered reinstated, pursuant to the affirmed decision of the DOLE, considering that the Court's Decision failed to mention the names of such union members ordered reinstated after their dismissal was recalled.

There is really nothing to clarify. For, albeit the dispositive portion of the DOLE's decision was indeed silent as to who were to be reinstated, the text thereof under the heading: The Issue on Dismissal delved on the question of who were subjects of dismissal and specifically carried 44 names of "Union officers and members dismissed for carrying out slowdown in defiance of the assumption or jurisdiction order." [1] And any doubt as to who the DOLE Secretary dispositively referred when she wrote of the union officers whose dismissal is sustained and the union officers whose dismissal is recalled should be put to rest by the clarifying light accorded by the following excerpts of her decision:

Thus, the Union's excuses do not hold sway on this Office. To be sure, the Union engaged in work showdown which under the circumstances in which they were undertaken constitute illegal strike. The company is therefore right in dismissing the subject Union officers in accordance with Article 264 (a) of the Labor Code, for participating in illegal strike in defiance of the assumption of jurisdiction order by the Labor Secretary.

However, the members of the Union should not be as severely punished. Dismissal is a harsh penalty as surely they were only following orders from their officers. Besides, there is no evidence that they engaged or participated in the commission of illegal activities during the said strike. They should thus be reinstated to their former positions, but without backwages. Their action which resulted in prejudice to the Company cannot however go unpunished. For the injury that they have collectively inflicted on the company, they should be disciplined. A one month suspension is a reasonable disciplinary measure which should be deemed served during the time they out of their jobs (sic). [2] (Emphasis supplied.)

The instant motion is thus RESOLVED accordingly.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

[1]Pages 12 & 13 of the Decision; Rollo, pp. 21-22.

[2]Rollo, p. 22.

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