

SECOND DIVISION

[G.R. NO. 157146, April 29, 2005]

**LAGUNA AUTOPARTS MANUFACTURING CORPORATION,
PETITIONER, VS. OFFICE OF THE SECRETARY, DEPARTMENT OF
LABOR AND EMPLOYMENT (DOLE) AND LAGUNA AUTOPARTS
MANUFACTURING CORPORATION OBRERO PILIPINO-LAMCOR
CHAPTER, RESPONDENTS.**

DECISION

CALLEJO, SR., J.:

This is a petition for review of the Decision^[1] of the Court of Appeals (CA) in CA-G.R. SP No. 67424 dated September 13, 2002, and the Resolution dated February 5, 2003 denying the motion for reconsideration thereof. The assailed decision affirmed in toto the decision of the Secretary of Labor and Employment, granting the petition for certification election filed by respondent Laguna Autoparts Manufacturing Corporation Obrero Pilipino-LAMCOR Chapter.

On May 3, 1999, the respondent union filed a petition for certification election before the Department of Labor and Employment (DOLE), Regional Office No. IV, Calamba, Laguna. In its petition, the respondent union alleged that Obrero Pilipino was a legitimate labor organization under Registration Certificate No. NCR-LF-11-04-92 issued by DOLE on November 11, 1992 and that its chapter affiliate, LAMCOR Chapter, had been assigned Control No. RO400-9807-CC-030 dated March 23, 1999. A copy of the respondent union's Certificate of Creation was attached to the petition. The petition further alleged that the bargaining unit sought to be represented was composed of all the rank-and-file employees in the petitioner company, more or less, 160 employees. It averred that the said bargaining unit is unorganized and that there has been no certification election conducted for the past 12 months prior to the filing of the petition.^[2]

The petitioner company moved to dismiss the petition for certification election. It claimed that the respondent union was not a legitimate labor organization for failure to show that it had complied with the registration requirements, such as the submission of the following requirements to the Regional Office or the Bureau of Labor Relations (BLR):

- a. Proof of payment of registration fee;
- b. List of officers and their addresses, and the address of the principal place of business of the union;
- c. Minutes of the organizational meeting and the list of workers who participated in the said meeting;

- d. Names of the members comprising at least twenty percent (20%) of all the employees in the bargaining unit where the union seeks to operate;
- e. Copies of financial reports or books of accounts; and
- f. Copies of petitioner's constitution and by-laws, minutes of its adoption or ratification, and list of members who participated in it.

[3]

The petitioner company further asserted in the said motion that even if the respondent union was issued a certificate of registration, it could not file a petition for certification election since its legal personality was at question.[4]

On October 24, 2000, Med-Arbiter Anastasio L. Bactin dismissed the petition for certification election for the respondent union's lack of legal personality. The Med-Arbiter found that the respondent union had not yet attained the status of a legitimate labor organization because it failed to indicate its principal office on the documents it submitted to the Regional Office. He opined that this was a fatal defect tantamount to failure to submit the complete requirements, which warranted the dismissal of the petition for certification election.[5]

The respondent union appealed the case to the Secretary of Labor and Employment, Patricia A. Sto. Tomas, who ruled as follows:

WHEREFORE, the appeal is **GRANTED**. The order dated 24 October 2000 of the Med-Arbiter is **REVERSED** and **SET ASIDE**. Accordingly, let the entire records of this case be remanded to the regional office of origin for the immediate conduct of a certification election, subject to the usual pre-election conference, among the rank-and-file employees of Laguna Auto Parts Manufacturing Corporation (LAMCOR), with the following choices:

1. Obrero Pilipino –LAMCOR Chapter; and
2. No Union

Pursuant to Section 11.1, Rule XI of the New Implementing Rules, the employer is hereby directed to submit to the regional office of origin the certified list of current employees in the bargaining unit for the last three months prior to the issuance of this decision.**SO DECIDED**.[6]

Finding no cogent reason to alter her decision, the Secretary of Labor and Employment denied the motion for reconsideration thereof.[7]

Not convinced, the petitioner filed a petition for *certiorari* with the CA on the following grounds:

I. PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION IN FINDING THAT PRIVATE RESPONDENT HAS COMPLIED WITH ALL REQUIREMENTS FOR REGISTRATION;

II. THE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION IN FINDING THAT PRIVATE RESPONDENT IS A LEGITIMATE LABOR UNION DESPITE LACK OF REGISTRATION AS SUCH.^[8]

On September 13, 2002, the CA rendered a Decision in favor of the respondent union, thus:

WHEREFORE, the instant petition is hereby **DENIED** and the assailed decision of the Secretary of Labor and Employment is **AFFIRMED** *in toto*.

SO ORDERED.^[9]

The CA stressed that a local or chapter need not be registered to become a legitimate labor organization. It pointed out that a local or chapter acquires legal personality as a labor organization from the date of filing of the complete documents enumerated in Section 1^[10] of Rule VI of the Implementing Rules of Book V (as amended by Department Order [D.O.] No. 9). The CA held that the findings of the Labor Secretary was amply supported by the records; such findings would not be reversed since she is considered to have acquired expertise as her jurisdiction is confined to specific matters. The CA, citing the case of Pagpalain Haulers, Inc. vs. Trajano,^[11] also upheld the validity of D.O. No. 9 since the petitioner failed to show that it was contrary to law or the Constitution.

Finally, the CA noted that it was the employer which offered the most tenacious resistance to the holding of a certification election among its regular rank-and-file employees. It opined that this must not be so for the choice of a collective bargaining agent was the sole concern of the employees, and the employer should be a mere bystander.^[12]

The petitioner filed a motion for reconsideration of the CA decision, but the same was likewise denied in a Resolution dated February 5, 2003.

Hence, this petition for review wherein the petitioner relies on the sole ground –

WITH DUE RESPECT, THE HON. COURT OF APPEALS COMMITTED REVERSIBLE ERRORS OF FACTS AND LAW WHEN IT AFFIRMED THE DECISION DATED JULY 5, 2001 OF THE HON. SECRETARY PATRICIA STO. TOMAS IN THE CASE IN RE: PETITION FOR CERTIFICATION ELECTION AMONG THE RANK- AND-FILE EMPLOYEES OF LAGUNA AUTO PARTS MFTG. CORP. CASE NO. RO400-9905-RU-001 WHEN IT RENDERED ITS DECISION DATED SEPTEMBER 13, 2002.^[13]

The issues are the following: (a) whether or not the respondent union is a legitimate labor organization; (b) whether or not a chapter's legal personality may be collaterally attacked in a petition for certification election; and (c) whether or not the petitioner, as the employer, has the legal standing to oppose the petition for certification election.

The petitioner submits that there is no law prohibiting it from questioning and impugning the status of the respondent union even in a petition for certification

election. It stresses that the right to file a petition for certification election is a mere statutory right and, to enjoy such right, the respondent union must comply with the requirements provided under the law, particularly the requirement that the applicant must be a legitimate labor organization. In this case, the Med-Arbiter found that the respondent union, which is a local or chapter, had not yet attained the status of a legitimate labor organization for failure to indicate its principal office on the list of officers it submitted to the Regional Office. The petitioner insists that substantial compliance with the requirements is not sufficient; as such, even if such address was indicated in the other documents submitted to the Regional Office, the requirement would still not be considered fulfilled. The petitioner concludes that the respondent union, therefore, does not have the right to file a petition for certification election.

The petitioner further postulates that in order to be considered legitimate, a labor organization must be issued a certificate of registration. It contends that D.O. No. 9, insofar as it requires that the mere submission of documentary requirements as sufficient to give legitimate personality to a labor organization, is *ultra vires*. The petitioner avers that the said Department Order could not amend Article 234 of the Labor Code which clearly states that the registration of a union is the operative act that imbues it with legitimate personality.

The petitioner then argues that since the mere submission of documents does not vest legitimate status on a local or chapter, it follows that such status may be questioned collaterally in a petition for certification election. It adds that the issue of whether or not the respondent union has the legal personality must first be resolved before the petition for certification election should be granted.

Finally, the petitioner maintains that in a number of cases,^[14] the employer was allowed to question the status of the union-applicant in a petition for certification election.^[15]

For its part, the respondent union avers that the petitioner's active participation in the representation proceedings was an act of intervention of the employee's right to self-organization. It asserts that the CA was correct in finding that the petitioner did not observe a strictly hands-off policy in the representation proceedings, in violation of established jurisprudence. It argues that the petitioner's alleged violation of the requirements of D.O. No. 9, for failure to indicate its principal address, has already been resolved by the decision of the Secretary of Labor and Employment.^[16]

The petition is unmeritorious.

In a petition for review on *certiorari* as a mode of appeal under Rule 45 of the Rules of Court, a petitioner can raise only questions of law — the Supreme Court is not the proper venue to consider a factual issue as it is not a trier of facts.^[17] Findings of fact of administrative agencies and quasi-judicial bodies, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only great respect but even finality.^[18] This is particularly true where the CA affirms such findings of fact. In this case, the CA affirmed the finding of the Secretary of Labor and Employment that the respondent union is a legitimate labor organization.