

TERESITA MONTOYA, PETITIONER, VS. TERESITA ESCAYO, JOY ESCAYO, AIDA GANANCIAL, MARY ANN CAPE, CECILIA CORREJADO, ERLINDA PAYPON AND ROSALIE VERDE, AND NATIONAL LABOR RELATIONS C...*G.R. Nos. 82211-12. March 21, 1989*

Ponente: SARMIENTO, J.

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This petition for certiorari seeks the annulment and setting aside of the resolution[1] dated August 20, 1987 of the National Labor Relations Commission (NLRC), Third Division, which reversed and set aside the order dated September 27, 1985 of Labor Arbiter Ethelwoldo R. Ovejera of the NLRC's Regional Arbitration Branch No. VI, Bacolod City, dismissing the complaint filed by the private respondents against the petitioner. This petition raises a singular issue, i.e., the applicability of Presidential Decree (P.D.) No. 1508, more commonly known as the Katarungang Pambarangay Law, to labor disputes.

The chronology of events leading to the present controversy is as follows:

The private respondents were all formerly employed as salesgirls in the petitioner's store, the "Terry's Dry Goods Store," in Bacolod City. On different dates, they separately filed complaints for the collection of sums of money against the petitioner for alleged unpaid overtime pay, holiday pay, 13[th] month pay, ECOLA. and service leave pay; for violation of the minimum wage law, illegal dismissal, and attorney's fees. The complaints, which were originally treated as separate cases, were subsequently consolidated on account of the similarity in their nature. On August 1, 1984, the petitioner-employer moved (Annex "C" of Petition) for the dismissal of the complaints, claiming that, among others, the private respondents failed to refer the dispute to the Lupong Tagapayapa for possible settlement and to secure the certification required from the Lupon Chairman prior to the filing of the cases with the Labor Arbiter. These actions were allegedly violative of the provisions of P.D. No. 1508, which apply to the parties who are all residents of Bacolod City.

Acting favorably on the petitioner's motion, Labor Arbiter Ethelwoldo R. Ovejera, on September 27, 1985, ordered the dismissal of the complaints. The private respondents sought the reversal of the Labor Arbiter's order before the respondent NLRC. On August 20, 1987, the public respondent rendered the assailed resolution reversing the order of Ovejera, and remanded the case to the Labor Arbiter for further proceedings. A motion for reconsideration was filed by the petitioner but this was denied for lack of merit on October 28, 1987. Hence, this petition.

It is the petitioner's contention that the provisions of the Katarungang Pambarangay Law (P.D. No. 1508) relative to the prior amicable settlement proceedings before the Lupong Tagapayapa as a jurisdictional requirement at the trial level apply to labor cases. More particularly, the petitioner insists that the failure of the private respondents to first submit their complaints for possible conciliation and amicable settlement in the proper barangay court in Bacolod City and to secure a certification from the Lupon Chairman prior to their filing with the Labor Arbiter,

divests the Labor Arbiter, as well as the respondent Commission itself, of jurisdiction over these labor controversies and renders their judgments thereon null and void.

On the other hand, the Solicitor General, as counsel for the public respondent NLRC, in his comment, strongly argues and convincingly against the applicability of P.D. No. 1508 to labor cases.

We dismiss the petition for lack of merit, there being no satisfactory showing of any grave abuse of discretion committed by the public respondent.

The provisions of P.D. No. 1508 requiring the submission of disputes before the barangay Lupon Tagapayapa prior to their filing with the court or other government offices are not applicable to labor cases.

For a better understanding of the issue in this case, the provisions of P.D. No. 1508 invoked by the petitioner, are quoted:

SEC. 6. Conciliation pre-condition to filing of complaint. —No complaint, petition, action or proceeding involving any matter within the authority of the Lupon as provided in Section 2 hereof shall be filed or instituted in court or any other government office for adjudication unless there has been a confrontation of the parties before the Lupon Chairman or the Pangkat and no conciliation or settlement has been reached as certified by the Lupon Secretary or the Pangkat Secretary, attested by the Lupon or Pangkat Chairman, or unless the settlement has been repudiated. However, the parties may go directly to court in the following cases:

- (1) Where the accused is under detention;
- (2) Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;
- (3) Actions coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property and support pendente lite; and
- (4) Where the action may otherwise be barred by the Statute of Limitations.

As correctly pointed out by the Solicitor General in his comment to the petition, even from the three "WHEREAS" clauses of P.D. No. 1508 can be gleaned clearly the decree's intended applicability only to courts of justice, and not to labor relations commissions or labor arbitrators' offices. The express reference to "judicial resources." to "courts of justice," "court dockets," or simply to "courts" are significant. On the other hand, there is no mention at all of labor relations or controversies, and labor arbiters or commissions in the clauses involved.

These "WHEREAS" clauses state:

WHEREAS, the perpetuation and official recognition of the time-honored tradition of amicably settling disputes among family and barangay members at the barangay level without judicial resources would promote the speedy administration of justice and implement the constitutional mandate to preserve and develop Filipino culture and to strengthen the family as a basic social institution;

WHEREAS, the indiscriminate filing of cases in the courts of justice contributes heavily and unjustifiably to the congestion of court dockets, thus causing a deterioration in the quality of justice;

WHEREAS, in order to help relieve the courts of such docket congestion and thereby enhance the quality of justice dispensed by the courts, it is deemed desirable to formally organize and institutionalize a system of amicably settling disputes at the barangay level;

(Italics supplied.)

In addition, Letter of Instructions No. 956 and Letter of Implementation No. 105, both issued on November 12,

1979 by the former President in connection with the implementation of the Katarungang Pambarangay Law, affirm this conclusion. These Letters were addressed only to the following officials: all judges of the Courts of First Instance, Circuit Criminal Courts, Juvenile and Domestic Relations Courts, Courts of Agrarian Relations, City Courts and Municipal Courts, and all Fiscals and other Prosecuting Officers. These presidential issuances make clear that the only officials directed to oversee the implementation of the provisions of the Katarungang Pambarangay Law (P.D. No. 1508) are the then Minister of Justice, the then Minister of Local Governments and Community Development, and the Chief Justice of the Supreme Court. If the contention of the petitioner were correct, the then Minister (now Secretary) of Labor and Employment would have been included in the list, and the two presidential issuances also would have been addressed to the labor relations officers, labor arbiters, and the members of the National Labor Relations Commission. *Expressio unius est exclusio alterius*.

Nor can we accept the petitioner's contention that the "other government office" referred to in Section 6 of P.D. No. 3 508 includes the Office of the Labor Arbiter and the Med-Arbiter. The declared concern of the Katarungang Pambarangay Law is "to help relieve the courts of such docket congestion and thereby enhance the quality of justice dispensed by the courts." Thus, the "other government office" mentioned in Section 6 of P.D. No. 1508 refers only to such offices as the Fiscal's Office or, in localities where there is no fiscal, the Municipal Trial Courts, where complaints for crimes (such as those punishable by imprisonment of not more than 30 days or a fine of not more than P200.00) falling under the jurisdiction of the barangay court but which are not amicably settled, are subsequently filed for proper disposition.

But, the opinion of the Honorable Minister of Justice (Opinion No. 59, s. 1983) to the contrary notwithstanding, all doubts on this score are dispelled by The Labor Code Of The Philippines (Presidential Decree No. 442, as amended) itself. Article 226 thereof grants original and exclusive jurisdiction over the conciliation and mediation of disputes, grievances, or problems in the regional offices of the Department of Labor and Employment. It is the said Bureau and its divisions, and not the barangay Lupong Tagapayapa, which are vested by law with original and exclusive authority to conduct conciliation and mediation proceedings on labor controversies before their endorsement to the appropriate Labor Arbiter for adjudication. Article 226, previously adverted to is clear on this regard. It provides:

ART. 226. Bureau of Labor Relations. — The Bureau of Labor Relations and the Labor relations divisions in the regional offices of the Department of Labor shall have original and exclusive authority to act, at their own initiative or upon request of either or both parties, on all inter-union and intra-union conflicts, and all disputes, grievances or problems arising from or affecting labor-management relations in all workplaces whether agricultural or non-agricultural, except those arising from the implementation or interpretation of collective bargaining agreements which shall be the subject of grievance procedure and/or voluntary arbitration.

The Bureau shall have fifteen (15) working days to act on all labor cases, subject to extension by agreement of the parties, after which the Bureau shall certify the cases to the appropriate Labor Arbiters. The 15-working day deadline, however, shall not apply to cases involving deadlocks in collective bargaining which the Bureau shall certify to the appropriate Labor Arbiters only after all possibilities of voluntary settlement shall have been tried.

Requiring conciliation of labor disputes before the barangay courts would defeat the very salutary purposes of the law. Instead of simplifying labor proceedings designed at expeditious settlement or referral to the proper court or office to decide it finally, the position taken by the petitioner would only duplicate the conciliation proceedings and unduly delay the disposition of the labor case. The fallacy of the petitioner's submission can readily be seen by following it to its logical conclusion. For then, if the procedure suggested is complied with, the private respondent would have to lodge first their complaint with the barangay court, and then if not settled there, they would have to go to the labor relations division at the Regional Office of Region VI of the Department of Labor

and Employment, in Bacolod City, for another round of conciliation proceedings. Failing there, their long travail would continue to the Office of the Labor Arbiter, then to the NLRC, and finally to us. This suggested procedure would destroy the salutary purposes of P.D. 1508 and of The Labor Code Of The Philippines. And labor would then be given another unnecessary obstacle to hurdle. We reject the petitioner's submission. It does violence to the constitutionally mandated policy of the State to afford full protection to labor.[2]

Finally, it is already well-settled that the ordinary rules on procedure are merely suppletory in character vis-a-vis labor disputes which are primarily governed by labor laws.[3] And "(A)ll doubts in the implementation and interpretation of this Code (Labor), including its implementing rules and regulations, shall be resolved in favor of labor." [4]

WHEREFORE, the petition is DISMISSED. Costs against the petitioner.

SO ORDERED.

Melencio-Herrera (Chairman), Paras, Padilla, and Regalado, JJ., concur.

[1] Presiding Commissioner Ceferino E. Dulay. ponente; Commissioners Mirasol Viniega-Corleto and Roberto P. Tolentino. concurring.

[2] Constitution (1987). Art. XIII, Sec. 3; The Labor Code of the Philippines. P.D. No. 442, as amended. Art. 3.

[3] Article 221. The Labor Code of the Philippines, as amended; see also *Acda vs. Minister of Labor*. No. 51607. December 15, 1982. I19SCRA306.

[4] The Labor Code of the Philippines, as amended. Art. 4.

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