

FIRST DIVISION

[G.R. No. 121084, February 19, 1997]

**TOYOTA MOTOR PHILIPPINES CORPORATION, PETITIONER,
VS. TOYOTA MOTOR PHILIPPINES CORPORATION LABOR UNION
AND THE SECRETARY OF LABOR AND EMPLOYMENT,
RESPONDENTS.
D E C I S I O N**

KAPUNAN, J.:

On November 26, 1992, the Toyota Motor Philippines Corporation Labor Union (TMPCLU) filed a petition for certification election with the Department of Labor, National Capital Region, for all rank-and-file employees of the Toyota Motor Corporation.^[1]

In response, petitioner filed a Position Paper on February 23, 1993 seeking the denial of the issuance of an Order directing the holding of a certification election on two grounds: first, that the respondent union, being "in the process of registration" had no legal personality to file the same as it was not a legitimate labor organization as of the date of the filing of the petition; and second, that the union was composed of both rank-and-file and supervisory employees in violation of law.^[2] Attached to the position paper was a list of union members and their respective job classifications, indicating that many of the signatories to the petition for certification election occupied supervisory positions and were not in fact rank-and-file employees.^[3]

The Med-Arbiter, Paterno D. Adap, dismissed respondent union's petition for certification election for lack of merit. In his March 8, 1993 Order, the Med-Arbiter found that the labor organization's membership was composed of supervisory and rank-and-file employees in violation of Article 245 of the Labor Code,^[4] and that at the time of the filing of its petition, respondent union had not even acquired legal personality yet.^[5]

On appeal, the Office of the Secretary of Labor, in a Resolution^[6] dated November 9, 1993 signed by Undersecretary Bienvenido E. Laguesma, set aside the Med-Arbiter's Order of March 3, 1993, and directed the holding of a certification election among the regular rank-and-file employees of Toyota Motor Corporation. In setting aside the questioned Order, the Office of the Secretary contended that:

Contrary to the allegation of herein respondent-appellee, petitioner-appellant was already a legitimate labor organization at the time of the filing of the petition on 26 November 1992. Records show that on 24 November 1992 or two (2) days before the filing of the said petition, it was issued a certificate of registration.

We also agree with petitioner-appellant that the Med-Arbiter should have not dismissed the petition for certification election based on the ground that the proposed bargaining unit is a mixture of supervisory and rank-and-file employees, hence, violative of Article 245 of the Labor Code as amended.

A perusal of the petition and the other documents submitted by petitioner-appellant will readily show that what the former really seeks to represent are the regular rank-and-file employees in the company numbering about 1,800 more or less, a unit which is obviously appropriate for bargaining purposes. This being the case, the mere allegation of respondent-appellee that there are about 42 supervisory employees in the proposed bargaining unit should have not caused the dismissal of the instant petition. Said issue could very well be taken cared of during the pre-election conference where inclusion/exclusion proceedings will be conducted to determine the list of eligible voters.^[7]

Not satisfied with the decision of the Office of the Secretary of Labor, petitioner filed a Motion for Reconsideration of the Resolution of March 3, 1993, reiterating its claim that as of the date of filing of petition for certification election, respondent TMPCLU had not yet acquired the status of a legitimate labor organization as required by the Labor Code, and that the proposed bargaining unit was inappropriate.

Acting on petitioner's motion for reconsideration, the public respondent, on July 13, 1994 set aside its earlier resolution and remanded the case to the Med-Arbiter concluding that the issues raised by petitioner both on appeal and in its motion for reconsideration were factual issues requiring further hearing and production of evidence.^[8] The Order stated:

We carefully re-examined the records vis-a-vis the arguments raised by the movant, and we note that movant correctly pointed out that petitioner submitted a copy of its certificate of registration for the first time on appeal and that in its petition, petitioner alleges that it is an independent organization which is in the process of registration." Movant strongly argues that the foregoing only confirms what it has been pointing out all along, that at the time the petition was filed petitioner is (sic) not yet the holder of a registration certificate; that what was actually issued on 24 November 1992 or two (2) days before the filing of the petition was an official receipt of payment for the application fee; and, that the date appearing in the Registration certificate which is November 24, 1992 is not the date when petitioner was actually registered, but the date when the registration certificate was prepared by the processor. Movant also ratiocinates that if indeed petitioner has been in possession of the registration certificate at the time this petition was filed on November 26, 1992, it would have attached the same to the petition.

The foregoing issues are factual ones, the resolution of which is crucial to the petition. For if indeed it is true that at the time of filing of the petition, the said registration certificate has not been approved yet, then,

petitioner lacks the legal personality to file the petition and the dismissal order is proper. Sadly, we can not resolve the said questions by merely perusing the records. Further hearing and introduction of evidence are required. Thus, there is a need to remand the case to the Med-Arbiter solely for the purpose.

WHEREFORE, the motion is hereby granted and our Resolution is hereby set aside. Let the case be remanded to the Med-Arbiter for the purpose aforestated.

SO ORDERED.^[9]

Pursuant to the Order, quoted above, Med-Arbiter Brigida C. Fodrigon submitted her findings on September 28, 1994, stating the following:^[10]

[T]he controvertible fact is that petitioner could not have been issued its Certificate of Registration on November 24, 1992 when it applied for registration only on November 23, 1992 as shown by the official receipt of payment of filing fee. As Enrique Nalus, Chief LEO, this office, would attest in his letter dated September 8, 1994 addressed to Mr. Porfirio T. Reyes, Industrial Relations Officer of Respondent company, in response to a query posed by the latter, "It is unlikely that an application for registration is approved on the date that it is filed or the day thereafter as the processing course has to pass thought routing, screening, and assignment, evaluation, review and initialing, and approval/disapproval procedure, among others, so that a 30-day period is provided for under the Labor Code for this purpose, let alone opposition thereto by interested parties which must be also given due course."

Another evidence which petitioner presented . . . is the "Union Registration 1992 Logbook of IRD" . . . and the entry date November 25, 1992 as allegedly the date of the release of the registration certificate . . . On the other hand, respondent company presented . . . a certified true copy of an entry on page 265 of the Union Registration Logbook showing the pertinent facts about petitioner but which do not show the petitioner's registration was issued on or before November 26, 1992.^[11]

Further citing other pieces of evidence presented before her, the Med-Arbiter concluded that respondent TMPCLU could not have "acquire[d] legal personality at the time of the filing of (its) petition."^[12]

On April 20, 1996, the public respondent issued a new Resolution, "directing the conduct of a certification election among the regular rank-and-file employees of the Toyota Motor Philippines Corporation."^[13] Petitioner's motion for reconsideration was denied by public respondent in his Order dated July 14, 1995.^[14]

Hence, this special civil action for certiorari under Rule 65 of the Revised Rules of Court, where petitioner contends that "the Secretary of Labor and Employment committed grave abuse of discretion amounting to lack or excess of jurisdiction in reversing, contrary to law and facts the findings of the Med-Arbiter to the effect