

TWELFTH DIVISION

[CA-G.R. SP. No. 116242, June 25, 2014]

INTERNATIONAL WIRING SYSTEMS WORKERS UNION, REP. BY ITS CURRENT PRESIDENT DEXTER DATU, PETITIONER, -VERSUS- DEPARTMENT OF LABOR AND EMPLOYMENT, BUREAU OF LABOR RELATIONS AND FEDERATION OF DEMOCRATIC TRADE UNION (FDTU), RESPONDENTS.

DECISION

ELBINIAS, J.:

For disposition is a Petition for Certiorari^[1] filed under Rule 65 of the Rules of Court. The Petition assails the Order^[2] dated December 29, 2009 of the Bureau of Labor Relations ("public respondent BLR" for brevity). The Petition also questions the Resolution^[3] dated August 17, 2010 of the Secretary of Department of Labor and Employment ("public respondent DOLE" for brevity).

On March 7, 2006, private respondent Federation of Democratic Trade Union (FDTU) ("private respondent" or "private respondent Federation" for brevity) filed before the Department of Labor and Employment (DOLE), Regional Office Med-Arbiter^[4], a Petition^[5] seeking to collect unpaid federation dues from petitioner International Wiring System Workers Union ("petitioner" for brevity), which was private respondent's local union affiliate.

The rest of the salient facts are those as stated in public respondent DOLE's Resolution^[6] dated August 17, 2010, which are as follows:

"xxx They (*private respondent here*) claimed that the IWSWU (*petitioner here*) members unanimously approved to pay and remit to FDTU (*private respondent*) fifty percent (50%) of the monthly union dues that were being checked-off from the members' payroll. **FDTU (*private respondent*) averred that despite several demands made upon the local union, the latter failed to remit federation dues since January 2002 up to the filing of the instant petition, amounting to Five Hundred Eighty Two Thousand Four Hundred Forty Three Pesos (Php582,443.00).**

IWSWU (*petitioner*) moved to dismiss the petition due to lack of cause of action and lack of jurisdiction. It contended that FDTU (*private respondent*) failed to present any documentary evidence showing that it is obliged to pay federation dues. IWSWU (*petitioner*) added that the Mediator-Arbiter lacked jurisdiction over the subject petition since it involves a dispute between a mother federation and its affiliate.

In reply, **FDTU (*private respondent*) insisted on the immediate payment of the subject federation dues from 2003 to 2005. It pointed out that IWSWU (*petitioner*) is an affiliate since 1990 and that there was never a problem with the remittance of monthly federation dues until Innorlito Pamposa assumed leadership and stopped remitting the monthly federation dues without valid grounds.**

Conversely, **IWSWU (*petitioner*) stood pat in its position that it is not obliged to pay the subject federation dues because there is no provision in the union constitution and by-laws (CBL) requiring such payment, nor is there any resolution signed by the majority of the union members authorizing payment for federation dues.**

Records reveal that the **subject petition was filed with the DOLE Regional Office No. III. Instead of forwarding the petition to BLR (*public respondent BLR here*) for hearing and resolution pursuant to Section 4, Rule XI, Book V, Omnibus Rules Implementing the Labor Code, as amended by Department Order No. 40-03, as further amended, the regional Mediator-Arbiter took cognizance of the case and rendered a decision dated 11 May 2006 in RO300-0603-AU-002. Thus, the said Decision was considered null and void for lack of jurisdiction, and the subject petition was taken cognizance by the BLR (*public respondent BLR*) in the exercise of its original jurisdiction over federations.**

However, for expeditious resolution of the said petition, all hearings held and all pleadings filed by the parties before the DOLE Regional Office No. III, which formed part of the records of the case, were deemed in compliance with pertinent procedures and were utilized by the BLR (*public respondent BLR*) in resolving the instant petition.”^[7] (*Emphasis supplied*)

On December 29, 2009, public respondent BLR issued the assailed Order^[8] granting private respondent's Petition, the dispositive portion of which read:

“WHEREFORE, premises considered, the petition filed by the Federation of Democratic Trade Union (FDTU) is hereby GRANTED. Accordingly, respondent International Wiring System Workers Union (IWSWU) is directed to remit to FDTU the amount of Php473,075.00 representing fifty percent (50%) of the monthly checked-off collections from 2003 to 2005. Also, respondent is ordered to remit fifty percent (50%) of the collected monthly dues from January to May 2006 or until such time when respondent validly disaffiliated from its mother federation.

SO ORDERED.”^[9]

Petitioner then filed a Motion for Reconsideration^[10] of public respondent BLR's Order^[11] dated December 29, 2009 to public respondent DOLE, which Motion was treated by public respondent DOLE as an Appeal. On August 17, 2010, public respondent DOLE issued its assailed Resolution^[12] affirming public respondent BLR's

Order^[13] dated December 29, 2009. The dispositive portion of public respondent DOLE's Resolution^[14] decreed:

"WHEREFORE, the appeal filed by International Wiring System Workers Union-Federation of Democratic Trade Union (IWSWU-FDTU) and/or Dexter Datu, Innorlito Pamposa and Ariel Sta. Marina is hereby **DISMISSED**. The Order dated 29 December 2009 of the Bureau of Labor Relations is AFFIRMED.

SO RESOLVED."^[15] (*Emphasis was made in the original*)

Hence, petitioner filed the Petition^[16] at bench praying for the following:

"WHEREFORE, it is respectfully prayed that:

- a) the instant Petition be given due course;
- b) the subject Order and Resolution be annulled and set aside;
- c) a new Resolution be issued holding that petitioner is not liable for federation dues to respondent.

OTHER RELIEFS just and equitable in the premises are also prayed for."^[17]

Petitioner raised the following grounds:

**"GROUNDS RELIED UPON FOR
THE ALLOWANCE OF THE
PRESENT PETITION**

**PUBLIC RESPONDENTS ACTED WITH GRAVE ABUSE OF
DISCRETION AMOUNTING TO ACTING WITHOUT OR IN EXCESS
OF JURISDICTION IN:**

**A) HOLDING THAT THEY HAVE JURISDICTION OVER THE INSTANT
PETITION;**

**B) NOT RULING THAT THE PAYMENT OF FEDERATION DUES
CANNOT BE DONE FOR LACK OF A VALID GENERAL MEMBERSHIP
RESOLUTION AUTHORIZING THE SAME;**

**C) NOT RULING THAT THE LACK OF ESSENTIAL SERVICES FROM
RESPONDENT FEDERATION BARRED IT FROM COLLECTING
FEDERATION DUES FROM PETITIONER"**^[18] (*Emphasis and
underscoring were made in the original*)

At the outset, the Petition for Certiorari^[19] at bench is defective and dismissible. This is because petitioner failed to file a Motion for Reconsideration of the assailed public respondent DOLE's Resolution^[20] dated August 17, 2010 prior to the filing of the Petition^[21]. Before a special civil action for certiorari under Rule 65 of the Rules of Court is to be filed, petitioner should file a Motion for Reconsideration of the

Resolution or Decision of public respondent DOLE within the reglementary period. This requirement had been as declared by the Supreme Court in ***SMC Quarry 2 Workers Union - February Six Movement (FSM) Local Chapter No. 1564 (for and in behalf of its members) vs. Titan Megabags Industrial Corporation, G.R. No. 150761, May 19, 2004***, to wit:

"In National Federation of Labor vs. Laguesma, we ruled that the remedy of an aggrieved party in a Decision or Resolution of the Secretary of the DOLE is to timely file a motion for reconsideration as a precondition for any further or subsequent remedy, and then seasonably file a special civil action for certiorari under Rule 65 of the 1997 Rules of Civil Procedure. And without a motion for reconsideration seasonably filed within the ten-day reglementary period, the questioned Decision or Resolution of the Secretary becomes final and executory. Consequently, the merits of the case can no longer be reviewed to determine if the Secretary could be faulted for grave abuse of discretion.

Respondent's failure to file its motion for reconsideration seasonably is jurisdictional and fatal to its cause and has, in effect, rendered final and executory the April 13, 2000 and March 19, 2001 Resolutions of the Secretary of the DOLE." (*Emphasis supplied*)

Moreover, no showing was made by petitioner that the Petition^[22] at bench fell under any of the exceptions^[23] to the rule requiring the filing of a Motion for Reconsideration.

Even if the Petition^[24] could be considered as proper, still, petitioner's allegations, after a careful study of the Petition^[25], were revealed to be unmeritorious.

To begin with, the inclusion of the BLR as public respondent and assailing its acts in this Petition was improper. Only decisions of the Secretary of DOLE can be subject of review before the Court of Appeals via Rule 65 of the Rules of Court, and not the decisions rendered by public respondent BLR in its original jurisdiction.^[26]

Contrary to the arguments of petitioner in its *assigned ground A*), public respondent DOLE properly affirmed the jurisdiction of the BLR.

Petitioner had argued that:

"1.1. Department Order 40-03 clearly provides that the case between a federation and its affiliate is directly cognizable by the Bureau of Labor Relations in the exercise of its original jurisdiction.

1.2. When respondent company filed the said case with the Office of the Med-Arbiter, DOLE Regional Office No. III, the Med-Arbiter should have dismissed the case outright for lack of jurisdiction.

1.3. But the Med-Arbiter went on to decide the case, granting the reliefs sought by the respondent company.

1.4. Petitioner thus appealed the ruling of the Med-Arbiter to the Bureau

of Labor Relations, pointing out the fact that the Med-Arbiter has no jurisdiction over the case filed by the respondents.

1.5. Public respondent Bureau of Labor Relations (BLR) admitted that the Med-Arbiter indeed has no jurisdiction over the case. Instead of dismissing the case, however, it took cognizance over the case and acted as though the same was filed before it.

1.6. Public respondent Department of Labor and Employment affirmed the ruling of respondent BLR, citing the need for substantial justice and non-reliance on technicalities as justification.

1.7. We submit that this is error.

1.8. Jurisdiction is conferred by law and could not be obtained even by agreement of the parties.

1.9. Public respondents should have dismissed the case for lack of jurisdiction instead of taking cognizance over the same.

1.10. After all, petitioner brought the instant case to public respondent BLR as an appellate body and not as a court of original jurisdiction.”^[27]

Defeating petitioner's arguments however, is that public respondent BLR properly took cognizance of and exercised original jurisdiction over the Petition^[28] that was initially filed by private respondent against petitioner before the DOLE Regional Office Med-Arbiter. The reason is that private respondent's Petition^[29], which involved a dispute between a federal union, such as private respondent, and its affiliate, such as petitioner, fell within the original jurisdiction of public respondent BLR. This is pursuant to Section 4, Rule XI of the Omnibus Rules Implementing Book V of the Labor Code, as amended by Department Order No. 40-F-03, Series of 2008, which states that:

“Section 4. Where to file. - Complaints or petitions involving labor unions with independent registrations, chartered locals, workers' associations, its officers or members shall be filed with the Regional Office that issued its certificate of registration or certificate of creation of chartered local. **Complaints involving federations, national unions, industry unions, its officers or member organizations shall be filed with the Bureau.** Petitions for cancellation of registration of labor unions with independent registration, chartered locals and workers association and petitions for deregistration of collective bargaining agreements shall be resolved by the Regional Director. He/She may appoint a Hearing Officer from the Labor Relations Division.

Other inter/intra-union disputes and related labor relations disputes shall be heard and resolved by the Med-Arbiter in the Regional Office. **Complaints or petitions involving federations, national or industry unions, trade union centers and their chartered locals, affiliates or member organizations shall be filed either with the Regional Office or the Bureau. The complaint or petition shall be heard and resolved by the Bureau.**