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**SUPREME COURT
EN BANC**

**GOVERNMENT SERVICE INSURANCE
SYSTEM EMPLOYEES ASSOCIATION
(GSISEA), GOVERNMENT SERVICE
INSURANCE SYSTEM SUPERVISORS'
UNION (GSISSU), CONFEDERATION
OF UNIONS IN GOVERNMENT
CORPORATIONS (CUGC) and
KATIPUNANG NG MANGGAGAWA
PILIPINO (KMP),**

Petitioners,

-versus-

**G.R. No. L-18734
December 30, 1961**

**COURT OF INDUSTRIAL RELATIONS
and GOVERNMENT SERVICE
INSURANCE SYSTEM (GSIS),**

Respondents.

X-----X

DECISION

REYES, J.:

Petitioner Unions filed the instant case to prohibit and enjoin the Court of Industrial Relations from hearing and adjudicating the labor controversy between the Government Service Insurance System

(GSIS) and the Government Service Insurance System Employees' Association (GSISEA) and Supervisors' Union (GSISSU), now constituting Case No. 38-IPA of the Industrial Court. After hearing and oral argument on October 6, 1961, we dismissed the petition by resolution of the same date, without prejudice to a more extended decision.

The issue is whether the labor controversy between the GSIS Employees' Association and the Supervisors' Union (which are affiliates of the other petitioner groups) and the GSIS Management, concerning implementation of certain provisions on salary standardization contained in their collective bargaining agreement, has been properly certified by the President of the Philippines to the Court of Industrial Relations. It appears that on August 15, 1961, the then Executive Secretary Natalio P. Castillo, in a letter (Annex E) dated August 15, 1961 and signed by him "by authority of the President," officially referred the controversy to the Industrial court, stating:

"Considering the importance of continued operations of the System to our government employees and to the Government and the consequences that would ensue should a strike develop, it is believed that this is a dispute in an industry indispensable to the national interest.

Pursuant to Section 10 of Republic Act No. 875, otherwise known as the Magna Charta of Labor, the President hereby certifies the dispute between the management of the Government Service Insurance System (GSIS) and the Government service Insurance System Employees' Association (GSISEA) and the Government Service Insurance System Supervisors' Union (GSISSU) to the Court of Industrial Relations and requests the Court to take immediate appropriate steps in the exercise of its powers under the law."

The Unions question this letter and claim that the same constitutes no valid certification, on the grounds (a) that the President on the date of the letter was in the Visayas and arrived only on the night of August 17, and there is no proof that the Executive Secretary was authorized to act on behalf of the President; and (b) that the powers

of the President under section 10 of the Industrial Peace Act (R.A. 875) can not be delegated to a Cabinet member.

We see no merit in this contention. The Executive Secretary's letter (Annex E of the Petition) is not a certification of the industrial dispute by the Executive Secretary, but attests to the fact that the President has ordered said dispute certified to the Industrial Court, as required by law. The fact that on several previous occasions, Presidents of the Philippines have made similar certifications through letters addressed to the Court of Industrial Relations and personally signed by them, is of no significance, since the statute does not prescribe in what form the Chief Executive should certify an industrial controversy to the Court of Industrial Relations.

That the President was not in Manila on the date of the letter certainly does not preclude his having ordered the reference in question. The facilities of communication now available contradict any impossibility of such order being made. The presumption of performance of official duty on the part of the Executive Secretary is not rebutted by mere conjectures based on the absence of the President from a given locality, nor by the lack of any mention of the certification by the chronicle of the President's activities in the Official Gazette. For the Executive Secretary to officially state in writing that the President has made or authorized the certification, when in fact he has not done so, would constitute the crime of falsification of an official document, and the commission of such offense can not be lightly inferred.

That the certification came two days before the strike was declared is immaterial, since section 10 of the Act does not require the existence of a strike, but only of an industrial dispute; and it is not denied that the employer and the Unions had such a dispute, and that officials of the Department of Labor previously tried to conciliate the disputants but without success.

The respondents have shown, furthermore, that the Chief Executive has approved, over his signature, the request made by the Manager of the Government Service Insurance System in his letter of August 11, to have its dispute with the Unions certified to the Court of Industrial

Relations (Respondents' Exhibit 1). No delegation of power was, therefore, involved, contrary to the allegations of the petitioners.

Finding no merit in the petition, we hereby dismiss the same, and the writs sought are denied. Costs against petitioners.

Padilla, Bautista Angelo, Labrador, Barrera, Paredes, Dizon and De Leon, *JJ.*, concur.

Bengzon, *C.J.*, and Concepcion, *J.*, took no part.

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